NOTICE OF MEETING
Notice is hereby given that the next ordinary meeting of Council will be held on Tuesday 15 October 2019 in the Council Chambers, 43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

AGENDA

1. THE BAROSSA COUNCIL
   1.1 Welcome by Mayor Lange - meeting declared open
   1.2 Present
   1.3 Leave of Absence
   1.4 Apologies for Absence
       Minutes of previous meetings – for confirmation:
   1.5 Ordinary Council meeting held on Tuesday 17 September 2019 at 9.00am
   1.6 Matters arising from previous minutes
       Nil
   1.7 Petitions
       Nil
   1.8 Deputations
       Nil
   1.9 Notice of Motion
       Nil
   1.10 Questions on Notice – Cr Barrett
       Question 1
       The Barossa Council Transport Infrastructure Management Plan and associated 10 year maintenance plan clearly sets out what Council will do in relation to roads and footpaths. The footpath and kerbing
in Saleyard Road, Mount Pleasant between Showground Road and Hocknull Place is neither safe or functional. Asset number 27654, the kerbing is 10 years beyond its useful life expectancy. Why hasn’t this asset received attention in the last 10 years in line with policy?, when a road such as Neldner Road, Asset numbers 9193 (surface) and 58207 (Sub-base) is being considered for a major upgrade in the vicinity of $600,000 when the asset is already safe, functional has approximately 23 years of remaining useful life?

Response

Asset Management Plans are an estimate of future replacement and renewal (not upgrade or new) activity based on three key factors:

1. The useful life of the asset;
2. The condition of the asset;
3. The replacement cost of the asset.

By their very nature asset management plans are a product of human estimates, especially the useful life and condition of an asset and are primarily undertaken at a point in time. For these reasons the figures and programs will not completely reflect on ground conditions remembering that assets lives range from short life cycles, for instance 25 years for a road seal and upwards of 300 years on the substructure of a town hall. Therefore, there will always be some on ground variation to what is essentially determined by a point in time estimate and a mathematical formula. Variation will occur for many reasons such as variations that each and every piece of infrastructure is subjected to such weather, traffic load, soil impacts, utilisation, vandalism, building activity and population growth to name a few.

The actual work done on asset and infrastructure renewal is ultimately a product of the above asset management plans and the estimates they contain and budget allocations made by Council and the priorities or altered priorities Council instructs the Chief Executive Officer to undertake. There will always be assets and infrastructure where the investment can be deferred (as it is in better condition than anticipated, no longer needs that level of service or other reason) and some that need to be brought forward. Equally there will be call for new work, such as Neldner, these requests are assessed by staff based on the available data relevant to the asset or infrastructure, site visits where necessary, funding and budgetary impacts and presented for ultimate determined of Council. Council makes these determinations through the new initiatives process, or, on a case by case basis throughout the year when the Chief Executive Officer is requested by the Council to do so. Further there may be urgent matters that arise from time to time where through the Chief Executive Officer staff will make recommendation to and seek budget support of Council to address an urgent renewal to an asset or infrastructure that was not previously anticipated due to some unforeseen event including unacceptable risk (a flood, vandalism or impact from moving soils for instance).

With regard to the specific asset outlined in the question, officers, as stated at budget time are developing the next phase of footpath and
kerbing work priorities for funding in 2020/21 and beyond. If this particular infrastructure requires immediate action it will be funded from maintenance budgets or if larger works are urgently required the Director will seek an amended budget from Council either as part of a quarterly budget request or specific Council report. The latest data highlights that the established footpath and kerbing are in need of replacement and will be prioritised in the upcoming program for Council’s consideration as part of the 2020/21 and future budgets. However, there are components of this area which are not currently identified as formed footpath and infrastructure and as such would not be renewed as it would be an upgrade/new initiative through increased service levels. Officers will make those recommendations as part of the above explained processes. The following map identifies the relevant components. Ultimately the work that can be achieved on assets and infrastructure will be a product of Council’s budget and business plan decision making on an annual basis.
Question 2
When will the kerbing and footpath in Saleyard Road, Mount Pleasant between Showground Road and Hocknull Place receive attention as per the aforementioned policies?

Response
This and many other priorities are being assessed at present from the recently updated footpath and kerbing data and will form part of the scoping work we are to undertake during quarter two so that we can put forward a sensible footpath program to Council for consideration as part of the 2020/21 budget and beyond, as was outlined to Council during the budget development process.

RECOMMENDATION
That council receive and note the questions on notice and responses and that they be entered into the minutes of the meeting.
4.5.1.2 Nuriootpa (Sturt Highway Service Centre) DPA – Update Report
4.5.1.3 Mount Lofty Ranges Agrarian Landscape World Heritage Site Listing Project – Update Report

4.5.2 ENVIRONMENTAL SERVICES
4.5.2.1 Williamstown, Lyndoch Landcare Group Inc

4.5.3 HEALTH SERVICES
4.5.3.1 Food Recalls
4.5.3.2 Food Premises Inspections
4.5.3.3 2018/2019 Annual Environmental Health Report Under the SA Public Health Act 2011

4.5.4 REGULATORY SERVICES
4.5.4.1 Dog and Cat Management Board Annual Report 2018-19

4.5.5 WASTE SERVICES
Nil

5. CONSENSUS AGENDA ADOPTION
5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA
5.2 RECEIPT OF CONSENSUS AGENDA
5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING
6.1 VISITORS TO THE MEETING
Nil
6.2 ADJOURNMENT OF COUNCIL MEETING

7. DEBATE AGENDA
7.1 MAYOR

7.2 EXECUTIVE SERVICES
7.2.1 CHIEF EXECUTIVE OFFICER
7.2.1.1 Annual Closures of Council Offices, Libraries, Barossa Visitor Centre and Council Depots over Christmas / New Year Period
7.2.1.2 Local Government Reform – Submission
7.2.1.3 South Australian Productivity Commission Draft Report – Inquiry Into Local Government Cost and Efficiencies – Council Submission
7.2.1.4 Public Interest Disclosure Policy
7.2.1.5 Update to Delegations Register – Planning, Development and Infrastructure Act
7.2.1.6 Australia Day 2020 – Amendment to September 2019 Resolution – Alternative Venue
7.2.1.7 Hills Area Health Advisory Council Inc – Appointment of Local Government Representative

7.2.2 FINANCE
7.2.2.1 Monthly Finance Report (as at 30 September 2019)

7.3 CORPORATE AND COMMUNITY SERVICES
7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES
7.3.1.1 Adelaide Wine Capital Cycle Trail Project – Project Update

7.3.2 MANAGER COMMUNITY AND CULTURE
7.3.2.1 Volunteer Management Policy and Process

7.4 WORKS AND ENGINEERING
7.4.1 DIRECTOR’S REPORTS
7.4.1.1 Follow up Report on Application of Funds to Road Sealing
7.4.1.2 Proposed Road Closure – 2019 Williamstown Christmas Parade and Fair
7.4.1.3 Proposed Road Closure – 2020 Declaration of Vintage
7.4.1.4 Proposed Road Closure – 2020 Santos Tour Down Under – Ziptrak Stage One Finish
7.4.1.5 Native Vegetation Council – Regulations Advice Notification – 85 Williamstown Road Sandy Creek

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES
7.5.1 DEVELOPMENT SERVICES
7.5.1.1 Proclamation of Planning Regions

7.5.2 ENVIRONMENTAL SERVICES
7.5.2.1 Biosecurity Act – Directions Paper for Consultation
7.5.2.2 Native Vegetation Council – Regulation Advice Notification – Altona CSR Landcare Reserve

7.5.3 HEALTH SERVICES
Nil

7.5.4 REGULATORY SERVICES
Nil

7.5.5 WASTE SERVICES
Nil
8. CONFIDENTIAL AGENDA

8.1 WORKS AND ENGINEERING SERVICES

8.1.1 Tender – Construction Tanunda Tertiary Treatment Plant 708

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 19 November 2019 at 9.00am

11. CLOSURE
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tr>
<td>16/9/2019</td>
<td>Mount Pleasant Farmers Market AGM</td>
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<tr>
<td>17/9/2019</td>
<td>Citizenship Ceremony</td>
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<td>Council meeting</td>
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<td>Meeting with Andrew Fletcher – Barossa Model Train Society</td>
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<td>18/9/2019</td>
<td>Meetings with Hon Corey Wingard – Nuriootpa Centennial Park and Tanunda Recreation Park</td>
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<tr>
<td>19/9/2019</td>
<td>Meeting with Grant McDougal – Barossa Rail Corridor</td>
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<td>Meeting with Michael Field and others – “Connecting with and Understanding of the First Peoples of the Barossa”</td>
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<td>Kiwanis Handover Dinner – Tanunda</td>
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<td>23/9/2019</td>
<td>Meeting with Michael Moliviatis</td>
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<td>Meeting with Steven Kaesler – Barossa Regional Gallery</td>
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<tr>
<td>24/9/2019</td>
<td>Onsite meeting – Steven Kaesler – Lyndoch land division</td>
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<td></td>
<td>Barossa VIC and Tanunda Library re-launch</td>
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<td>25/9/2019</td>
<td>RDA Barossa Gawler Light Adelaide Plains workshop – Town of Gawler</td>
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<td>Regional CEO and Mayor meeting – Town of Gawler</td>
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<tr>
<td>26/9/2019</td>
<td>Think Tank 2019 – Barossa: The Business</td>
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<tr>
<td>27/9/2019</td>
<td>Thanks Tank 2019 – Barossa the Business: What’s the Plan – How do we get there</td>
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<tr>
<td>28/9/2019 – 12/10/2019</td>
<td>Leave of Absence</td>
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4.2.2 CONSENSUS AGENDA – RISK SERVICES

4.2.2.1 PUBLICLY ACCESSIBLE AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDs) B7527
In September 2018 Council’s Risk Services Team purchased eleven LIFEPAK CR2 Automatic External Defibrillators (AEDs). The devices were purchased with funds made available from the Local Government Association Mutual Liability Scheme and Local Government Association Workers Compensation Scheme through a Risk and WHS incentive program. One of the eleven devices was partly funded by the Friends of the Library, a twelfth device was purchased and donated to Council by the Tanunda branch of the CWA, and a thirteenth device purchased by Nuriootpa Centennial Park Association and installed at the Park Office.

The Risk team consulted with the Organisational Management Group and members of the public through sporting and township groups. A potential list of locations was developed via this process and due the fact consultation was primarily with sporting groups the suggested locations were predominantly recreation facilities. The Risk Team visited the recommended locations and townships to assess suitability. This assessment included:

- Centrality to the townships
- Ease of access
- Exposure to the community
- Wi-Fi availability, or power to install a mobile Wi-Fi device
- Protection from direct sunlight
- Lighting and/or security availability
- Proximity to AEDs available from other parties
- Access to health services; distance to nearest service

Ten of the eleven new AEDs have been installed in the following locations:
- Moculta – available 24/7 at the Town Hall, under the veranda on the North side
- Stockwell – available 24/7 at the Cricket clubrooms
- Williamstown – available 24/7 at the Queen Victoria Jubilee Park under the veranda to the caravan park office
- Nuriootpa – available Office hours – Council Office/foyer
- Springton – available 24/7 at the General Store
- Eden Valley – available 24/7 at the CFS building on the South elevation
• Lyndoch – will be available 24/7 at the Library/branch office, currently sitting inside due to external installation complications
• Angaston – available 24/7 at the Women’s Memorial Rooms
• Cockatoo Valley – Curdnatta Park available 24/7 at the hall under the veranda
• Mt Pleasant – available 24/7 at the Library to the right of the front door

The Eleventh device is allocated for internal use, the location will be decided by the Work Health and Safety Committee. The Risk Team will be recommending the Tanunda Depot.

RECOMMENDATION
That Report 4.2.2.1 be received
At its meeting held on 16 June 2019 Council received a report on the approach to be followed by the State Government regarding heritage and character in the Planning and Design Code and its potential impact on our community. Council consequently resolved to express its concerns to the Minister for Planning and the State Planning Commission regarding the proposed approach, in particular the proposal to not transition Contributory Items across into the Planning and Design Code (refer Debate Agenda item 7.5.1.1 Resolution 2018-22/214).

A copy of our comments are in Attachment 1. The City of Norwood Payneham & St Peters has provided a copy of its comprehensive comments which is contained in Attachment 2.

The State Planning Commission has responded to our comments (refer Attachment 3) confirming its approach to Contributory Items and reminding Council that it can formally comment on its approach to heritage through the Code consultation process. It has also advised the proposed status of two Historic Conservation Areas in our Council.

Consultation on the ‘Phase 3’ Planning and Design Code commenced on 1 October 2019. Staff will now review all aspects including proposed heritage policies and will report to Council in the coming months.

**RECOMMENDATION:**
That the report item 4.5.1.1 be received.
24 June 2019

Mr Michael Lennon
Chair
State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

Dear Michael

At its last meeting Council discussed the approach to heritage places in the new planning system proposed by the State Planning Commission, and as explained in your letter to Council on 2 May 2019. This discussion also took into account the recently released findings and recommendations of the Environment, Resources and Development Committee of Parliament’s inquiry into heritage in South Australia.

Unfortunately it seems the Commission is seeking to implement its own reforms to the heritage system via the Planning and Design Code, contrary to the Committee’s recommendation that all existing heritage items be transitioned into the Code and that a Statewide audit and review be undertaken. Council considers that implementing ad-hoc reforms in the absence of and prior to a Statewide review will result in a weakening of the current system with any later reversal of changes most unlikely to be implemented.

The main areas of concern relate to the decision to not carry over Contributory Items which is in direct contrast to the Committee’s findings and recommendation; the impracticality of the proposition that a ‘Heritage’ Development Plan Amendment could be undertaken by councils; and the approach to demolition control over places within the proposed Character Areas.

Contributory items

Experience shows that it is problematic to propose to remove certain policies from a Development Plan but to then reverse that decision and re-introduce them following consultation, especially if the change affects individual land owners. Council anticipates this challenge with Contributory Items, in that if the Commission does not include them in the exhibited Phase 2 and Phase 3 versions of the Code later in 2019 it is inconceivable they would be then be inserted following consultation.

In this regard the proposal that councils and the community can only comment on this significant change through the statutory consultation process is considered most
unreasonable and at odds with principles within the Commission’s own Community Engagement Chart. In brief it appears the Commission would be consulting on its decided position rather than engaging with affected councils and the community about the matter and to collaboratively develop an agreed approach.

Council respectfully suggests a more reasonable approach to Contributory Items would be to initially transition these across into the Code (as recommended by the Committee), undertake the Statewide Audit and Review, and then, depending on the Audit and Review outcomes, prepare a subsequent amendment to the Code to introduce any future heritage reforms.

Potential for a 'Heritage' DPA

Council believes the DPA approach to be impractical and problematic from a resourcing and timing perspective. While the requirement to justify any proposed listing is understood, that process would involve a two stage review process to firstly identify which of the existing items warrant a detailed review, and secondly to undertake a detailed heritage assessment for each place proposed to be listed. These tasks would need to be undertaken by a suitably qualified and experienced heritage consultant with a preliminary estimate of $200-500 per item and an overall cost of approx. $40,000 - $100,000 to assess and document all 202 existing Contributory Items.

Council is also concerned that it would be unable to receive interim operation effect which would increase the risk of inappropriate development such as demolition being undertaken on proposed places which could undermine their significance, and the diversion of personnel resources from current projects including the current Code transition work.

Demolition in Character Areas

The papers released by the Commission indicate that approval for demolition is not currently required in 'character areas'. This is incorrect as Development Plan Consent is required for demolition in Council’s Tanunda Historic Character Policy Area and Lyndoch Residential Historic Character Policy Area. Further detail on this can be provided on request; however Council requests that this statutory position be maintained either through the new regulations or the Code.

Please contact Mr Paul Mickan, Principal Planner on 8563 8493 or pmickan@barossa.sa.gov.au if you require more information or wish to discuss this in more detail.

Yours sincerely,

[Signature]

Mr Michael (Bim) Lange
Mayor, The Barossa Council
24 June 2019

Stephan Knoll MP
Minister for Planning
GPO Box 1533
ADELAIDE SA 5001

Dear Minister Knoll,

At its last meeting Council discussed the approach to heritage places in the new planning system proposed by the State Planning Commission, and as explained in your letter to Council on 2 May 2019. This discussion also took into account the recently released findings and recommendations of the Environment, Resources and Development Committee of Parliament’s inquiry into heritage in South Australia.

Unfortunately it seems the Commission is seeking to implement its own reforms to the heritage system via the Planning and Design Code, contrary to the Committee’s recommendation that all existing heritage items be transitioned into the Code and that a Statewide audit and review be undertaken. Council considers that implementing ad-hoc reforms in the absence of and prior to a Statewide review will result in a weakening of the current system with any later reversal of changes most unlikely to be implemented.

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Potential for a ‘Heritage’ DPA

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Please contact Mr Paul Mckan, Principal Planner on 8563 8493 or pmckan@barossa.sa.gov.au if you require more information or wish to discuss this in more detail.

Yours sincerely,

Mr Michael (Bfm) Lange
Mayor, The Barossa Council
2 August 2019

Mayor Bim Lange
The Barossas Council
PO Box 867
NURIOOTPA SA 5355

Dear Mayor Lange

I refer to the various ongoing discussions regarding built heritage and the status of Contributory Items in the new Planning System.

To this end, please find enclosed a copy of my letter to the Minister for Planning regarding Heritage and Contributory Items, as part of the new Planning System for South Australia.

A copy of my letter to the Minister, has also been forwarded to all State Member of Parliament together with a cover letter, which I have also enclosed for your information.

As there are a number of Councils which have Contributory Items designated in Development Plans, the issue of built heritage and in particular, the status and transitioning of Contributory Items into the new Planning & Design Code will have significant impacts on how Contributory Items are dealt with in the new Planning System.

Please do not hesitate to contact me on 0431 754 077 if you require any further information or wish to discuss this issue.

Yours sincerely

Robert Bria
MAYOR
24 July 2019

The Hon Andrew McLachlan CSC MLC
andrew.mclachlan@parliament.sa.gov.au

Dear Mr McLachlan

HERITAGE IN THE NEW PLANNING SYSTEM

As you would be aware, State and Local Government are currently in the process of transitioning to a new planning system. As part of the planning reform program, the Minister for Planning has recently invited councils to undertake a Heritage Development Plan Amendment (DPA) to elevate eligible Contributory Items to Local Heritage Place status, in light of the State Government's (and the State Planning Commission's) position that Contributory Items should not be transferred straight into the new system.

The City of Norwood Payneham & St Peters has carefully considered the invitation and notwithstanding the Council's strong support for the protection of built heritage, has determined to not undertake the preparation of a Heritage DPA, for a range of reasons, as outlined in the attached letter to the Minister. The Council has also resolved to share its position with you to ensure that all Members of State Parliament are aware of the current position which is being faced by Local Government and the community and the challenges posed by the decision which has been taken in respect to Contributory Items.

This issue is an important one for South Australia and it is important that we get it right. Whilst the Commission and the Department of Planning Transport & Infrastructure continue to state that there will be no impact on Contributory Items as result of the changes, it is clear that Local Government and the community do not share this view. Any objective test which is applied to the new policies, will conclude that Contributory Items will be placed at risk under the new policies which are being pursued by the Commission. The Council and Local Government generally, believe that a solution which does not put Contributory Items at risk is possible, however this can only be achieved through discussions based upon the facts concerning how Contributory Items were first introduced and their importance in the make-up of suburbs and in the State's planning system.

To this end, any assistance which you can provide to resolve this issue will be greatly appreciated.

If you wish to discuss this issue or require any further information, please do not hesitate to contact me on 8366 4544.

Yours sincerely

Robert Bria
MAYOR

Enc: Letter to Minister Knoll regarding Heritage DPA
15 July 2019

The Hon. Stephan Knoll MP
Minister for Planning
GPO Box 1533
ADELAIDE SA 5001

Dear Minister

PLANNING AND DESIGN CODE – TRANSITION OF HISTORIC CONSERVATION ZONES AND CONTRIBUTORY ITEMS

Thank you for your letter dated 2 May 2019, regarding the implementation of heritage and character provisions in the Planning and Design Code and for the invitation to commence preparation of a Heritage Development Plan Amendment (DPA), to elevate eligible Contributory Items to Local Heritage Place status.

In response to your invitation, I can advise that at its meeting held on 1 July 2019, the Council considered the invitation to undertake the preparation of a Heritage DPA and the State Planning Commission’s recently released policy position papers on character and heritage and unanimously resolved the following:

1. That the Council notes the State Planning Commission’s policy position on heritage and character in the new planning system and notes that staff will continue to advocate for strong heritage policies in the new planning system.

2. That the Council declines the Minister for Planning’s invitation to prepare a heritage Development Plan Amendment (DPA) for the reasons set out in this report and that the Premier of South Australia, the Minister for Planning, all Members of State Parliament and State Planning Commission, be advised of the Council’s position on this matter, in particular its concern regarding the proposed down-grading of protection of Contributory Items which comprise the fabric of our Historic Conservation Zones, including:

(a) the proposal not to list Contributory Items in the Heritage Overlay in the Planning and Design Code, contrary to the recommendation of the Parliamentary Environment Resources and Development Committee 2019 report on heritage;

(b) the foreshadowed omission of the test of structural soundness as a criteria against which an application to demolish a Contributory Item is to be assessed;

(c) the foreshadowed test for an application to demolish a Contributory Item of how well the building’s theme is represented; and

(d) the foreshadowed test for an application to demolish a Contributory Item solely on the basis of a suitable replacement building.

The Council’s reasons for declining the invitation to prepare a Heritage DPA are set out below.

South Australia’s heritage framework has seen minimal change for many years and as a result, this has created significant uncertainty and in many cases, a stalemate in implementing the protection of heritage buildings across South Australia. The City of Norwood Payneham & St Peters has been advocating for clarity on heritage issues within the planning system for many years.
In 2005-2006, the Council prepared two comprehensive Heritage DPAs, which identified 1257 Contributory Items that were subsequently listed and recognised in the Council's Development Plan. At the conclusion of the Heritage DPA process, I wrote to the then Minister for Urban Development and Planning, expressing concerns with the lack of legislative criteria for Contributory Items and calling for a review of the broader heritage policy framework in South Australia. No changes or reviews were undertaken by the State Government at the time, however I understand that no new Contributory Items have been incorporated into Council Development Plans since 2012.

Despite various opportunities for the State Planning Agency to review, consult and implement changes to the State's heritage framework since 2001, it is disappointing that the Commission's position on heritage and character was announced at this late stage of the planning reform process without adequate prior consultation and without evidence to support its claims. The Commission's subsequent advice to the release of its position on heritage and character, that it was interested in receiving submissions, was at best a tokenistic exercise and after thought and merely sought to minimise criticism of its decision in light of public backlash against its contempt for releasing its position on heritage and character, in the absence of robust community input and more importantly, justification of its decision.

Throughout the planning reform process, Local Government has repeatedly requested DPTI to provide sufficient notice of any substantial resources which would be required from Local Government to transition to the new planning system, to allow for the required budget allocations to be made. The unexpected invitation to undertake the preparation of a Heritage DPA, has placed several Councils in a very difficult position, particularly after Councils have released their 2019-2020 draft budgets for consultation and before the details of the relevant draft Planning and Design Code have been made available.

It is anticipated that a heritage DPA of the scope required for this Council, would take more than a year to complete and approximately $200,000 to undertake a comprehensive review of the Council's 1475 Contributory Items. To commence such a process with less time or resource allocation would likely result in a significantly compromised outcome – something which the Council is not prepared to do given the importance of this issue.

Heritage DPAs require extensive community consultation to ensure all affected property owners are appropriately informed and have the opportunity to be involved. Due to condensed timeframes foreshadowed for both the preparation of a Heritage DPA and the on-going implementation of the planning reforms program more generally, it is likely that consultation for a Heritage DPA will occur concurrently or closely timed with State led consultation on the transition to the Planning and Design Code. Consultation for a Heritage DPA is likely to generate a significant response from the community and could easily distract from other aspects of the planning reform program. As such, it would not be in the community's best interests to have the consultation of one process compromising the other.

The need to undertake a Heritage DPA is driven by the Commission's determination that Contributory Items will not be carried over into the new system, on the basis that they are not identified in legislation and according to Practitioner Overview of Heritage & Character in the New Planning System, have not "been through a rigorous assessment". Although legislative criteria do not exist, Contributory Items have been included in Development Plans through a legislated DPA/PAR process, in line with State Government endorsed guidelines set out in Planning SA's 2001 Planning Bulletin - Heritage, in some cases the State Government's South Australian Planning Policy Library and in all cases, with Ministerial approval. The significance of this fact cannot be simply swept away in any objective discussion of this issue.

Many councils, including the City of Norwood Payneham & St Peters, went above and beyond legislative consultation and review requirements in the preparation of Heritage DPAs since 2001. The blanket statement in the Commission's Papers that Contributory Items have not gone through a rigorous assessment is unfounded and misleading at best and fails to acknowledge the extensive time, money and resources invested by the many Councils which followed State Government endorses guidelines and processes.

It is also considered unreasonable to remove Contributory Items from the new planning system prior to the State Government responding to the ERDC recommendations on heritage reforms, particularly Recommendation 3 which recommends an audit of Contributory Items (an impossible task if Contributory Items are already deleted in the Planning and Design Code).
Given the extensive resources that many councils have invested in preparing Heritage DPAs since the early 2000s and given that the Local Heritage Place criteria for built heritage have not changed since the Development Act 1993 was introduced, it would be reasonable to expect and assume that for most Local Government Areas, Contributory Items have already been identified through previous heritage surveys as not meeting the threshold for Local Heritage Place listing. If such buildings met the criteria for listing as Local Heritage Places, they would have already been listed. As such, it is non-sequitur that Councils should expect a different result by commissioning further costly heritage surveys, given that the listing criteria for Local Heritage Places remains the same.

Another reported motivation for removing Contributory Items in the new planning system, is a lack of consistency across Local Government both in terms of the quality and thoroughness of Contributory Item lists, as well as the policy framework in which they are assessed. These differences are acknowledged, but it seems illogical to resolve this problem by removing Contributory Items entirely, rather than consulting on and establishing consistent criteria and a policy framework which represents best practice across Local Government. In short, the Commission's approach is unnecessary, will erode current levels of heritage protection and cause greater confusion and community angst. I note that a number of Councils have expressed similar views to DPTI and the Commission, yet the response to date has been to continue on the current trajectory based upon mantra.

As you are aware, the draft Planning and Design Code policies for the Local Heritage Area Overlay are yet to be released, however the Commission’s papers indicate the criteria for demolition approval will include consideration of the following:

- heritage values of the existing building and contribution to the heritage values of the area;
- proposed replacement dwelling;
- contextual analysis outcomes; and
- how well the theme is represented.

The Council is very concerned about the proposed demolition tests and how they might be applied. The first criteria would unlikely be required in most heritage areas, if comprehensive surveys and lists of Contributory Items were allowed to be retained. One of the key objectives of the new planning system is to provide greater upfront certainty to all involved in the development assessment process. It is curious then, that the Commission’s position involves the dismissal of upfront, comprehensive professional heritage surveys implemented through Ministerial endorsed consultative DPA processes, in favour of an ad-hoc assessment of the heritage contribution of a building by planning officers following the lodgement of a Development Application for demolition of a building. The foreshadowed approach will inevitably lead to an inconsistent approach across Local Government and create uncertainty for Applicants and the development sector. The very process which the Commission says it is seeking to avoid.

If the new policy framework requires only one of the above criteria to be met, this could result in the demolition of a Contributory Item solely on the basis that a suitable replacement building is proposed. This approach would be completely at odds with the philosophy of heritage preservation and provides effectively no distinction between heritage areas and character zones. Many council Development Plans require a structural demolition test to be applied in the first instance, noting that the structural test is less stringent for Contributory Items as compared to Local or State Heritage Places.

The Commission’s position papers have asserted that there will be “equal protection” for heritage buildings in the new system and that the new system aims to “strengthen and transition current demolition controls”. With respect, as expressed by a number of Councils and practitioners, the proposed position in relation to Contributory Items does not represent equal protection, or strengthened demolition controls for all councils. It is assumed that the term “equal protection” refers to equality between councils, rather than equality between the current and new systems. These statements are considered to provide a confused and arguably misleading, message to the community.

The assessment of contextual analysis outcomes or thematic representation have not been well explored in communications from the Commission at this stage. However, it must be stressed that the inherent value of Contributory Items is in their collective contribution to the area; these buildings will be well represented because that is the very basis for establishing a heritage area in the first place. The collective value of these buildings would be very quickly eroded if one-by-one demolition was permitted on the basis that other examples exist in that street or even other neighbourhoods.
In summary, the Council does not believe that there are any compelling reasons to undertake the preparation of a Heritage DPA, given that the listing criteria for Local Heritage Places has not changed and given that the final demolition tests to be included in the Planning and Design Code have yet to be finalised. As such, your invitation to prepare a Heritage DPA is respectfully declined.

The Council’s decision to decline to prepare a Heritage DPA should not in any way be interpreted as agreeing with the position which has been taken by DPTI and the Commission or that it is willing to forgo the protection of Contributory Items. In fact, the Council has and will continue to advocate for the retention of Contributory Items. To this end the Council has offered, and again offers, to meet with you to put forward a workable solution.

The Council’s position remains firm that Contributory Items should be retained and transitioned over to the Planning and Design Code in a clearly identified database (e.g. spatially identified on a map or by address) and that demolition protections afforded under the current system also be transitioned across to the new planning system. The need for consistent policy across the State is supported, however there must be a thorough and transparent review of all existing Development Plan policies accompanied by a robust consultation process to arrive at a reasonable policy position for heritage protection. To date, this has not occurred.

To quote the American Author, Steve Berry: “a concerted effort to preserve our heritage is a vital link to our cultural, educational, aesthetic, inspirational, and economic legacies - all of the things that quite literally make us who we are”. Minister, we are at the precipice of change in heritage protection in South Australia and I urge you to influence the content of the Planning and Design Code, such that our historic areas of South Australia, and the contributing buildings within those areas, continue to be afforded the high level of protection which they deserve.

If you have any questions regarding the Council’s position, I would be pleased to discuss these concerns further with you at a mutually convenient time.

Yours sincerely

Robert Bria
MAYOR

cc. The Hon. Steven Marshall, Premier of South Australia
Mr Peter Malinauskas, Leader of the Opposition
Members of State Parliament
Mr Michael Lennon, Chairperson, State Planning Commission
Mr Matt Pinnegar, Chief Executive Officer, Local Government Association SA
NPSP Councillors
30 August 2019

Mr Michael Lange
Mayor
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mayor Lange,

HERITAGE AND CHARACTER IN THE NEW PLANNING SYSTEM

Thank you for your recent correspondence on our recent meeting regarding the State Planning Commission's proposed position on heritage and character in the new planning system. I acknowledge The Barossa Council's concerns with contributory items, heritage DPA amendment and demolition in character areas and that the Council has also received a response relating to these concerns from the Minister.

The Commission recognises that heritage and character is a big part of what makes parts of Adelaide and regional South Australia unique. The introduction of a new Planning and Design Code provides the chance to identify best practice regarding heritage and character and embed it across the state using new tools. The Code is required to be put in place across the whole of South Australia by July 2020.

The Commission is also cognisant of the inquiry into heritage by the Environment Resources and Development Committee of State Parliament and is considering the report's recommendations and any implications for the Code in transitioning national, state and local heritage items.

With specific reference to contributory items, it should be understood that both the Development Act 1993 (Development Act) and the Planning, Development and Infrastructure Act 2016 (PDI Act) set up a scheme for heritage. The scheme recognises:

- State Heritage Places established under the Heritage Places Act 1993
- Local Heritage Places – being “places of local heritage value”, which must satisfy one or more of the listed criteria in section 23 of the Development Act or section 67 of the PDI Act.

There is no recognition within either Act for another level of heritage protection (i.e. contributory items). To be listed, both State and Local Heritage places must go through a rigorous process of assessment against legislated review. They must be assessed by experts in the field of heritage.

Under the new planning legislation, landowners have the right to be directly consulted of the proposed listing and have a right of appeal against the final decision to designate a place as a place of local heritage value.
It is not in a practical sense, nor in a legal sense, appropriate to set up an alternative scheme in policy that has the same effect as the legislative one but that removes the rights of landowners in the process. There must be a material difference between the policy controls for places of local heritage value listed through a statutory process under the PDI Act and the policy controls for other places which do not satisfy one or more of the criteria set out in section 67 of the PDI Act which are not assessed in the same way and will not have the same appeal rights for owners.

The Commission cannot therefore transition existing policy controls applying to contributory items into the new system under the PDI Act. It would not be fair or legally sound to do so. We acknowledge that some councils have undertaken significant work to identify contributory items against a backdrop of advice from the Government and Department of the day. This is, however, a new planning system and we cannot begin by compromising its legislative basis.

As such, the Minister has offered Councils interested in elevating the status of existing contributory items to local heritage places where they meet criteria until December 2020 to undertake a heritage Development Plan Amendment. The Department has produced a Heritage in Transition Guide to assist councils with this task.

I acknowledge Council's concerns regarding the costs and implications of undertaking a Heritage DPA in order to elevate contributory items to the status of Local Heritage Places. However, as you are aware this pathway is not, in itself, a necessity to secure their protection under the new Overlays.

The content of the Overlays for state heritage, local heritage and character areas are currently being finalised and drafts were distributed to all councils, including Garry Mavrinac from Barossa Council, on 13 August 2019 for comment prior to their release on public consultation as part of the Planning and Design Code in October. I look forward to seeing the outcomes of this collaboration.

With regard to your concerns about demolition within character areas, I am pleased to advise that both the Tanunda Historic Character Policy Area and Lyndoch Residential Historic Character Policy Area, as historic areas, will transition into the new Code as Historic Area Overlays with demolition controls.

In preparing the Code for public consultation, the State Planning Commission is proposing a policy position that ensures heritage and character places and spaces receive the protections they deserve with better, more consistent guidance as to how these places and their particular character be retained and improved over time.

Should you have any specific questions relating to Barossa Council's heritage and character aspects, I encourage Council to contact Planning Reform Manager, Anita Allen at anita.allen@sa.gov.au or Senior Planner Nadia Gencarelli at nadia.gencarelli@sa.gov.au for further assistance.

In a wider sense, I appreciated our discussion on growth management and your continuing offer to assist with the drafting of the Code.

Yours sincerely,

Michael Lennon
Chair
4.5.1 CONSENSUS AGENDA – DEVELOPMENT POLICY REPORT

4.5.1.2 NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DPA – UPDATE REPORT

At its meeting held on 16 April 2019 Council resolved to adopt the Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment (DPA) with changes following consultation. Council delegated preparation of the Summary of Consultations and Proposed Amendments document and the authority to respond to any changes proposed by the Minister for Planning (refer Debate Agenda item 7.5.1.3 Resolution 2018-22/168).

The DPA was lodged with the Minister on 8 May 2019. Minor changes proposed by the Department of Planning, Transport and Infrastructure were agreed to on 11 June 2019. The changes were grammatical and did not change the Policy intent.

The DPA was approved by the Hon. Rob Lucas on 28 August 2019 and came into effect on publication of the approval in the Government Gazette on 5 September 2019. Note: the Minister for Planning, the Hon. Stephan Knoll had delegated the decision given he had previously provided a letter in support of the proposal while in Opposition as the local Member for Schubert.

The DPA introduced a special policy area to the Rocland Wines site on the corner of Belvidere Road and Sturt Highway to facilitate a Highway Service Centre and associated facilities. Such a facility is now a consent form of development (subject to meeting various criteria) rather than non-complying.

Development Approval is still required. The development application process will address any potential traffic, access, noise, visual impact and any other issues, which in turn will depend on the chosen land use mix and site layout and design.

RECOMMENDATION:
That the report item 4.5.1.2 be received.
4.5.1.3 MOUNT LOFTY RANGES AGRARIAN LANDSCAPE WORLD HERITAGE SITE LISTING PROJECT – UPDATE REPORT
B1948

A Project update report was presented to the Council at its meeting on 16 April 2019 (refer Consensus Agenda Item 4.5.1.2).

That Report elaborated on the reasons that the Australian Heritage Council had not prioritised the nomination for national heritage listing at this point. The Report also advised that an expert review of the Project was being undertaken.

Attached are the following:

1. Letter from the Adelaide Hills Council explaining the current Project status
2. The Expert Review

RECOMMENDATION:
That the report item 4.5.1.3 be received.
27 September 2019

Bim Lange
Mayor
Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mayor Lange

RE: Update on the Mount Lofty Ranges Agrarian Landscape World Heritage Listing Bid Project

It is with great pleasure that I write to you to provide an update with regard to the World Heritage Listing Bid Project for our region and present to you our Annual Report for 2018/19 (refer to the attached copy). I note that we have not had a Project Steering Group (PSG) meeting since May 2018. However, I am pleased to advise that since then, the Project Management Group (PMG) has been undertaking the following two key projects as resolved by the PSG at the aforementioned meeting:

1. The Digital Knowledge Bank Project
2. Independent Expert Review of our World Heritage Listing Bid Project

Below please find a summary of the status of each of the above key projects.

1. Digital Knowledge Bank (DKB) Project

In early 2018 the project team successfully applied for a $40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage bid project. Note that the PSG agreed to allocate $20,000 of consortium funds to the DKB project, and the balance was received from the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils, which enabled the consortium councils to match the $40,000 BBRF grant funding.

Adelaide Hills Council took the lead on this project and assumed full responsibility for the execution and delivery of the project on behalf of the Consortium. An external IT consultancy was engaged in August 2018 to build the DKB and I am pleased to advise that they completed their work in March this year. The PMG members have since been populating the DKB with all the historical information about the project including research reports, agendas, minutes and information papers. Note that the DKB functionality will allow relevant content to be published to the website/portal to promote interaction and public participation with the bid.

It was noted during the development of the DKB that the current project website does not provide the necessary functionality for this project. The PMG therefore engaged a website development consultancy, Freerange Future, to build a new front end website to host the DKB, using the balance of
the matched grant funds available. The website platform has since been completed and a copywriter is currently developing suitable content for the website. The new website and associated DKB will be launched towards the end of the year (or early in the new year).

2. Independent Expert Review of the World Heritage Listing Bid Project

In February 2019 Duncan Marshall and Dr Jane Lennon AM, both of whom are renowned World Heritage experts, were awarded the contract to undertake an independent review of the Mount Lofty Ranges World Heritage proposal. This included reviewing the rationale behind the bid and providing a report which outlines the work required to progress the project to the level necessary to be considered by the State and Federal Government for Tentative Listing (the key step towards achieving World Heritage listing).

The consultants presented their final report to the PMG in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound, and importantly that there is a good case for seeking World Heritage listing. However, a number of issues and research gaps were identified that requires further work to be undertaken.

The report also considered the question of the possible name for the 'property' (i.e. the region to be listed), and proposed the following - "Systematic Colonisation Settlement Landscape of South Australia." The report noted that it is not yet clear whether the property is best presented as a single component (i.e. the entire region) or serial property (i.e. exemplary sites within the region), and the scale of the property is also yet to be established. The consultants advised that once the values and attributes are clear, then these can be mapped, their integrity and authenticity assessed, and boundaries developed. They further advised that the scale and character of the property will then emerge.

The report outlines a work plan to support the development of the Tentative List submission, including further required research to:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
- refine the understanding of attributes
- further clarify and give some indication of possible boundaries (noting the previous work undertaken in this regard), which are subject to further refinement, and
- develop initial information about likely management implications.

For further details in this regard, please refer to the copy of the Expert Review Report which is attached to this letter. Note that the report will be presented to the PSG at a forthcoming meeting later this year in order to discuss the next steps. Further, note that a copy of the report has already been provided to the Hon. David Spiers, the Minister for Environment and Water, who requested a copy. Note that critical to progression of our bid is the Minister’s support and we will meet with him shortly to further discuss opportunities in this regard.

Next steps

In terms of progressing our iconic project, the following key tasks need to be undertaken:

1. Hold a meeting with Minister Spiers in order to brief him on the Expert Review Report and seek to identify ongoing collaboration opportunities to progress the bid. At the meeting we will also seek to understand what the pathway might look like to obtain his support to put the bid forward at a future COAG Meeting of Environment Ministers (MEM) for tentative listing to UNESCO.
2. Undertake the additional research work identified in the Expert Review Report and any other matters raised by the Minister in order to obtain his support.

3. Undertake a governance review to identify the best model for the next phase of the bid process which will include input from Mayors and CEOs. This will be discussed further at our forthcoming PSG meeting, the date and time of which will be confirmed with you in the next few weeks.

4. Explore possible collaboration with the City of Adelaide’s World Heritage bid announced in the press today, which is something that the Expert Review Report also identified, noting that the City is part of the early systematic colonisation story. This will also be further discussed at the forthcoming PSG meeting.

In conclusion

It is considered that with the Independent Expert Review having identified that our bid has merit, the project should be progressed as it will not only tell South Australia’s ground-breaking early history, including that of our Aboriginal communities, but also put the region on the world stage. This will enable us to reap additional economic development opportunities therefrom, including in the area of Heritage Tourism which is one of the State Government’s recent economic development initiatives. Noting we are to discuss the future governance arrangements at the next PSG meeting, it is not certain what ongoing in-kind and/or financial support from the Collaborating Councils and other project partners will be required at this stage. However, in the interim, I do hope that your Council will continue to be a partner in this regard and look forward to your participation at the forthcoming PSG meeting.

Lastly, should you wish to discuss anything further or have any questions in relation to the project, then please do not hesitate to contact either myself or Marc Salver, Director Development & Regulatory Services of our Council, and Chair of the PMG on 8408 0522.

Yours sincerely

Dr Jan-Claire Wisdom
Mayor
Chair Project Steering Group
INDEPENDENT EXPERT REVIEW
OF THE
MOUNT LOFTY RANGES
WORLD HERITAGE BID

Duncan Marshall & Dr Jane Lennon AM
for
Adelaide Hills Council

2019
EXECUTIVE SUMMARY

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. This independent expert review has been commissioned to consider the work undertaken to date to achieve World Heritage listing, to inform the next steps, the strength of the bid and future project stakeholders.

The review has considered a range of issues including the:
- existing rationale for seeking World Heritage listing;
- the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements;
- attributes and areas that most strongly reflect the potential OUV in the landscape; and
- research gaps and additional work required.

The review was to involve consultation with other recognised and respected experts as necessary.

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the rationale text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core narrative previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:
- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation;
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;
• the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence survives of these; and
• the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report below.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential World Heritage criteria found:
• the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
• weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
• the criterion which is clearly not relevant is (i).

The report considered the question of the possible name for the property, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft justification text or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a historic site or cultural landscape. The technical context is that:
• sites and cultural landscapes can both be large or small in area;
• sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
• in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.
Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary **workplan** is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.
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1. INTRODUCTION

Since 2011-12 a consortium of Councils across the Mount Lofty Ranges has been exploring the potential for World Heritage listing of the agrarian and cultural landscapes of the region. The basis of the bid is the region’s association with a transformational shift in the four-hundred-year history of modern European colonisation. The project to date has been funded on the basis that there is a World Heritage case.

After seven years of research and discussion, the consortium considers it is time to assess the strength of that case, particularly as a related National Heritage nomination has so far been unsuccessful in being accepted by the Commonwealth for evaluation. The project has therefore reached a point where an independent expert report with a considered review, and consolidation of where the project bid is at, would greatly assist in informing both the next steps, the strength of the bid and future project stakeholders.

On behalf of the consortium, the Adelaide Hills Council has commissioned this review project to undertake the following tasks:

- Review of existing rationale for seeking World Heritage listing.
- Assessment and comparison of the strength in progressing a nomination as either a historical site or cultural landscape listing, including initial assessment against comparative sites.
- Review of the current draft Outstanding Universal Value (OUV), proposed criteria, and criteria statements and suggest refinement of the statements including the identification of both the strong and weak criteria.
- Identification of the attributes and areas that most strongly reflect the potential OUV in the landscape.
- Identification of research gaps and additional work required to develop the draft OUV, criteria statements and development of World Heritage nomination, including recommended processes and realistic timeframes for preparing Tentative Listing documentation and a nomination document.
- Consultation, discussion and review with other recognised and respected World Heritage experts.

This review was constrained by a number of factors including modest resourcing, the available research and access to certain expertise. None the less, where further research or expertise is needed, this is identified in the body of the report below as part of future work planning.

The consultants for the review project are Duncan Marshall B.Arch(Hons) BA MICOMOS and Dr Jane Lennon AM MICOMOS.

The consultants are grateful to the following people for their assistance.

- Melissa Bright Adelaide Hills Council
- Divya Bali Dogra City of Onkaparinga
- Dr Douglas Bardsley University of Adelaide
- Kristal Buckley AM World Heritage expert
- Stephanie Johnston Urban and Rural Planning Consultant
Paul Mahoney  Department of Conservation (NZ)
Dr Susan Marsden  Historian
Emeritus Professor Erik Olssen ONZM  University of Otago
Dr Elisa Palazzo  University of NSW
2. **RATIONALE AND CORE NARRATIVE FOR WORLD HERITAGE**

2.1 **REVIEW OF EXISTING RATIONALE FOR SEEKING WORLD HERITAGE LISTING**

World Heritage listing is a wonderfully ambitious objective for any community. It brings global recognition for the listed property and represents an offering and a commitment by a local community to protect and present a property of World Heritage value, or formally, of Outstanding Universal Value. But it is also the most difficult listing to achieve, requiring sound research, considerable time and effort, and persistence.

In the case of the Mount Lofty Ranges, the current summary rationale for seeking World Heritage listing is as follows.

**What is the Mount Lofty Ranges World Heritage Bid?**

The Mount Lofty Ranges World Heritage Bid spans the world-renowned food, wine and tourism regions of the Clare and Barossa Valleys, the Adelaide Hills, McLaren Vale and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Mount Barker, Barossa, Clare and Gilbert Valleys, Mid-Murray, Mitcham, Onkaparinga and Yankalilla councils are collaborating with Regional Development Australia Barossa and the Centre for Global Food Studies and Resources at the University of Adelaide to pursue National Heritage listing of the region’s agricultural landscapes as a precursor to World Heritage nomination. The council consortium are in ongoing discussions with the South Australian government and the Australian federal government around developing a nomination for World Heritage listing in tandem with the National Heritage Listing nomination.

The World Heritage list seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world considered to be of outstanding value to humanity.

**What are the grounds for World Heritage listing of the agricultural landscapes of the Mount Lofty Ranges?**

We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and the first place in the world to apply the 'systematic colonisation' model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based ‘National Colonization Society.’ According to Wakefield, it was ‘the first attempt since the time of the ancient Greeks to colonise systematically’.

The region’s links to this unique philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and contemporary land management practice form the basis of the World Heritage bid.

The potential World Heritage area is yet to be defined but is based on the early South Australian survey areas in a series of landscapes stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north. A feasibility report and economic impact study presenting the argument and rationale for World Heritage listing can be accessed at the link below while an interactive online map and original survey map can be found at the Maps section of this website.

(www.mountloftyranges.org/about.html, accessed 28 March 2019)

The crucial parts of this rationale are:
- the presence of heritage values associated with a ground-breaking 19th century model of colonisation or systematic colonisation; and
• the links to a philosophical movement of universal significance, and the continuing reflection of those original utopian ideals in the contemporary landscape and land management practices.

This text begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. There is reference to a ground-breaking model of colonisation, and to a philosophical movement of universal significance. This initial conclusion is informed by the authoritative views of the late Professor Eric Richards in his earlier contributions to the overall World Heritage bid project (for example, Richards 2017).

But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value. Other chapters of this report will consider in more detail issues related to the justification.

The rationale also notes that the likely boundary for a World Heritage property is yet to be defined however, the early survey areas are a likely starting point. These seems a reasonable conclusion at this stage. Many factors will be taken into account in finally determining boundaries, including the proposed Outstanding Universal Value, attributes which convey this value, their authenticity, integrity, protection and management.

Other parts of the rationale are background information or descriptive, but are not part of the core argument. For example, the reference to the ‘world-renowned food, wine and tourism regions’. While such text sounds impressive, it is not, as yet, clear that such statements are part of the World Heritage justification, although they do provide background to the continuity of farming and viticulture in the region.

The rationale also notes the link to the National Heritage nomination submission. It is important to note that governments in Australia have made a procedural link between National Heritage and World Heritage. That is, National Heritage should be achieved before World Heritage is attempted. However, given the quite different criteria for National Heritage and World Heritage, it is not necessarily a helpful link in terms of justifying World Heritage. There is also the problem of the different provisions regarding the possibility of serial nominations – they are possible under World Heritage but not currently under National Heritage. Accordingly, the National Heritage step is worth noting in terms of the ideal process, but ultimately it may not prove helpful in framing the World Heritage justification and nomination.

In summary, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound. If it continues to be useful, this rationale should be revised in the light of continuing research and analysis, and its strength or weakness may change as a result.
### 2.2 The Core Narrative for the Mount Lofty Ranges World Heritage Proposal

The current core narrative is defined in the following table, along with an analysis of the narrative. Concluding comments are offered at the end of the section.

<table>
<thead>
<tr>
<th>Table 1. Analysis of Core Narrative</th>
<th>Analysis/Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Core Narrative</strong></td>
<td><strong>Analysis/Commentary</strong></td>
</tr>
<tr>
<td>NARRATIVE UNDERPINNING THE NATIONAL AND GLOBAL SIGNIFICANCE OF THE AGRO-PASTORAL SETTLEMENT LANDSCAPES OF THE MOUNT LOFTY RANGES (Version of 28 February 2018)</td>
<td>The purpose of this narrative is understood, encompassing National Heritage as well as World Heritage. This current review is focused only on World Heritage. It is also worth being very clear that World Heritage is not the same as global or international significance. Many places might be of international significance in some way, but World Heritage has a higher threshold of Outstanding Universal Value, and World Heritage places will be a small subset of places of international significance.</td>
</tr>
<tr>
<td>National and global themes: Migration; The Enlightenment; Planned settlement; Multiculturalism; Agriculture and Viticulture</td>
<td>These themes flow from the proposed heritage values.</td>
</tr>
<tr>
<td>WHC = World Heritage Criterion NHC = National Heritage Criterion</td>
<td></td>
</tr>
</tbody>
</table>
| WHC 6: Associations with events and ideas of universal significance NHC a: Events and processes; NHC h: Significant people | Two parts of this text speak clearly to possible Outstanding Universal Value:  
- the transformational shift in European migration history in the second half of the second millennium; and  
- the earliest and most outstanding manifestation of Wakefield’s inspired contribution to the systematic colonisation movement of the 1820s. |
| The agro-pastoral settlement landscapes of the Mount Lofty Ranges are the tangible product of a transformational shift in European migration history in the second half of the second millennium. Purposefully linked to the sale of the town surveys of colonial Adelaide, the rural surveys and settlements established in the ranges between 1836 and 1856 correspond with the second main wave of Australia’s settlement history, when the focus shifted from penal colonies to agricultural development through free settlers. In a global context the Preliminary District and Special Survey areas represent the earliest and most outstanding manifestation of Edward Gibbon Wakefield’s inspired contribution to the systematic colonisation movement of the 1820s. | The transformational shift idea has a grand breadth, focused on a major theme in world history (European migration), across a major period of time, and representing an important change (Richards 2017). If this can be fully justified and demonstrated by attributes, then it is a powerful argument for World Heritage. |
| Migration is already a theme recognised in various ways in the World Heritage List (eg. the Statue of Liberty, Colonial City of Santo Domingo, Melaka and Georgetown, indeed all colonial settlements probably have a degree of migration, the Island of Gorée (related to slavery – unfree migration) and the Australian Convict Sites (related to convictism – unfree migration)). | |
| The early and outstanding manifestation of systematic colonisation is the important detail supporting the transformational shift. | |

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Table 1. Analysis of Core Narrative

<table>
<thead>
<tr>
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<tr>
<td><strong>The Wakefield model rejected prevailing colonisation strategies involving prisoners and low-income, mostly unemployed male settlers with a revolutionary approach that aimed for the establishment of a self-sustaining, prosperous agricultural economy settled by young, middle-class couples operating commercially viable farms concentrated close to urban markets. The model was debated, shaped, influenced and promoted by the Philosophical Radicals, an enormously influential group of nineteenth century politicians, social scientists and philosophers. Through the London-based “National Colonization Society” they articulated a progressive political economy model for the South Australian province that became known as the “Wakefield Plan”. The model encompassed Jeremy Bentham's utilitarianism, Adam Smith's economics, John Austin's jurisprudence and John Stuart Mill's rationale for democracy and universal suffrage, ideas that evolved from the Enlightenment and that are central to the concept of modern democratic societies. The same group championed gender equality, the secret ballot, Aboriginal rights and the abolition of slavery.</strong></td>
<td>This text really just expands upon the first paragraph and provides more detail. However, it does introduce the link to the Enlightenment, which was a major intellectual and philosophical movement in the 18th century. This is important for World Heritage criterion (vi). The link to the Enlightenment also adds substantial weight to the claim for OUV, because of the importance of this movement at that time and through to the present day. Attributes that demonstrate the application of the Wakefield model will be important for this part of the core narrative.</td>
</tr>
<tr>
<td><strong>WHC 2: Important interchange of values (Influences) NHC b: Rarity; NHC h: Significant people</strong></td>
<td>This text is background.</td>
</tr>
<tr>
<td><strong>The Wakefield Plan for South Australia advocated an agriculture-based, unregulated market economy founded on the planned migration of free settlers selected according to demographic profile, and the carefully managed survey and sale of town and country landholdings. The model was developed on principles of a secular, self-governing democratic society that recognised the legal rights of Aboriginal people and purposefully designed policies to encourage long-term income equality.</strong></td>
<td>This text is background.</td>
</tr>
<tr>
<td><strong>The implementation of the Wakefield Plan established a historical inflection point nationally and globally. The successful adoption and subsequent adaption of the model to the South Australian landscape can be measured in the spectacular diversion of thousands of young, free emigrants in a way that appeared inconceivable in prior decades. It engineered a revolution in human capital, as the new colony received extraordinarily high-quality migrants, and in the process designed its own demography as no other society had ever done before. In addition, the settlement process, religious freedom and social ideals associated with the colonisation system fostered the establishment of culturally distinct townships and rural communities of British, German and Polish origin that are seminal and enduring elements of today’s multicultural Australian society, and of our globally</strong></td>
<td>This text is background.</td>
</tr>
</tbody>
</table>
Table 1. Analysis of Core Narrative

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<td>significant food and wine industries. These include the Barossa family dynasties of Gramp and Sons (Jacob’s Creek), the Seppelts family (Seppelt’sfield), the Henschkes (Hill of Grace), the Paech family of Hahndorf (Beerenberg) and Thomas Hardy and Sons in McLaren Vale.</td>
<td>This text presents the core argument for the important interchange of human values – which must be in terms of landscape design given the character of the property. The criterion does not explicitly relate to the influence on creating new societies or land registration systems – it must be tied back to an influence in the landscape and be demonstrated by specific attributes. The geographic scope of influence also appears impressive enough, but this needs to be tested. What was the actual influence on the ground in these other places? Was it a landscape influence? Was it an important and lasting influence, or just a minor and short-term influence? By way of example, the rural landscape around Christchurch in New Zealand strongly reflects the influence of the 80 acre farms (sections) as found in South Australia. There is also the suggestion, made in the context of the New Zealand examples of systematic colonisation, that they were precursors of the Garden City movement (Olssen 1997, p. 207). There is also another form of interchange not explicitly referred to in this text although it is obliquely mentioned above. This is the influence of systematic colonisation on non-British immigrant communities, who adapted their settlements within the overall colonisation model. It is not yet clear how important such an interchange would be within the context of Outstanding Universal Value. There is the outline of a possible justification in this text, but it needs to be tied closely to the actual criterion, and as with all criteria, it also needs to go beyond apparently persuasive words to be supported by solid justification text.</td>
</tr>
<tr>
<td>Wakefield’s innovative model for providing access to agricultural land and regulating land markets influenced global debates and global practice for more than a century. Chapter 33 of Karl Marx’s Das Kapital focuses on Wakefield’s colonisation theory. The Wakefield model was a direct and powerful influence on new societies in Darwin, New Zealand and Canada and shaped land laws and development policies elsewhere in Australia, Brazil, Canada, France, India, New Zealand, South Africa, Sri Lanka, and the United States. The central role played by land administrators in the new colony led to the innovation of the Torrens Title, a land registration system adopted in countries across Asia, North America, Russia and Europe, while the practice of assisted migration endured in Australia and New Zealand through to the late 19th century.</td>
<td>This text is more descriptive rather than clearly explaining what type of landscape is involved, why it is outstanding, and what significant stage in human history is illustrated. It hints at why it might be outstanding (eg. radical principles) but goes no further. The text is helpful in terms of identifying potential attributes.</td>
</tr>
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<td>achievements of generations of family farming enterprise; in the enduring success of 80-acre section proposed by Wakefield; in the survey markers, grid patterns, section boundaries and minor road systems; in the early survey maps and title descriptions still in existence in the South Australian land title system; in the location, layout and extraordinary diversity of religious and cultural infrastructure of the numerous colonial villages and townships augmented by mining and secondary industry; in the connecting cultural and historic routes; in surveys adapted to water courses in ways that ensured equal access for all; in surviving and revitalized rural estates and agricultural infrastructure; in heritage vineyards (amongst the oldest in the world) that predate Europe’s phylloxera epidemic of the late 19th century; and in Aboriginal and European archaeological sites.</td>
<td>This part of the narrative needs to be re-focused to present a summary justification against the actual criterion, which can then be embellished with such descriptive text if needed.</td>
</tr>
<tr>
<td></td>
<td>The justification needs to make clear why the property is the/an outstanding example, and this might be framed in terms of it being the first, the fullest and the most intact of the Wakefield settlement landscapes, assuming such qualities can actually be demonstrated. In addition, the justification needs to make clear why such landscapes as a category are of Outstanding Universal Value. In relative terms, the size of the migration to South Australia does not seem sufficient justification, as noted below, and the question of its wider influence is dealt with under criterion (ii).</td>
</tr>
<tr>
<td></td>
<td>Instead, the justification might rest on the property reflecting a substantially different settlement system from that which prevailed at the time, that it was a successful system (if this can be supported, noting such problems as the 1841 land sales collapse and resulting bankruptcy, and doubts about the viability of 80 acre farms (sections)), and that it reflected the Enlightenment ideals of the period.</td>
</tr>
<tr>
<td></td>
<td>One particular point deserves comment. The recognition of Aboriginal rights was an important aspiration expressed through the Letters Patent, and reflects progressive social ideals related to the Enlightenment. However, it is understood there was little real impact from the aspiration. While some reserves were created, this stands for little given the widespread dispossession which took place. The recognition of Aboriginal rights should be part of the systematic colonisation story, but it requires a balanced treatment and the positive aspects should not be over-stated.</td>
</tr>
</tbody>
</table>

WHC 5: Outstanding example of a land use representative of human interaction with the environment under threat (Land use)

NHC d: Principal characteristics of a class of places or environments

| The agro-pastoral landscapes, built environment, social attributes, economic activities and land policy processes of the Mount Lofty Ranges are inextricably linked to the core ideas and founding principles of their radical settlement plan, which in turn took advantage of the pre-existing Aboriginal-managed landscape. Like many other Australian settlement landscapes, the Mount Lofty Ranges are filled with Aboriginal peoples’ sacred sites and their ancestral connections to creation stories, oral histories and pre-colonisation memories, and present a shared post-colonisation history filled with broken promises, missed opportunities and evolving reconciliation. | This is largely background text, introducing the radical settlement plan related to land use. |
Today the agro-pastoral settlement landscapes of the Mount Lofty Ranges continue to be shaped by their intimate and dynamic relationship with the city of Adelaide, and export markets. Rising as a well-watered “green island” from a largely flat and arid continent, they remain a bio-culturally diverse and highly productive landscape of ongoing importance to Australia and the world. This is evident in the diversity of primary production and in the use and appreciation of the landscape’s natural resources, including the innovative ongoing management of its water resources and nationally significant biodiversity. One of 15 national biodiversity hotspots, the ranges are a site of convergence for animal and plant species from Australia’s east and west coasts, and from xeric and mesic environments.

The level of legislative protection afforded to the cultural landscape’s primary production values and environmental values is unique in a national and global context in terms of the size of the area protected (984,009 hectares), and the nature of the protection. In a framework of global uncertainty, the agro-pastoral and viticultural attributes of the protected landscape and its primary production components remain largely intact, despite their close proximity to an urban centre. A 175-year-old heritage of forward planning, adaption to new conditions, agricultural experimentation and innovative farming practice is enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial volatility, agricultural intensification and accelerating urbanisation.

In summary, the core narrative is helpfully structured according to the World Heritage criteria and contains key text which speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, much depends on the supporting and detailed justification that can be provided, and the identification of relevant attributes.

However, the narrative for World Heritage becomes a little obscured by aspects more
strongly related to National Heritage, realising the narrative was an earlier attempt to address both. One aspect that could be strengthened is to tie the text closely to the World Heritage criteria – assuming a single focus for this narrative. In particular, the text against criterion (iv) needs revision to present a summary justification against the criterion. In addition, perhaps not all of the background or descriptive text is needed in the overall narrative. The purpose of the narrative needs to be clear, and would guide such decisions.

If this narrative is to have a future role in the bid project, consideration should be given to tying the text more closely to the short criteria statements considered in the next chapter. While these short statements were used in the development of the narrative, their strength may have been reduced by the dual-purpose of the narrative, and the length of some of the background text.

The narrative might also benefit from some additional contextual information to place the European settlement of South Australia in the broader picture of migration, such as the following text.

Migration is a major and enduring theme through much of world history from ancient times to the present day. European emigration coupled with colonisation from about 1500 CE was itself of great historical importance marking the beginning of globalisation, and it arose as a result of the explorations in the Age of Discovery. From 1500-1783 CE there were 1.4 million migrants, and from 1815-1930 CE there were 60 million migrants. The Americas were the major destination, with 32 million people travelling to the USA in 1821-1932 CE. In the same period, Australia received 2.9 million migrants. These migrants could be either free or indentured (contracted).

The systematic colonisation of South Australia saw the arrival of 110,000 people [to be updated – this is a population figure not arrivals] in the initial period of the settlement scheme from 1836-1857 CE.

The migrations to other places prior to South Australia tended to involve a number of problems related to land acquisition, labour shortages and the consequent reliance on unfree labour such as convicts or indentured labour. Previous Australian colonisation efforts were characterised by an unstructured approach. Wakefield’s systematic colonisation was informed by Enlightenment ideals and was designed to avoid these problems and result in a superior colony based on free settlement, the sale of land at a sufficient price, funding to assist emigration, and the careful selection of migrants to create a viable colony. (Wikipedia, ‘European migration’, https://en.wikipedia.org/wiki/European_emigration and ‘European colonization of the Americas’, https://en.wikipedia.org/wiki/European_colonization_of_the_Americas, accessed 8 April 2019; ‘Migration’, http://sahistoryhub.com.au/subjects/migration-0, accessed 8 April 2019; Richards 2017)

This text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and it needs to be more closely checked and better referenced to ensure accuracy.

The text also highlights one of the challenges for the justification of the property for World Heritage – how can the property be of Outstanding Universal Value in the overall migration theme when the number of migrants was very small compared to other European emigration such as to the Americas.

A longer though still brief description of the Wakefield system might also be helpful to include or append. For example,

The central features of Wakefield systematic colonisation were related to activating free emigration to Australia:

- the commitment by the colony to massive financing to generate migrant inflows; and
- the recruitment and selection of specific immigrants for a very long-distance destination.
It aimed for long-term sustainability and resilience, rather than a short-term profit for its founders, and the colony was to be self-funding from the sale of land.

Detailed aspects included:
- minimum land pricing to concentrate settlement, and not land grants;
- use of funds from land sales which were synchronised to subsidise immigration of free settlers/labour for the colony, avoiding the need for government support;
- the transfer of colonial labour supply from the private sector to the government;
- prescribing the composition of the population according to age and gender – meaning the recruitment of younger families, to ensure a balance of sexes, and from the lowest occupational strata but still a more literate population than the average;
- recruitment of free rather than indentured labour, that is free settlement, and certainly no convict labour;
- detailed surveying of town and country landholdings ahead of sale;
- containing urban and rural settlement within surveyed districts;
- town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys (the latter criticised by Wakefield himself) in the rural areas with 80 acre farm units (sections) in order to promote intensive forms of farming rather than pastoral activities;
- linking 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system;
- generally locating towns near the middle of hundreds (a land area initially of 100 sections), with smaller sections closer to the township;
- settlement policies to avoid unemployment; and
- an Arcadian ideal of a self-supporting society of agriculturists, as well as the founders’ utopian principles including egalitarianism, religious freedom and a recognition of Indigenous rights.

The initial system contained aspects which were not supported by Wakefield, such as the Special Surveys, although it has been argued that in reality these also helped achieve the social goals and aspiration of the system. There were also changes made during the implementation of the system which departed from the original intentions (ie. a temporary lowering of the minimum price of country land, and developing land remote from the capital in the southern Preliminary Districts). (Richards 2017; ‘Systematic colonisation’, http://boundforsouthaustralia.com.au/historical-background.html, accessed 8 April 2019; Pretty 1967, http://adb.anu.edu.au/biography/wakefield-edward-gibbon-2763, accessed 8 April 2019; Wikipedia, ‘Land administrative divisions of South Australia’, https://en.wikipedia.org/wiki/Lands_administrative_divisions_of_South_Australia, accessed 18 April 2019; Mount Lofty Ranges National Heritage nomination, Appendix 3, National Heritage values analysis; Herraman 2017).

As above, this text relies on a range of readily available secondary sources, some of which may not be entirely reliable, and this brief description should be confirmed with scholars of systematic colonisation. In addition, the concept of utopianism deserves further scrutiny or contextualisation. At least one scholar portrays Wakefield’s scheme as partly a rejection of utopianism, presumably in the sense of it being naïve and unrealistic (Olssen 1997, p. 201).

The story of the size of sections (or farm units) needs further clarification. While 80 acre sections are commonly referenced, it is understood that other sizes were also used, perhaps more commonly (eg. 134 and 200 acre sections).

As part of any nomination dossier, a glossary would also assist to understand some specific terms.

While the above analysis and commentary presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting some of the potential weaknesses or difficulties that may be encountered:
- the colonial settlement theme may broadly be considered problematic, although there does not seem to have been a general antipathy to such properties in the World
Heritage system to date;

- the historical assessments of the importance of Wakefield’s systematic colonisation have been mixed with some positive and others negative (see for example Olssen 1997; Woollacott 2015; Ballantyne 2014). There is also a related question about the extent to which Wakefield should be the sole focus of attention, and how much the contributions of others such as Bentham, Mill and Owen should be acknowledged;
- there are inconsistencies between the theory and the practice of the system in the range of countries, such as regarding free settlement yet the involvement of indentured labour in some cases, and the formal recognition of indigenous rights yet the actual dispossession of indigenous peoples, and their exploitation, including open warfare in New Zealand (Woollacott 2015; Ballantyne 2014);
- the difficulty in applying the theory of systematic colonisation in Australian landscapes that varied greatly in productive capacity;
- suggestions that the South Australian experiment failed or at least displayed significant difficulties (Woollacott 2015); and

Some of these points may lead to criticism of any nomination, especially if there is any sense of glossing over aspects now viewed as important or important to recognise as part of the overall history. Key responses to such points include:

- any portrayal of Wakefield’s systematic colonisation and the history of the South Australian property should be a balanced and contextual portrayal, recognising the characteristics of the period, the positive and negative aspects of the story, the strengths and the weaknesses of systematic colonisation, and the differences between theory and practice; and
- the range of authoritative views about Wakefield’s systematic colonisation should be presented, but with a focus on the prevailing consensus, if one exists.
3. STRENGTH OF THE NARRATIVE AND ASSOCIATED WORLD HERITAGE ATTRIBUTES

3.1 REVIEW OF THE CURRENT DRAFT OUTSTANDING UNIVERSAL VALUE, PROPOSED CRITERIA AND CRITERIA STATEMENTS

To achieve World Heritage, a property needs to meet at least one of the criteria defined in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). The summary justification against any criteria which are met can be referred to as criteria statements, and these statements form a core part of the Outstanding Universal Value.

One of the outcomes of a workshop in November 2017 was the identification of four World Heritage criteria, (ii), (iv), (v) and (vi), along with draft justification text for each.

In terms of the criteria identified, and other possible criteria, the following table presents a brief updated analysis of each of the World Heritage cultural criteria and their possible relevance for the Mount Lofty Ranges proposal. While such an analysis has been undertaken previously, such as at the 2017 workshop, an updated review at this stage seems worthwhile.

<table>
<thead>
<tr>
<th>No.</th>
<th>Criteria</th>
<th>Analysis/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>represent a masterpiece of human creative genius</td>
<td>This criterion is not relevant to the Mount Lofty Ranges proposal. There is no apparent sense of any creative genius within the meaning of the criterion, which is often applied to great works of architecture and the like.</td>
</tr>
<tr>
<td>(ii)</td>
<td>exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design</td>
<td>This criterion is relevant to the proposed property. As noted in the narrative above, the systematic colonisation first developed in South Australia appears to have been influential in other parts of the world. This is exactly the kind of influence or interchange which is found on the World Heritage List in many different forms. The possible influence on the Garden City movement might be another dimension to consider, although it would need to be an important or indeed outstanding influence. The other use of this criterion relates to the influence on non-British immigrant communities in South Australia. As noted in the preceding chapter, it is not clear whether this would be regarded as an important interchange within the context of Outstanding Universal Value.</td>
</tr>
<tr>
<td>(iii)</td>
<td>bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared</td>
<td>This criterion is not strongly relevant to the Mount Lofty Ranges proposal. The systematic colonisation is not a cultural tradition within the meaning of the criterion, and it is highly unlikely...</td>
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Table 2. Analysis of World Heritage Cultural Criteria and their possible application to the Mount
Lofty Ranges Proposal

<table>
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<td></td>
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<td>that it would be regarded as exceptional testimony of British civilisation. There are many possible examples of such testimony, and it is by no means clear that systematic colonisation would be regarded as exceptional in this context. Further exploration of this criterion is not recommended because of the apparent weakness.</td>
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<td></td>
<td>(iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history</td>
<td>This criterion is relevant to the proposed property. As noted in the narrative above, the property is an outstanding example of a landscape reflecting a new type of settlement illustrating a significant stage in human history – the transformational period in European migrations.</td>
</tr>
<tr>
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<tr>
<td></td>
<td>(v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change</td>
<td>This criterion does appear relevant to the proposed property in two ways: because it is a human interaction with the environment and it might now be regarded as a traditional land-use. As noted in the previous chapter, it is suspected that it may be very hard to prove that the property is an outstanding example of such human interaction, given the evolution in agriculture has presumably occurred for thousands of years and in most inhabited parts of the world. In addition, the current landscape might now be considered a traditional land use related to systematic colonisation. However, the property would not be regarded as a traditional land use at the time of settlement, given it was an innovation at the time rather than part of a continuing and longstanding land use practice. Previous World Heritage nominations which have sought to use this criterion for the first or innovative example which went on to become a tradition have not generally been successful. The possible weaknesses are that the tradition might be considered relatively short-lived and limited to a small number of examples worldwide. This criterion could be further explored however, there are doubts about parts of the justification.</td>
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<td></td>
<td>(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)</td>
<td>This criterion is strongly relevant to the proposed property. The strong link to the Enlightenment and broad progressive social ideas, leading to systematic colonisation, provides a sound basis for continuing to develop its use. Although it is noted that Enlightenment influences are many throughout the world and the key will be demonstrating the outstanding qualities in this case.</td>
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</table>

Accordingly:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
• weaker or more difficult criteria are (iii) and (v), or at least parts of claims that
could be made under criterion (v). In the case of (ii), one aspect of the use of this
criterion might also be weak – related to the influence on non-British immigrant
communities; and
• the criterion which is clearly not relevant is (i).

The remainder of this section considers the draft justification text or criteria statements
developed at the November 2017 workshop.

In all of the following text, the question of the name of the property to be nominated needs
to be decided. As suggested in the existing draft justification text, and otherwise, there are
various options:

• Mount Lofty Ranges;
• Colonial Settlement Landscape of South Australia;
• Wakefield Settlement Landscape of South Australia; and
• Systematic Colonisation Settlement Landscape of South Australia.

The last two options would seem the most appropriate in terms of providing a descriptive
characterisation of the property, with the latter being the most clear and recommended.
Shorter versions of the last option might also be suitable, for example either Systematic
Colonisation Landscape of South Australia or Settlement Landscape of South Australia.

**Criterion (ii) exhibit an important interchange of human values, over a span of time
or within a cultural area of the world, on developments in architecture or technology,
monumental arts, town-planning or landscape design**

The draft justification text previously developed for this criterion is as follows.

The Mount Lofty Ranges (Colonial [or Wakefield] Settlement Landscape of South Australia [might
be a better name]) is the outstanding example of the 19th century Wakefield systematic settlement
model for a progressive society and free migration. Within the context of the major European
migrations in the second half of the second millennium, it was a radical and influential departure from
the prevailing Atlantic and forced migrations.

The Colonial [or Wakefield] Settlement Landscape of South Australia was the powerful model for the
development of new colonial societies in many other countries from the 19th century. Based on an
ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of
the model to the real and local conditions of South Australia, including significant adaptation by
immigrants of different cultural groups within the overall settlement enterprise.

Based on the analysis and comments provided above, this justification text has been
revised.

The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of
the 19th century Wakefield systematic colonisation model for the creation of a viable settler
community based on free migration and a progressive society. Within the context of the major
European migrations from about 1500 CE to 1914 CE, it was a radical and influential departure from
the prevailing Atlantic and forced migrations, and was the first example of systematic colonisation.

The Systematic Colonisation Settlement Landscape of South Australia was the powerful model for the
development of new colonial societies in several other countries from the 19th century. Based on an
ideal model developed in the United Kingdom, the landscape also demonstrates the vital adaptation of
the model to the real and local conditions of the recipient colony, including significant adaptation by
immigrants of different cultural groups within the overall settlement enterprise.
**Criterion (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history**

The draft justification text previously developed for this criterion is as follows.

The Colonial [or Wakefield] Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic settlement model, which in part took advantage of the pre-existing Aboriginal managed landscape. This model marked a major change in European colonisation towards a progressive society and free migration to the far-distant lands of Australia.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the outstanding example of the implementation of the 19th century Wakefield systematic colonisation model, which in part took advantage of the pre-existing Aboriginal managed landscape. Key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom.

This model is reflected in the landscape and marks an important change in the period of major European migrations and associated colonisation towards a progressive society and free migration to the far-distant lands of Australia. The property is the original and most enduring expression of systematic colonisation.

**Criterion (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change**

The draft justification text previously developed for this criterion is as follows.

The cultural landscapes are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by emigrant communities in responses to the environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonising, expressed in the land use and township patterns that included the 80-acre sections and 45 towns.

Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.

The autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

Based on the analysis and comments provided above, this justification text has been revised.

The cultural landscapes of the Systematic Colonisation Settlement Landscape of South Australia are novel agricultural ecosystems that demonstrate the heritage of innovation which is both colonial and modern in adaption to irreversible change. Initially the Wakefield system was constantly being adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish colonists, expressed in the land use and township patterns that included the 80 acre farms (sections).
Modern farming practices are enabling a process of effective adaptation to a future increasingly shaped by global climate change, financial unpredictability, agricultural intensification and urbanisation.

The autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region being an outstanding example of agrarian learning and experimentation.

The Systematic Colonisation Settlement Landscape of South Australia is also the outstanding example of a traditional land-use expressing the Wakefield systematic settlement model, representing an important change in European colonisation during the period of major migrations. Taking advantage of Aboriginal managed lands, European colonists settled on systematically surveyed land based around 80 acre farms (sections). The history of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards.

**Criterion (vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria)**

The draft justification text previously developed for this criterion is as follows.

The Colonial [or Wakefield] Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the second half of the second millennium. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot and Aboriginal rights, in order to create a secular, self-governing, democratic and modern society. The Colonial [or Wakefield] Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.

Based on the analysis and comments provided above, this justification text has been revised.

The Systematic Colonisation Settlement Landscape of South Australia is the supreme realisation of the transformational shift in European colonisation in the period from about 1500 CE to 1914 CE. The unprecedented colonisation strategy was based on a progressive political/economic model which evolved from the Enlightenment and championed free settlement and the abolition of slavery, assisted free migration, free markets, gender equality, the secret ballot, religious tolerance and Indigenous rights, in order to create a secular, self-governing, democratic and modern society. However, in practice these utopian ideals were in some cases not fully realised, and some proved a failure, especially in the case of Aboriginal rights.

The Systematic Colonisation Settlement Landscape of South Australia and its associated ideas were highly influential in the creation of other new colonial societies in the period, and these ideas have become central to the concept of modern democratic societies.
3.2 **IDENTIFICATION OF THE ATTRIBUTES AND AREAS THAT MOST STRONGLY REFLECT THE POTENTIAL OUV IN THE LANDSCAPE**

Attributes are those tangible or intangibles aspects of a place that embody or convey heritage values, including Outstanding Universal Value in the case of World Heritage. Tangible aspects might include buildings, land patterns or plantings, whereas intangible aspects might be uses and activities associated with the place.

The starting point to identify attributes is the proposed Outstanding Universal Value, as presented in the previous section. In the following table, key text from the draft Outstanding Universal Value is presented along with the related attributes.

<table>
<thead>
<tr>
<th>Draft Outstanding Universal Value</th>
<th>Attributes</th>
</tr>
</thead>
</table>
| Wakefield systematic colonisation... key features of the model included land sales synchronised to subsidise immigration of free settlers/labour for the colony, the recruitment of younger families as ideal settlers, concentrated settlement, 80 acre farm units (sections), and broader utopian principles such as religious freedom | • Surveyed town and country landholdings – town acres within the city of Adelaide and a framework of Preliminary Districts and Special Surveys in the rural areas with 80 acre farm units (sections)  
• Concentrated settlement – contained urban and rural settlement within surveyed districts  
• Surveyed towns and villages generally located near the middle of rural hundreds, with smaller sections closer to the township  
• Linked 1 acre town block and 80 acre rural land purchases as part of the preliminary land order system  
• Survey markers, roads, fences and other markers of section, hundred, county, Preliminary District and Special Survey boundaries  
• 80 acre farm units (sections), including those with surviving original farmhouses and rural buildings  
• An area of McLaren Vale representing the purest grid form of the Wakefieldian survey system  
• Original rural land uses  
• The diversity of places of religious worship and other cultural places reflecting religious/cultural freedom (eg. related to German, Austrian and Polish Lutherans, Jesuits and Catholic migrants)  
• Aboriginal reserves reflecting the early but practically limited recognition of Indigenous rights |
| Vital adaptation of the model to the real and local conditions of the recipient colony, including significant adaptation by immigrants of different cultural groups within the overall settlement enterprise | • Examples of adaptation of the land settlement to environmental conditions  
• Examples of adaptation of the land settlement to different cultural groups, and the religious and cultural places associated with such groups |
| Heritage of innovation... adapted by immigrant communities in response to environmental and climatic conditions, strongly influenced by the settlement traditions of British, German and Polish | • Examples of adaptation of the land settlement to environmental conditions  
• Examples of adaptation of the land settlement to different cultural groups |
Table 3. Analysis of Draft Outstanding Universal Value and Related Attributes

<table>
<thead>
<tr>
<th>Draft Outstanding Universal Value</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>colonists, expressed in the land use and township patterns that included the 80 acre farms (sections)</td>
<td>• Examples of adaptation by farmers and latterly by vignerons</td>
</tr>
<tr>
<td>Autonomous adaptation by farmers and latterly by vignerons continues to be assisted by the types of planned adaptation that has led to the region</td>
<td>• Examples of adaptation by farmers and latterly by vignerons</td>
</tr>
<tr>
<td>History of settlement is still reflected in the landscape and its land use patterns, and in the presence of early surviving land uses including vineyards and orchards</td>
<td>• Examples of early surviving land uses including vineyards and orchards</td>
</tr>
</tbody>
</table>

The project was intended to identify areas which strongly reflect the potential OUV in the landscape. Such areas will be those which contain the attributes noted above. At the broadest scale, the maximum possible extent of the potential World Heritage property is known, corresponding to the extent of the Preliminary Districts and Special Surveys. As part of the process of refining the area for the property, there is also the suggestion above that an area of McLaren Vale represents the purest grid form of the Wakefieldian survey system.

However, refining the mapping of attributes beyond this point becomes difficult because of the lack of detail about the exact location of attributes. A review of the previous work by the University of Adelaide to map a variety of qualities in the Mount Lofty Ranges found it only of limited assistance for this task, and more detailed mapping of a range of specific attributes would still appear to be needed.

Some general comments about the qualities present in the landscape of the likely property area are possible though. This area:

- will reflect the best surviving evidence of Wakefield systematic colonisation;
- this will include rural area/s with 80 acre farm units (sections), especially those with surviving original farmhouses and rural buildings, and continuing rural land uses, as well as associated surveyed towns and villages, and associated survey markers;
- will includes examples of original Aboriginal reserves;
- will include examples of adaptation of the land settlement to environmental conditions;
- will include examples of adaptation of the land settlement to different cultural groups, such as the hufendorf settlement patterns;
- will include examples of the diversity of places of religious worship and other cultural places reflecting religious/cultural freedom, probably usually associated with surveyed towns and villages;
- will include examples of adaptation by farmers and latterly by vignerons;
- will include examples of early surviving land uses including vineyards and orchards;
- will include representation from Preliminary Districts as well as Special Surveys;
- may include examples of town acres within the city of Adelaide, if the specific link to rural sections can be established; and
- may include the original surveyed city of Adelaide, though this requires further consideration.
3.3 **Assessment and Comparison of the Strength in Progressing a Nomination as Either a Historical Site or Cultural Landscape Listing**

Part of the context to this question might be a concern about the size of any possible World Heritage property focused on the evidence of systematic colonisation, and also whether a single component property is proposed or a serial property with more than one component. Before addressing these issues, it is worth considering the definitions provided in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017). Several key extracts are below.

‘For the purposes of this Convention, the following shall be considered as “cultural heritage”… sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.’ (Paragraph 45, quoting the World Heritage Convention)

‘Cultural landscapes are cultural properties and represent the ‘combined works of nature and man’ as designated in Article 1 of the Convention. They are illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal.’ (Paragraph 47)

Three categories of cultural landscape are defined,

‘the clearly defined landscape designed and created intentionally by man. This embraces garden and parkland landscapes constructed for aesthetic reasons which are often (but not always) associated with religious or other monumental buildings and ensembles…

the organically evolved landscape. This results from an initial social, economic, administrative, and/or religious imperative and has developed its present form by association with and in response to its natural environment. Such landscapes reflect that process of evolution in their form and component features. They fall into two sub-categories:
- a relict (or fossil) landscape is one in which evolutionary process came to an end in the past, either abruptly or over a period. Its significant distinguishing features are, however, still visible in material form.
- a continuing landscape is one which retains an active social role in contemporary society closely associated with the traditional way of life, and in which the evolutionary process is still in progress. At the same time it exhibits significant material evidence of its evolution over time…

the associative cultural landscape. Such landscapes are included on the World Heritage List by virtue of the powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.’ (Annex 3, paragraph 10)

Importantly, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention, along with monuments and groups of buildings. None the less, many sites are generally small and proscribe a feature such as a building, rock art, garden or archaeological ruin. On the other hand, some sites can be quite extensive, such as large archaeological sites.

Cultural landscapes tend to be larger and contain features developed on the natural landform such as roads following contours or water courses, settlements at crossing points, community buildings, farm units and boundaries. They must include the geography of the landscape as the basis of the human interaction with it. On the other hand, designed landscapes, for example, can be quite small, although these are not relevant in this case.
Accordingly, the key issue is not to contrast sites and cultural landscapes as different categories, because sites include cultural landscapes. The key issue is whether the Outstanding Universal Value relates to a place being a combined work of nature and people. If it is not, then it will be a site, or monument or group of buildings being the other categories of cultural heritage. If it is a combined work, then it will be a site as well as a cultural landscape.

The Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays this interaction, this combination of a ‘natural’ environment, recognising this was in fact an Aboriginal landscape, with the work of people – European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a clear example of this interaction.

It is interesting to note that in a practical sense, a single World Heritage property can also include both sites, such as fragments of structures or non-building structures, and landscapes within the same property. An example is the Australian Convict Sites property which is a serial property of both sites in this sense (ie. Cascades Female Factory and Yard 4 North, and Coal Mines Historic Site) and larger cultural landscapes (ie. Brickendon Estate, Woolmers Estate, Port Arthur Historic Site, Old Government House and Government Domain, and Kingston and Arthurs Vale Historic Area). This property also has buildings or groups of buildings. However, in formal terms, the property is regarded as a serial of groups of buildings.

In summary:
- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

With regard to the Systematic Colonisation Settlement Landscape of South Australia, this is a cultural landscape because it is a combined work of nature and people. However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.
3.4 Initial Assessment Against Comparable Sites

Framework for the Comparative Analysis

The purpose of the comparative analysis is to identify whether there are other properties with the same values and attributes that are on the World Heritage List or which might be nominated in future. Being a highly selective list, in theory only one or a very few such properties can be included in the World Heritage List. The comparative analysis is a very important part of a nomination, and many nominations fail because of inadequacies with the analysis provided.

Identifying comparable properties requires defining the context for the analysis, which arises from the proposed Outstanding Universal Value and the related attributes. In this case, the core of the values relate to:

- Wakefield systematic colonisation, with higher-order themes being European free migration following the Age of Discovery, European free and un-free migration more broadly in this period, as well as post-Enlightenment attempts to create a model society; and
- agricultural innovation.

This formulation offers five potential contexts for the comparative analysis. At this stage, it seems likely that European free and un-free migration following the Age of Discovery would not need to be considered, as the lower-order theme of European free migration in the period would appear to be an important enough theme in World Heritage terms. Although the broad sweep of migration, both free and unfree would be addressed in the history chapter of a nomination.

On the other hand, limiting the analysis to just Wakefield systematic colonisation, while the obvious context and one that must be addressed, risks appearing too narrow. The purpose of considering a broader migration theme is to contrast Wakefield systematic colonisation with other forms of colonisation, to consider what might, in some instances, appear superficially similar properties, and to demonstrate significant differences, if any.

Accordingly, the suggested contexts for the comparative analysis are:

- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Potentially Comparable Properties

Using the framework above, the following table presents an initial list of potentially comparable properties with an initial analysis, based on a limited review and research.
<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Date inscribed on World Heritage List/Criteria/Size of property/buffer zone</th>
<th>Initial Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia</td>
<td>South Australia (1836)</td>
<td>Not listed/--/--/--</td>
<td>The original and best surviving example of systematic colonisation reflecting a post-Enlightenment attempt to create a model society focused on rural enterprise.</td>
</tr>
<tr>
<td>Australia</td>
<td>Australind (1840)</td>
<td>Not listed/--/--/--</td>
<td>Based on an area of 420 square kilometres, it was surveyed and included a detailed plan for a town. However, the settlement began to fail early, little of the town was developed, and settlement plans were officially abandoned in 1875. Now a dormitory suburb of Bunbury. A handful of historic buildings survive. (Woollacott 2015, pp. 51-2; Wikipedia, ‘Australind, Western Australia’, <a href="https://en.wikipedia.org/wiki/Australind,_Western_Australia">https://en.wikipedia.org/wiki/Australind,_Western_Australia</a>, accessed 19 April 2019)</td>
</tr>
<tr>
<td>Australia</td>
<td>Darwin (1863)</td>
<td>Not listed/--/--/--</td>
<td>The implementation of Wakefield principles was attempted in the settlement after South Australia annexed its Northern Territory, but the settlement was a failure as an example of systematic colonisation. ‘the soil was too poor and the climate too difficult for the port’s few residents to replicate the kind of farming established in the hinterland of the southern city of Adelaide. The Territory’s climate and remoteness generally defeated efforts by South Australians to recreate the closely settled and populous rural-and-town pattern so established on the Adelaide Plains and in the Ranges. Nor could the South Australian government foster private land development. As Powell concludes, ‘the commercial-agricultural base of South Australia consistently failed to develop in the north’.’ (Mount Lofty Ranges National Heritage nomination)</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Wellington (1840)</td>
<td>Not listed/--/--/--</td>
<td>Few details about the New Zealand examples have been found so far.</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Wanganui (1840)</td>
<td>Not listed/--/--/--</td>
<td>Wakefield came to disparage the Australian examples, and thought positively of the New Zealand colonies, at least for a period. While the other New Zealand colonies had problems, at least initially, Canterbury was regarded as a success due to its much higher rate of settlers compared to land speculators. This led to productive use of the land, and jobs for colonists who were not in a financial</td>
</tr>
</tbody>
</table>
An adequate supply of land proved difficult at Wellington. At Wanganui there were tensions with Maori about land acquisition, commercial development was slow and the town remained small and undeveloped. New Plymouth was also troubled by land conflicts, and the lack of a harbour until the 1880s.

(Ballantyne 2015, pp. 96-97)

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Date inscribed on World Heritage List/Criteria/Size of property/buffer zone</th>
<th>Initial Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>Not known</td>
<td>Wakefield’s ideas were influential in reframing the key land law in 1850. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</td>
<td></td>
</tr>
<tr>
<td>Canada</td>
<td>Not known</td>
<td>Wakefield’s ideas were influential in land policies from the 1840s. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 96)</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>Not known</td>
<td>Wakefield’s ideas were influential on French reflections on the nature of colonial societies. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</td>
<td></td>
</tr>
<tr>
<td>India</td>
<td>Not known</td>
<td>The details of influence in India has not yet been established.</td>
<td></td>
</tr>
<tr>
<td>Jamaica</td>
<td>Not known</td>
<td>Wakefield’s ideas were influential in debates about providing immigrants to resolve a labour crisis. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</td>
<td></td>
</tr>
<tr>
<td>South Africa</td>
<td>Cape Colony and Natal</td>
<td>Wakefield’s ideas were influential on population movement to settler colonies. Colonial land sales funded transportation and accommodation for new colonists. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 95)</td>
<td></td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>Not known</td>
<td>Wakefield’s ideas were influential on land policies but it is not known if this resulted in a distinctive landscape similar to</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Name</td>
<td>Date inscribed on World Heritage List/Criteria/Size of property/buffer zone</td>
<td>Initial Analysis</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>USA</td>
<td>Not known</td>
<td></td>
<td>Wakefield’s ideas were influential in debates about land, markets and migration. However, it is not clear if there was an associated physical impact in the landscape similar to systematic colonisation. (Ballantyne 2014, p. 98)</td>
</tr>
<tr>
<td>Americas</td>
<td>Jesuit Missions of the Guaranis: San Ignacio Mini, Santa Ana, Nuestra Señora de Loreto and Santa Maria Mayor (Argentina), Ruins of São Miguel das Missões (Brazil) (17th and 18th centuries)</td>
<td>1983, extended 1984/iv/--/--</td>
<td>This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Jesuit Missions of the Chiquitos (1696-1760)</td>
<td>1990/iv, v/--/--</td>
<td>This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of buildings and architectural ensembles, it does not have a landscape dimension or embrace rural enterprise.</td>
</tr>
<tr>
<td>Canada</td>
<td>Landscape of Grand Pré (17th century)</td>
<td>2012/v, vi/1,323.24 ha/buffer 5,865 ha</td>
<td>While an example of colonisation involving rural enterprise and a landscape, it is not clear what aspects might be regarded as systematic. The Acadians were also deportees, reflecting unfree migration. The theoretical basis for the colonisation seems to display significant differences to the South Australian example.</td>
</tr>
<tr>
<td>Denmark</td>
<td>Christiansfeld, Moravian Church Settlement (1773)</td>
<td>2015/iii, iv/21 ha/buffer 385 ha</td>
<td>This is an example of systematic colonisation, related to Enlightenment ideals. However, this is a town without the associated rural/agricultural landscape. The theoretical basis for the colonisation also seems to display significant differences to the South Australian example, such as the religious basis of the settlement.</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Colonial City of Santo Domingo (1498)</td>
<td>1990/ii, iv, vi/106 ha/--</td>
<td>This is an example of systematic colonisation in the sense of a planned colonial city which was very early in the history of European migrations to the New World. However, it does not include a landscape of rural enterprise. In addition, the theoretical basis for the colonisation</td>
</tr>
<tr>
<td>Country</td>
<td>Name</td>
<td>Date inscribed on World Heritage List/Criteria/Size of property/buffer zone</td>
<td>Initial Analysis</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Melaka and Georgetown (15th century)</td>
<td>2008/ii, iii, iv/219 ha/buffer 393 ha</td>
<td>These are historic colonial trading towns. Their qualities related to systematic colonisation are not clear, and they do not include rural enterprise and associated landscapes.</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue (17th and 18th centuries)</td>
<td>1993/iv/28 ha/buffer 37 ha</td>
<td>This property displays a version of systematic colonisation. However, the theoretical basis for the colonisation seems to display significant differences to the South Australian example, such as the evangelising objective. This property is also comprised of archaeological ruins of urban complexes, it does not have a landscape dimension or embrace rural enterprise.</td>
</tr>
<tr>
<td>USA</td>
<td>Statue of Liberty (1886)</td>
<td>1984/i, vi/6 ha/--</td>
<td>A powerful symbol of free migration but not related to a post-Enlightenment attempt to create a model society or rural enterprise.</td>
</tr>
<tr>
<td>Germany</td>
<td>Garden Kingdom of Dessau-Wörlitz (18th century)</td>
<td>2000/ii, iv/14,500 ha/--</td>
<td>Enlightenment era planned landscape expressing philosophical principles of the time, including agricultural lands. Not related to migration.</td>
</tr>
<tr>
<td>Netherlands and Belgium</td>
<td>Colonies of Benevolence (1818)</td>
<td>Nominated 2017, referral 2018/iii, v, vi/Not available</td>
<td>An example of a post-Enlightenment attempt to create a model society focused on rural enterprise. Included unfree labour and is not related to migration.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>New Lanark (1786)</td>
<td>2001/ii, iv, vi/146 ha/buffer 667 ha</td>
<td>An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not an example of rural enterprise or related to migration.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Old and New Towns of Edinburgh (1767-1850)</td>
<td>1995/ii, iv/--/--</td>
<td>An example of a post-Enlightenment attempt to create a model society but focused on town planning. Not related to rural enterprise or migration.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Saltaire (1853)</td>
<td>2001/ii, iv/20 ha/buffer 1,078 ha</td>
<td>An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Port Sunlight (1888)</td>
<td>Not listed/--/--/--</td>
<td>An example of a post-Enlightenment attempt to create a model society but focused on housing for industrial workers. Not related to rural enterprise or migration.</td>
</tr>
<tr>
<td>Germany</td>
<td>Garden Kingdom of Dessau-Wörlitz (18th century)</td>
<td>2000/ii, iv/14,500 ha/--</td>
<td>Enlightenment era planned landscape expressing philosophical principles of the time, including agricultural lands. Not related to migration.</td>
</tr>
</tbody>
</table>
Table 4. Potentially Comparable Properties on the World Heritage List or Otherwise

<table>
<thead>
<tr>
<th>Country</th>
<th>Name</th>
<th>Date inscribed on World Heritage List/Criteria/Size of property/buffer zone</th>
<th>Initial Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Cultural Landscape of the Serra de Tramuntana</td>
<td>2011/ii, iv, v/30,745 ha/buffer 78,617 ha</td>
<td>The agricultural landscape demonstrates adaptation to difficult environmental conditions, and is testimony to the continuous evolution of human settlement.</td>
</tr>
</tbody>
</table>

Discussion of Certain Potentially Comparable Properties

In order to compare places of colonial settlement an understanding of previous types of migration is necessary. They were either forced as in slavery or convictism, or by indenture or contract, or unregulated. The theoretical Wakefield model for free migration was a revolutionary concept emerging from Enlightenment thinkers.

The Wakefield system was also used later in South Australia’s Northern Territory in Darwin, as well in New Zealand and the USA but there is little evidence of its use in rural areas. Darwin and its hinterland is of particular interest in a comparative analysis of regions surveyed and settled on the basis of Wakefield’s principles, as the South Australians themselves attempted to follow those principles in establishing the northern Australian settlement. South Australia annexed its ‘Northern Territory’ in 1863 for systematic colonization on the basis that the Territory must pay for itself, but the Territory’s sub-tropical climate and remoteness generally defeated constant efforts by South Australians to recreate the closely-settled and populous rural-and-town pattern so prevalent on the Adelaide Plains and in the adjacent ranges.

Edward Gibbon Wakefield emigrated to New Zealand in the early 1850s and although his ideas were the basis for six settlements there of which the last, Canterbury, has associated rural lands. Wakefield regarded these settlements positively although New Zealand historians of the 1940s and 1950s thought they were not successful. Nevertheless, his land settlement ideas were influential in British Empire settler societies – Australia, New Zealand, Lower Canada, Ceylon and Jamaica, and also in Brazil which was a Portuguese colony.

In settler societies and in Europe there were also planned settlements undertaken by religious or cultural groups wanting to establish a new way of life for both their adherents and for the Indigenous people they were usurping. In all these properties the ideas of the founders became realities in the landscapes. The following examples are inscribed on the World Heritage List.

The Jesuit Missions of La Santísima Trinidad de Paraná and Jesús de Tavarangue are part of a series of 30 missions in the Río de la Plata basin established by the Society of Jesus (the Jesuits) during the 17th and 18th centuries. Seven of these missions were located in Paraguay and the rest in the present-day countries of Argentina and Brazil. The mission complexes were attached to reducciones (settlements) and are evidence of a unique urban scheme.

In Argentina, the four Jesuit-Guarani Missions, located in the southern Misiones
province, provide an exceptional example of systematic and organized territorial occupation. The properties’ surviving ruins depict the experience of the Society of Jesus in South America, where there emerged a singular system of spatial, economic, social, and cultural relations in 30 settlements – referred to as reducciones – that included ranches, mate plantations (mate is a species of holly used to make a beverage), and networks of trails and waterways extending across the Uruguay River and its tributaries. This particular model of the reducciones also included smaller structures and constructions designed to support the basic functions of the settlements. Together, these elements, each closely integrated within productive lands, and each manifesting the distinct potential and complementary traits of the various settlements and the other Jesuit provinces in the region, inform this underlying interpretation, reflected by the serial heritage property in a singular and specific fashion.

Unlike other Jesuit missions in South America, the Jesuit Missions of the Chiquitos in Bolivia survived the expulsion of the Society of Jesus in 1767, though by the 1850s the reducciones system of the missions had disappeared. These traditional architectural ensembles have more recently become vulnerable under the impact of changes following the agrarian reform of 1953 that threatened the local social and economic infrastructure.

By way of contrast, Christiansfeld founded in 1773 in South Jutland, Denmark, is an example of a planned settlement of the Moravian Church, a Lutheran free congregation centred in Herrnhut, Saxony. The town was planned to represent the Protestant urban ideal, constructed around a central Church square. The architecture is homogenous and unadorned, with one and two-storey buildings in yellow brick with red tile roofs. The democratic organization of the Moravian Church, with its pioneering egalitarian philosophy, is expressed in its humanistic town planning. The settlement’s plan opens onto agricultural land and includes important buildings for the common welfare such as large communal houses for the congregation’s widows and unmarried men and women. The buildings are still in use and many are still owned by the local Moravian Church community.

Situated in the southern Minas Basin of Nova Scotia, Canada, the Grand Pré marshland and the remains of the associated old villages constitute a cultural landscape bearing testimony to a remarkable effort, over many centuries, using the polder technique to develop agricultural farmland, in a maritime location with extreme tides. In particular, it demonstrates the permanency of its hydraulic drainage system using dykes and aboiteaux, and its agricultural use through a community-based management system established by the Acadians and then taken over by the Planters and their modern successors. Grand Pré is also testimony to the history of the Acadians in the 17th and 18th centuries and their deportation. The landscape is an exceptional example of the adaptation of the first European settlers to the conditions of the North American Atlantic coast.

The influence of the Enlightenment can be seen in many areas of urban planning and settlement, for example Edinburgh New Town and New Lanark. Inscribed in 1992 for its a dramatic reflection of significant changes in European urban planning, from the inward looking, defensive walled medieval city of royal palaces, abbeys and organically developed burgage plots in the Old Town, through the expansive formal Enlightenment planning of the 18th and 19th centuries in the New Town. While New Lanark in Scotland is a model industrial community based on textile production built by Utopian idealist Robert Owen (1771-1858) who formulated his Utopian vision of a society without crime, poverty and misery. New Lanark prospered under his enlightened management.
In the Netherlands, the **Colonies of Benevolence** have been nominated to the World Heritage List because of their design. Between 1818 and 1825, a series of seven colonies were built as a visionary solution that combined education, employment and land clearing, an approach in which relief for the poor and the prevention of crime more or less overlapped. Large areas of uncultivated heathland were systematically cleared to make way for the construction of agricultural colonies, and in addition to systematic land use planning there were consistent building styles.

Plantations may be another category of property worth considering in the comparative analysis. While there have been ‘plantations’ of settlers in Europe over time like the Moors in Spain and the English in Ireland, in the New World settlements there were plantations such as for cotton and sugar in the eastern USA, and tea plantations in India and Sri Lanka. Plantations were large-scale estates which usually had a planned form. The scale of these estates therefore compares with planned settlements involving a collection of smaller-scale farms and towns.
4. RESEARCH GAPS, ADDITIONAL WORK & WORK PLAN

4.1 RESEARCH GAPS AND ADDITIONAL WORK REQUIRED TO DEVELOP THE PROPOSAL

There are several initial points to recall in the development of a World Heritage nomination:

- such nominations are the largest and most complex tasks in the heritage sector, usually taking many years, requiring resourcing and persistence, and resulting in a substantial document of many hundreds of pages. There is a set format for the contents of a nomination provided in Annex 5 of the Operational Guidelines;
- a carefully planned approach is essential, usually involving a team and a lead author, and supported by other experts, stakeholders and political leaders, often structured into groups or committees;
- developing a nomination is invariably an iterative process. For example, Outstanding Universal Value may be drafted, tested, revised, tested, informed by the comparative analysis, revised, informed by issues of integrity, authenticity, protection and management, revised, peer reviewed, and so on. This is normal and part of the strength of the process;
- while the task is large it is commensurate with the rewards of World Heritage listing;
- successful nominations are usually the result of a body of expert work coupled with a campaign to develop a broader international body of expert opinion in favour of the nomination – a critical mass of supportive expert opinion. There are various ways of encouraging such support, and the efforts of other countries provide a range of examples in achieving this;
- successful nominations are also the result of ensuring or developing support within governments and the local community; and
- in the case of the Mount Lofty Ranges, the Councils and others supporting the process realise the challenges, the process has been underway for many years, a large body of work has been developed, and expert, stakeholder, community and political support has already been encouraged.

The development of the nomination may be broadly divided into the following stages:

- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and
- other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

In the case of the Tentative List submission, the connection between this step and National Heritage listing should be clarified. While previously the policy has been to require National Heritage listing before inclusion on the Tentative List, recent developments suggest this is not strictly always the case.
The following table presents an overall preliminary workplan for these stages. Initial tasks are highlighted in green. To some extent, there is some potential or real overlap between the Tentative List tasks and the nomination tasks. Hopefully, many of the proposed tasks may be able to build upon the previous work undertaken on the World Heritage project, and in some cases the work or organisation may fully exist. Further development of the workplan would include an assessment of this previous work and organisation, and its usefulness for the next phase of the project.

Table 5. Preliminary World Heritage Nomination Workplan

<table>
<thead>
<tr>
<th>No.</th>
<th>Task</th>
<th>Comments</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Tentative List Submission</strong></td>
<td>At present it appears there is some flexibility in the policy linking National Heritage and World Heritage. This flexibility should be confirmed in the case of the proposed property. Given the possible Aboriginal history and lands might be part of the property, the requirements of the Commonwealth regarding demonstrating Aboriginal consent should also be clarified.</td>
<td>7-8/2019</td>
</tr>
<tr>
<td></td>
<td>Clarification of connection between National Heritage listing and inclusion on the Tentative List, and other matters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td><strong>Preparation of draft Tentative List submission (number of drafts TBA)</strong></td>
<td>Initial task • The submission is quite short, and will draw on tasks below related to the development of the nomination itself • Identify lead for the submission and core team • Develop more detailed workplan for the submission • Review of current or possible additional committees or reference groups to support the submission • Strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier • Refine the understanding of attributes • Give some indication of possible draft boundaries, noting these are subject to further refinement • Develop initial information about likely management implications</td>
<td>7-11/2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td><strong>Expert review/s</strong></td>
<td>Initial task • Related to the expert reviews for the nomination itself, but with a more limited scope • Identify experts to support the submission development through reviewing drafts</td>
<td>10/2019</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>4</td>
<td><strong>Governments/community/stakeholder engagement</strong></td>
<td>Initial task • Develop a strategy to promote understanding and encourage government/community/stakeholder support, including government heritage authorities</td>
<td>7/2019 + implementation to follow</td>
</tr>
<tr>
<td>No.</td>
<td>Task</td>
<td>Comments</td>
<td>Timing</td>
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<tr>
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</tr>
<tr>
<td></td>
<td>Government agencies’ review/s</td>
<td>Initial task</td>
<td>By 2/2020</td>
</tr>
<tr>
<td></td>
<td>• Implement the strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Presumably review by related local government Councils, the SA Heritage Council, SA Department for Environment and Water, Australian Heritage Council and Commonwealth Department of the Environment and Energy</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>State government support/agreement</td>
<td>Initial task</td>
<td>7/2020</td>
</tr>
<tr>
<td></td>
<td>• Building upon earlier engagement with State government agencies as part of other tasks, this task is the decision point for formal State government support to take the proposal to the Meeting of Environment Ministers</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Meeting of Environment Ministers agreement</td>
<td>Initial Task</td>
<td>By 11/2020</td>
</tr>
<tr>
<td></td>
<td>Final government review</td>
<td>Initial task</td>
<td>12/2020</td>
</tr>
<tr>
<td></td>
<td>Preparation of final Tentative List submission</td>
<td>Initial task</td>
<td>1/2021</td>
</tr>
<tr>
<td></td>
<td>Despatch to WHC by the Commonwealth</td>
<td>Initial task</td>
<td>Before 1/2/2021</td>
</tr>
</tbody>
</table>

**Nomination – General Tasks**

<table>
<thead>
<tr>
<th>Task</th>
<th>Comments</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nomination planning</td>
<td>Initial task</td>
<td>To be determined</td>
</tr>
<tr>
<td>• This workplan is a first draft version</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coordination</td>
<td>Ongoing task</td>
<td></td>
</tr>
<tr>
<td>• Should include a review of current or possible additional committees or steering/reference groups to support the nomination</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Identify lead for nomination project and core team</td>
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</tr>
<tr>
<td>Community/stakeholder consultation</td>
<td>Initial task</td>
<td></td>
</tr>
<tr>
<td>• Develop a communication strategy (this might include an evolving short nomination summary and other fact sheets to address issues, amongst other products)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Implement the strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draft Nomination (number of drafts TBA)</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>Expert review/s</td>
<td>Ongoing task</td>
<td></td>
</tr>
<tr>
<td>• Maybe worth establishing a panel of reviewers whose support will be needed periodically, including World Heritage and subject matter experts – not clear if this group will meet or work separately</td>
<td></td>
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<tr>
<td>• Includes international peer review, which might partly be addressed through an international workshop</td>
<td></td>
<td></td>
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<tr>
<td>• Develop an indicative schedule for expert reviews</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government agencies’ review/s</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>Printing of draft</td>
<td>Later task</td>
<td></td>
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</tbody>
</table>

Table 5. Preliminary World Heritage Nomination Workplan
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<table>
<thead>
<tr>
<th>No.</th>
<th>Task</th>
<th>Comments</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Send draft nomination to WHC</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td></td>
<td>WHC review of draft nomination</td>
<td>Later task</td>
<td></td>
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<tr>
<td></td>
<td>Final government review</td>
<td>Later task</td>
<td></td>
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<tr>
<td></td>
<td>Final Nomination</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nomination production</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Despatch to WHC by the Commonwealth</td>
<td>Later task</td>
<td></td>
</tr>
</tbody>
</table>

Nomination – Components of the Dossier

1. Identification of the Property
   1.a Country (and State Party if different) | Later task |
   1.b State, Province or Region | Later task |
   1.c Name of Property | Initial task |
   - Important for the branding/recognition/publicity of the property, even if it may change later |
   1.d Geographical coordinates to the nearest second | Later task |
   1.e Maps and plans, showing the boundaries of the nominated property and buffer zone | Initial task |
   - Source good quality topographical and cadastral base mapping |
   - Generate base mapping of relevant attributes |
   - Begin mapping of possible boundaries based on identified attributes |
   - Refine as attributes are refined and other issues considered (integrity, authenticity, protection, management) |
   1.f Area of nominated property (ha.) and proposed buffer zone (ha.) | Later task |
   - Area of nominated property: _ ha |
   - Buffer zone ______ ha |
   - Total ______ ha |

2. Description
   2.a Description of Property | Later task |
   2.b History and Development | Later task |

3. Justification for Inscription
   3.1.a Brief synthesis | Initial task |
   3.1.b Criteria under which inscription is proposed (and justification for inscription under these criteria) | Initial task |
   - Development of the justification text to support/refine the criteria text |
   - Develop text on the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised |
   - Develop background text on the character of non-systematic colonisation, with examples |
Table 5. Preliminary World Heritage Nomination Workplan

<table>
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<tr>
<th>No.</th>
<th>Task</th>
<th>Comments</th>
<th>Timing</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>• Develop background text on the Enlightenment/post-Enlightenment, and the impact on the development of model societies  &lt;br&gt; • Develop an understanding of the role of the city of Adelaide (eg. the town acres) and its role in the systematic colonisation story  &lt;br&gt; • Refine the description of the characteristics of systematic colonisation, including the size and variability of sections (farm units)  &lt;br&gt; • Ensure the presentation of systematic colonisation reflects both the idealised theory as well as the reality of its implementation, including a fair reading of positive and negative aspects  &lt;br&gt; • Develop an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance  &lt;br&gt; • Revise the draft OUV in the light of the comparative analysis</td>
<td>Initial task</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Ongoing refinement of attributes  &lt;br&gt; • Establish integrity of attributes and overall property</td>
<td>Initial task</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Establish authenticity of attributes and overall property</td>
<td>Initial task</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Later task</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Develop the analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these  &lt;br&gt; • Also develop the analysis related to agricultural innovation  &lt;br&gt; • A closer check of Tentative Lists should be included</td>
<td>Initial task</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Based on inputs from other tasks</td>
<td>Initial task</td>
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<td></td>
<td></td>
<td>Later task</td>
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<td></td>
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<td>Later task</td>
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<td>Later task</td>
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<td>Later task</td>
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<td>Later task</td>
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<tr>
<td>No.</td>
<td>Task</td>
<td>Comments</td>
<td>Timing</td>
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<td>-------</td>
<td>-----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>4.b(iv)</td>
<td>Responsible visitation at World Heritage sites</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>4.b(v)</td>
<td>Number of inhabitants within the property and the buffer zone</td>
<td>Estimated population located within:</td>
<td>Later task</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Area of nominated property</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Buffer zone</td>
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<tr>
<td></td>
<td></td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Year</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Protection and Management of the Property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.a</td>
<td>Ownership</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.b</td>
<td>Protective designation</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.c</td>
<td>Means of implementing protective measures.</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.d</td>
<td>Existing plans related to municipality and region in which the proposed property is located (e.g., regional or local plan, conservation plan, tourism development plan)</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.e</td>
<td>Property management plan or other management system</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.f</td>
<td>Sources and levels of finance</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.g</td>
<td>Sources of expertise and training in conservation and management techniques</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.h</td>
<td>Visitor facilities and infrastructure</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.i</td>
<td>Policies and programmes related to the presentation and promotion of the property</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>5.j</td>
<td>Staffing levels and expertise (professional, technical, maintenance)</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>6.</td>
<td>Monitoring</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.a</td>
<td>Key indicators for measuring state of conservation</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>6.b</td>
<td>Administrative arrangements for monitoring property</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>6.c</td>
<td>Results of previous reporting exercises</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>7.</td>
<td>Documentation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.a</td>
<td>Photographs and audiovisual image inventory and authorization form</td>
<td></td>
<td>Later task</td>
</tr>
<tr>
<td>7.b</td>
<td>Texts relating to protective designation, copies of property management plans or documented management</td>
<td></td>
<td>Later task</td>
</tr>
</tbody>
</table>
### Table 5. Preliminary World Heritage Nomination Workplan

<table>
<thead>
<tr>
<th>No.</th>
<th>Task</th>
<th>Comments</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>systems and extracts of other plans relevant to the property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.c</td>
<td>Form and date of most recent records or inventory of property</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>7.d</td>
<td>Address where inventory, records and archives are held</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>7.e</td>
<td>Bibliography</td>
<td>Ongoing task</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Contact Information of responsible authorities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.a</td>
<td>Preparer</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Name: Title: Address: City, Province/State, Country: Tel: Fax: E-mail:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.b</td>
<td>Official Local Institution/Agency</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>8.c</td>
<td>Other Local Institutions</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td>8.d</td>
<td>Official Web address</td>
<td>Later task</td>
<td></td>
</tr>
<tr>
<td></td>
<td>http:// Contact name: E-mail:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Signature on behalf of the State Party</td>
<td>Later task</td>
<td></td>
</tr>
</tbody>
</table>

### Other Tasks

- Development of management plan/system
- Development of tourism management plan, including interpretation
- Later task

One opportunity to note is the international ICOMOS General Assembly to be held in Sydney in October 2020. This major international meeting will bring to Australia a large number of overseas experts, and it will provide a focus on Australia’s World Heritage activities. This may provide an opportunity to both present the possible World Heritage case for the Systematic Colonisation Settlement Landscape of South Australia, and also to seek international expert views on the property. The General Assembly might also be a useful target to be able to announce the positive decision of the Meeting of Environment Ministers, if that can be achieved.

With regard to the possible budget required to develop a nomination following submission of the Tentative List proposal, there are many factors which will influence this budget, such as:

- the ultimate complexity of the nominated property, including its physical extent;
- the extent of in-kind support provided by councils, the State Government and Australian and overseas experts – noting some degree of support is likely;
- the timeframe for the project – a shorter timeframe perhaps entailing greater cost; and

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• the production quality of the nomination dossier – while not required, nominations can be very handsome productions, but this adds to the overall cost.

A preliminary estimate is that a budget of $250,000 to $350,000 would be required, possibly with additional funding for:

• supporting any current or additional committees or groups that may be needed;
• implementation of community/stakeholder consultation;
• expert peer reviews;
• technical support for attribute and boundary mapping;
• development of a management plan or system, if existing management planning or systems are not adequate; and
• development of a tourism management plan, including interpretation, if existing planning is not adequate.
4.2 **Work Plan Required to Progress the Project to the Level Required to be Considered by the State and Federal Government for Tentative Listing**

The Tentative List is a formal part of the overall process for the development of the World Heritage List, especially related to nominations to the List. As noted in the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO World Heritage Centre 2017),

‘A Tentative List is an inventory of those properties situated on its territory which each State Party considers suitable for nomination to the World Heritage List. States Parties should therefore include, in their Tentative Lists, details of those properties which they consider to be of potential Outstanding Universal Value and which they intend to nominate during the following years.’ (Paragraph 62)

‘Tentative Lists are a useful and important planning tool for States Parties, the World Heritage Committee, the Secretariat, and the Advisory Bodies, as they provide an indication of future nominations.’ (Paragraph 70)

Several important points to note are:

- Tentative List submissions are checked for completeness of the documentation, but are not evaluated in terms of the claimed Outstanding Universal Value;
- the submission is usually quite short, perhaps a few pages;
- Tentative List submissions are not meant to be based on a fully developed case for World Heritage listing. There needs to be reasonable expert grounds for believing a property may meet the requirements for World Heritage, but this does not mean absolute certainty is required. Such certainty, or at least greater certainty, only arises through the research to prepare the actual nomination dossier. State Parties have on occasions included properties on the Tentative List which have subsequently been found through such research not to have a good case for Outstanding Universal Value. This is exactly how the Tentative List should operate;
- a property needs to be on the Tentative List for one year before it can be nominated;
- Australia has, over decades, not been able to develop a meaningful Tentative List for many reasons. One of those reasons has been that successive governments have been reluctant to list properties unless the Commonwealth and relevant State or Territory governments were in full agreement. While this is largely a political issue, there is also a technical dimension as the support of Commonwealth, State or Territory heritage authorities is also a factor. This has also sometimes meant that Tentative Listing has only occurred when there has been a full commitment to proceed with a nomination;
- it is noted that South Australia has another likely Tentative List proposal, and other States are also likely to have proposals (eg. Victoria). Tentative Listing is not a competition. State Parties can submit any number of properties, there is no limit. The only limit applies to nominations that can be submitted in any given year – which is one nomination. But recognising that it takes considerable time to develop a nomination, there is actually likely to be no competition between ‘rival’ Australian nominations;
- the development of a Tentative List submission is a relatively small and simple technical/expert task, especially given the reasonable progress with research to date regarding the settlement landscape. However, this can and should be strengthened in certain key areas, as discussed below; and
- the more difficult task may be achieving Commonwealth and State political and expert support.
With regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these things are not outlined, even in a draft form. The previous indications about the boundary will be taken as the likely future boundaries unless alternative information is provided. It should be noted the Tentative List submission does not include or require boundary information. Such information is only provided with the nomination.

Accordingly, further research might usefully:

- strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier;
- refine the understanding of attributes;
- give some indication of possible draft boundaries, noting these are subject to further refinement; and
- develop initial information about likely management implications.

The tasks on OUV and attributes will be inputs to the submission, and the boundary and management implications information will be helpful for stakeholders including governments, their heritage authorities, and the local community.

In order to address the issues noted regarding governments, community and stakeholders, including government heritage authorities, it seems worthwhile developing a strategy to promote understanding and encourage support for the submission.

The work plan to develop the Tentative List submission, taking into account the points made above, is included in Table 5 in the preceding section. A timetable is suggested, targeting 1 February 2021 for submission to the World Heritage Centre. This date has some benefit in case a completed nomination is to be submitted in 2022. However, much depends less of the technical side than on the achieving the support of governments, community and stakeholders. If there are delays or difficulties regarding these sectors, then a later Tentative List submission date is likely.
5. **CONCLUSIONS**

Perhaps the key question underlying this independent expert review is whether there is a good case for seeking World Heritage listing for the Mount Lofty Ranges? The brief answer is – yes, there is a good case. However, to realise this potential, a number of issues will need to be addressed.

With regard to the rationale text, this begins to present the core justification for World Heritage listing in terms which resonate with the purpose, scope, criteria and threshold of the World Heritage List. But this text is, of course, only the start of the justification needed, or rather, it is a brief summary of research already undertaken. The World Heritage nomination would present an extended justification of the proposed Outstanding Universal Value.

Importantly, the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears quite sound at this stage.

The core narrative previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. While at this stage such text looks promising, again much depends on the supporting and detailed justification that can be provided. For example, there is a need to develop text on:

- the broader theme of migration, into which the South Australian example and systematic colonisation can be contextualised;
- the character of non-systematic colonisation;
- the Enlightenment/post-Enlightenment, and the impact on the development of model societies;
- a refined description of the characteristics of systematic colonisation, including the size and variability of sections (farm units);
- an overview of the authoritative historical assessments of systematic colonisation, including whether there is a prevailing consensus about its importance;
- the comparative analysis, especially regarding other examples of systematic colonisation in the world and what landscape evidence exists of these; and
- the analysis related to agricultural innovation.

Brief draft text for two of these aspects is included in the body of the report above.

While the analysis and commentary undertaken presents a generally positive view of the possibilities for World Heritage, albeit with qualifications, it is also worth highlighting there are potential weaknesses and difficulties that may be encountered.

A review of the potential **World Heritage criteria** found:

- the stronger criteria relevant to the proposed property are (ii), (iv) and (vi);
- weaker or more difficult criteria are (iii) and (v), or at least parts of claims that could be made under criterion (v). In the case of (ii), one aspect of the use of this criterion might also be weak – related to the influence on non-British immigrant communities; and
- the criterion which is clearly not relevant is (i).
The report considered the question of the possible name for the property, and proposes the Systematic Colonisation Settlement Landscape of South Australia.

Previously, brief draft justification text or criteria text had been developed against four criteria – (ii), (iv), (v) and (vi). Based on further analysis, this justification text has been revised and is the core of the current draft Outstanding Universal Value for the property. Based on this draft OUV, related attributes have been identified. However, refining the mapping of attributes beyond a broad scale becomes difficult because of the lack of detail about the exact location of attributes. Some general comments about the qualities present in the landscape of the likely property area are provided.

One of the project tasks related to the question of whether the property should be considered a **historic site or cultural landscape**. The technical context is that:
- sites and cultural landscapes can both be large or small in area;
- sites and cultural landscapes can both be single component World Heritage properties or serial properties with multiple components, and, at a practical level, a serial property can contain both sites and landscapes even though it may get classified as just one or other; and
- in formal terms, sites include cultural landscapes because sites are a higher order definition of cultural heritage under the World Heritage Convention.

In this case, the Systematic Colonisation Settlement Landscape of South Australia is clearly a cultural landscape because at its heart it displays the interaction of humans with the environment – an Aboriginal landscape evolved from the natural environment which was then modified by European settlers. The adaptation of an idealised settlement pattern to the local topography, such as the path of water courses, is a simple if clear example of this interaction.

However, it is not yet clear whether the property is best presented as a single component or serial property, and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided above, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (ie. single component or serial) will then emerge.

Initial work was undertaken regarding the **comparative analysis** for the property. Four suggested contexts for the comparative analysis were identified:
- Wakefield systematic colonisation;
- European free migration following the Age of Discovery;
- post-Enlightenment attempts to create a model society; and
- agricultural innovation.

Using this framework, an initial list of potentially comparable properties was identified and analysed, based on a limited review and research.

The **development of the nomination** may be broadly divided into the following stages:
- development of a Tentative List submission, to some extent drawing on the initial tasks below;
- development of the nomination – initial tasks – refine draft Outstanding Universal Value, develop comparative analysis, refine attributes and identify boundaries;
- development of the nomination – later tasks – ongoing refinement of Outstanding
Universal Value, comparative analysis, attributes and boundaries, and development of the remaining parts of the nomination; and

• other important tasks (eg. development of a management plan or system which will be vital to support the nomination).

A preliminary workplan is presented structured according to these stages. Additional comments are also provided regarding the development of a Tentative List submission.
6. **REFERENCES**


Herraman, Anne 2017, From ideas to reality – agricultural settlement in the Mt Lofty Ranges, unpublished paper.


The key focus for the year was an external expert review of the work undertaken to date to inform the next steps, the strength of the bid and future project stakeholders (with whom to engage). The review confirmed that a potential case for World Heritage listing exists, however, further research and analysis is required.

The expert review also considered the Federal Government’s feedback on the National Heritage listing nomination, which acknowledged the depth of the research undertaken for the bid and extent of community support, but noted concerns about the size of the area being nominated and the lack of clear State Government support for the bid.

In response there has been increased focus on engaging with the State Government and specifically the Department of Environment and Water (DEW). Encouragingly, DEW have actively participated in the expert review which has assisted with building mutual understanding and identifying opportunities to refine the bid’s value proposition, or in world heritage terms, the strength and clarity of the ‘statement of significance’. It is anticipated that this will enhance understanding and provide a strong foundation for ongoing engagement with the next goal being to seek the Minister for Environment and Water’s support to put the bid forward for World Heritage listing at a future Council of Australian Governments (COAG) Meeting of Environment Ministers.

This annual report period saw the first full year of the newly elected State Government and changes at key government agencies and departments. Local government elections were also held resulting in some new Mayors and elected members. A federal election was also held with changes ensuing to Federal Government Ministers and departments. The significant political changes are both a challenge and opportunity which will require new relationships to be formed and education on the bid’s rationale and potential benefits to occur.

In conclusion I wish to acknowledge the ongoing support to date of the partnering Councils through the combined efforts of the Project Steering and Management Groups, as well as the efforts of our Project Consultant (whose contract ended in June 2018). It is however noted that the Project governance arrangements will be reviewed in 2019/20. Next year provides an exciting opportunity to take the findings of the expert review forward and to collaborate with the State Government in progressing our bid. In this regard it is noted that DEW is pursuing a new Heritage Tourism agenda to which the World Heritage bid could be a major contributor in attracting tourists to Adelaide and our region. Lastly I wish to acknowledge the community’s increasing appreciation for the outstanding and universal values of the cultural landscape of our Mount Lofty Ranges region and I look forward to progressing our bid in 2019/20.

Mayor Jan-Claire Wisdom
Chair - Project Steering Group
ABOUT THE BID

INTRODUCTION

Mount Lofty Ranges World Heritage Bid spans the renowned food, wine and tourism regions of the Barossa Valley, the Adelaide Hills, McLaren Vale, the Clare Valley, and the Fleurieu Peninsula. The Adelaide Hills, Alexandrina, Barossa, Mt Barker, Onkaparinga, Yankalilla, Clare and Gilbert Valleys, Light Regional, Mid Murray and Mitcham councils are collaborating with Regional Development Australia Barossa and Global Food Studies at the University of Adelaide to pursue World Heritage listing with the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

The bid for World Heritage listing seeks to encourage the identification, protection, preservation and promotion of cultural and natural heritage around the world that is considered to be of outstanding value to humanity. Our bid process has a core ambition to promote collaboration between all tiers of government and the private sector to deliver real and lasting cultural, environmental and economic benefits to the region.

We are pursuing listing for the heritage values associated with a ground-breaking 19th century model of colonisation. South Australia was the first place in Australia to be planned and developed by free settlers without the use of convict labour, and possibly the first place in the world to apply the ‘systematic colonisation’ model developed by Edward Gibbon Wakefield, John Stuart Mill, Jeremy Bentham and members of the British-based ‘National Colonisation Society’.

According to Wakefield, it was ‘the first attempt since the time of the ancient Greeks to colonise systematically’. The region’s links to this unique philosophical movement of universal significance, and the continuing reflection of utopian ideals in the contemporary landscape form the basis of the World Heritage bid. It is acknowledged that the colonisation story is not one which sits comfortably with the region’s Aboriginal groups and to date the Project Management Group has engaged with some of them in order to explore the opportunity to tell their side of the colonisation story.

It is noted that on 30 November 2017 representatives of the three Kaurna Aboriginal Groups signed a Statement of Support for the World Heritage Project. As Lynette Crocker, a Kaurna Aboriginal Elder stated at the aforementioned event, “This project enables truth telling and provides an opportunity for us to tell our side of the colonisation story.” “We are putting our signature on this document so that we can walk this journey together. This becomes part of the healing of our community and helps us understand our place and where we belong.” The potential World Heritage area is yet to be defined and could include exemplary sites within the region stretching from the Fleurieu Peninsula in the south to the Clare Valley in the north.
As previously reported the nomination for the National Heritage List (NHL) was submitted in February 2017. Unfortunately the nomination was not included on the list of new places for the Australian Heritage Council (AHC) to assess in the 2017-18 assessment period.

The nomination was automatically reconsidered in the 2018 round but regrettably was again unsuccessful with only two bids selected for progression. This decision does not prevent the same or an amended nomination being made again in the future.

As reported in the last annual report Federal heritage staff see merit in the proposal and have indicated that work on the World Heritage bid can continue and run concurrently with any NHL bid. In fact, to facilitate a faster World Heritage nomination research process the Federal government now promotes a ‘partnership’ approach with proponents themselves encouraged to assist with research and documentation, a task previously the sole responsibility of the government.

Accordingly, work on the World Heritage bid continues including ongoing advocacy (in particular with the State government), community engagement where appropriate and specialist research. This process will also require consideration of longer term governance arrangements and potential corporate involvement.
GOVERNANCE

MEMORANDUM OF UNDERSTANDING

An initial step in the World Heritage Bid project was the creation of a Memorandum of Understanding (MoU) which confirmed the support/buy-in from those Councils that supported the project. The initial MoU between Adelaide Hills, Barossa, Mount Barker and Onkaparinga councils was subsequently amended to include Alexandrina and Yankalilla councils.

In broad terms the MoU addressed project ownership and objectives; project deliverables, timelines, roles and responsibilities; budget, financial administration, project partners, reporting arrangements; and operational issues such as media management, releases and interactions between partners and stakeholders.

The MOU contained no provision for extension and therefore expired on 13 June 2018, five years after coming into effect.

The MOU also established a specific project oriented governance structure. Despite the MOU expiring, project management and activities continued during 2018/19 as indicated below. Note that a new governance arrangement will be explored in order to progress this iconic project.

PROJECT STEERING GROUP

The Project Steering Group (PSG) which comprised Mayors and CEOs of the participating Councils met once, in May 2018. At that meeting the PSG discussed future resourcing and management options for the project, acknowledging the imminent expiry of the MOU; the expiry of the contractual arrangement with the then Project Consultant on 30 June 2018; and also the fact that the Feasibility Study (2012) did not envisage council funding being required beyond Stage 1.

The PSG agreed that an external review of the project be undertaken to refine the project ‘narrative’, to validate the work undertaken to date, and to confirm that a strong case for listing exists. In addition the PSG resolved to pursue further discussions with the State Government to jointly manage a resource to progress the project to the next level.

PROJECT MANAGEMENT GROUP

The Project Management Group (PMG) was responsible for governance, management and progression of the project bids. This group is comprised of nominated staff representatives of each council, a representative of RDA Barossa, Adelaide University and, until end June 2018, the Project Manager.

Despite the expiry of the MOU members of the PMG continued to meet as required to monitor and manage ongoing projects and actions, and to ensure ongoing advocacy with State government officials in particular. Meetings were held as follows:

- 27 August 2018
- 5 November 2018
- 6 March 2019
- 24 May 2019
- 24 June 2019
GOVERNANCE

PROJECT MANAGER/CONSULTANT

Given the current status of the project it was determined that the contractual arrangement with the Project Consultant, Stephanie Johnston, was no longer required and came to an end on 30 June 2018. The PMG and representatives of non-member Councils expressed their appreciation and gratitude to Stephanie for her commitment and dedication to the project including many pro-bono hours that she committed to the World Heritage Bid project over the previous seven years, including prior to the formal bid project being instigated.

ADVISORY GROUP

The six advisory groups established in April 2014 did not meet during the reporting period. The future role and function of the groups will be reviewed in the context of any future governance structure review.
ENGAGEMENT, COMMUNICATIONS AND ADVOCACY

EVENTS

• Attendance at ICOMOS networking drinks which were attended by the Australia ICOMOS executive committee, SA ICOMOS members and Adelaide heritage networks including Department of Environment and Water staff from the heritage section and South Australian Heritage Council members

• Joint sponsorship (in conjunction with Jacob’s Creek) of “Jeremy Bentham, New South Wales and the South Australian experiment” presented by The Selden Society at the Hetzel Theatre, State Library of South Australia on 10 July 2018

• In-kind support for “The radical ideas that created South Australia”, Tim Causer in conversation with Stephanie Johnston, presented by Adelaide Festival of Ideas, at Bradley Forum, Hawke Building, UniSA City West Campus on 13 July 2018

PRESENTATIONS

• Stephanie Johnston presentation to the national Australia ICOMOS executive committee in Adelaide, 18 May 2018

• Stephanie Johnston presentation of paper titled ‘History at the landscape scale: Building the case for world heritage listing of the Mount Lofty Ranges’ at the Australian Historical Association’s Conference, 2 - 6 July 2018

ADVOCA CY

Meetings

Project Management Group members continued to advocate for the project during informal discussions with members of various stakeholder groups but no formal advocacy meetings were held during the reporting period.

Letters

• Submission on Environment Resources and Development Committee’s Inquiry to the Heritage System (Note: Mr Adrian Pederick MP, Presiding Member subsequently acknowledged receipt of the submission, extending best wishes for the project endeavours)

• Letter was received from Minister for Environment and Water, the Honourable David Spiers, which was a letter of encouragement for the progression of the bid and undertaking of the independent expert review.

Aboriginal Group Agreement

Engagement with the Aboriginal peoples and nations within the project region is very important for the progression of the bid and is one of the requirements of the UNESCO World Heritage Convention. It also presents an opportunity for these Aboriginal groups to tell their side of the colonisation story and move towards reconciliation and healing for these groups. As previously reported a Statement of Support was signed by the three Kaurna groups (the Kaurna Nations Cultural Heritage Association Inc., the Kaurna Yerta Aboriginal Corporation and the Kaurna Warra Karrpanthi Aboriginal Corporation) on 30 November 2017. Engagement with the other Aboriginal groups within the project region is required to hopefully achieve the same outcome and to help secure benefits from the project for these groups.

Corporate Sponsorship

A sponsorship agreement was previously prepared to enable appropriate transparency and governance in the event of corporate sponsorship being offered, and an agreement to provide in kind support of $10,000 over the 2017/2018 financial year was signed with Pernod Ricard Winemakers. This was extended through to the end of the 2018 calendar year, and subsequently extended to June 2019.

Newsletters

No newsletters were sent out during the reporting period. However, a Summer newsletter will be distributed to the project’s database in late 2019.

PROJECTS

Digital Knowledge Bank

In early 2018 the project team successfully applied for a $40,000 Building Better Regions Fund (BBRF) matched grant to establish a digital knowledge platform (a website based central repository of project information) for strategic planning and knowledge sharing of the World Heritage bid project. At its meeting in February 2018 the PSG agreed to allocate $20,000 of consortium funds to the DKB project. Subsequently
the Centre for Global Food Studies at the University of Adelaide, Light Regional, Clare and Gilbert Valleys and Mid Murray Councils all agreed to financially contribute to the project, enabling the consortium councils to match the $40,000 BBRF grant funding.

Adelaide Hills Council as the eligible Grantee took the lead and assumed full responsibility for the execution and delivery of the project on behalf of the other funding parties. The project formally commenced in April 2018 with Dialog Information Technology engaged in August 2018 to undertake the project. The project was completed in March 2019 and the DKB website/portal will be accessible by the public in late 2019 when the front end website, which is currently under development, is completed.

Independent Student Review

Simon Marek, a student at the University of Adelaide, assisted with the Digital Knowledge Bank project as part of his university internship. In association with this he undertook a review of the World Heritage bid project itself. His report, based on conversations with key people and a review of the data around national and world heritage bids, will be used to inform further development of the bid. His key findings were as follows:

- The National Heritage bid document is very detailed and would benefit from additional refinement
- Geographical area is large and needs further boundary definition
- Identifying and describing the uniqueness of the story is key
- Boundaries – guidelines have changed in this regard and the boundary becomes less important if you have a clear set of values
- Comparative Analysis – not many around, however there are similar examples in New Zealand which should be looked at to prove whether we are exemplary, and
- Prioritise consultation with the State Government

Independent World Heritage Expert Review

Following receipt of advice that the nomination for National Heritage listing had not been shortlisted for further consideration, the PSG in May 2018 recognised that the development of both National and World Heritage listing nominations is an iterative process of debate, research and refinement with input and guidance from heritage experts. However, the PSG also noted that the project has always been funded on the basis that there is a World Heritage case and after seven years of research and discussion, it was time to assess the strength of that case. The PSG determined that the project had reached a point where an independent review and consolidation of where the project ‘sat’ would greatly assist in informing both the next steps and who the future project stakeholders are.

In February 2019 a contract was awarded to Duncan Marshall (B.Arch (Hons) BA MICOMOS) and Dr Jane Lennon AM (MICOMOS) to undertake the review and to present a report that clearly communicates the rationale for the Mount Lofty Ranges World Heritage proposal and to outline the work required to progress the project to the level required to be considered by the State and Federal Government for Tentative Listing.

In particular the expectation was for the report to assist with:

- the preparation of a clear narrative and core message for the bid
- clarifying which National Heritage criteria the nomination should focus on
- identifying which World Heritage criteria are best addressed to match that narrative
- identifying research gaps, potential comparative sites and key exemplar sites within the nomination area
- refine and confirm the Mount Lofty Ranges NHL bid boundary

The consultants presented their final report in June 2019, concluding that the core of the current rationale for pursuing a World Heritage listing for parts of the Mount Lofty Ranges reflecting the 19th century model of systematic colonisation appears sound at this stage and importantly that there is a good case for seeking World Heritage listing. However, a number of issues were identified that will need to be addressed.
The report concludes that the core narrative previously developed is helpfully structured according to the World Heritage criteria and contains key text which also speaks clearly to the possibility of World Heritage value or Outstanding Universal Value. It notes that while at this stage such text looks promising, again much depends on the supporting and detailed justification that needs to be provided.

The report also considered the question of the possible name for the ‘property’, and proposed the “Systematic Colonisation Settlement Landscape of South Australia”. The report noted that it is not yet clear whether the property (i.e. the region) is best presented as a single component or serial property (i.e. exemplary sites within the region), and the scale of the property is also not yet established. Once the values and attributes are clear, and drafts of these are provided below, then these can be mapped, their integrity and authenticity assessed, and boundaries can be developed. The scale and character of the property (i.e. single component or serial) will then emerge.

The report advises that with regard to what further research is needed to support the development of the Tentative List submission, in one sense it might be possible to proceed with a submission based on current information. However, in practical terms stakeholders and the local community will probably be keen to know the likely boundaries and management implications, and the submission may trigger criticism if these matters are not outlined, even in a draft form.

A detailed suggested work plan was included in the report including further required research to:

• strengthen the understanding of Outstanding Universal Value as much as possible, noting this task will continue through the development of the nomination dossier
• refine the understanding of attributes
• give some indication of possible draft boundaries, noting these are subject to further refinement, and
• develop initial information about likely management implications.

The report will be presented to project partners in late 2019 to determine the next steps. The report will also be presented to the State Minister for Environment and Water seeking a letter of support and collaboration to progress the World Heritage bid.
The bid process is at a crucial point in terms of State and Federal Government advocacy, planning for Stage 2, investigating governance arrangements, potentially seeking external funding and establishing new alliances and partnerships.

A key conclusion drawn by the project partners, in consideration of the independent review and government feedback, is that State Government support is now critical if the bid is to progress. Gaining this support will be a key focus in 2019/20.
4.5.2  CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.1  WILLIAMSTOWN, LYNDONCH LANDCARE GROUP INC.
B2791, 19/58704
Minutes of the Williamstown, Lyndoch Landcare Group Inc. meeting held
25 September 2019, are attached for information.

RECOMMENDATION:
That report items 4.5.2.1 be received.
Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose General Meeting

Prepared by Tina Woods Phone No. 0421 616 444

Location Council Rooms,
29 Barossa Valley Way, Lyndoch,
SA 5351 Date/Time 29 September 2019, 19.30 – 20.45

Attendees Tracy Sinclair Don Wegener
Tina Woods Shirley Wegener
Mick Kobryn
Diana Dancer
Elke Wiese (Chair)
Joerg Wiese

Distribution All current & life members and Chris Kruger, Executive Assistant, Development and Environmental Services, The Barossa Council

File 20190925_GeneralMeetingMinutes.docx

<table>
<thead>
<tr>
<th>Item</th>
<th>Action by</th>
<th>Date Due</th>
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<tbody>
<tr>
<td>1 Meeting Opened 7.35pm</td>
<td></td>
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<tr>
<td>2 Apologies – Pam Cross, Angus Atkinson, Rod Baker, Carol Green, Brian Green, Noreen Walton, Eric Walton, Margaret Teskey, Brian Teskey and Di Baker.</td>
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<tr>
<td>3 Minutes of previous Meeting held 28 August 2019 – Accepted Moved by Tracy Sinclair, seconded by Shirley Wegener – Carried Noting missing ACTION: Contact Friends of Parks to understand the fee structure and bring to next meeting for consideration/vote – Tracy Sinclair</td>
<td></td>
<td></td>
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<tr>
<td>4 Business Arising last meeting: Actions now closed: ACTION: Contact Friends of Parks to understand the fee structure and bring to next meeting for consideration/vote. Update: • Tracy Sinclair advised that the membership is a fee of $15/year for the club. Benefits of membership then available to all who volunteer 40 hrs or more annually. ACTION: Advise Regina Warne (Student at UniSA (Roseworthy Campus)) the date of the Open day (15 September). ACTION: Complete Centre Link form to register to record volunteer hours Update: • Tracy Sinclair advised that Land care group were already registered with Centre Link therefore a new application was not required.</td>
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### Meeting Minutes

**ACTION:** Inspect and repair if needed section of damaged fence as advised by Mr Cricelly (the middle fence).

**Update:** The worst section of the damaged fencing has now been repaired – see further notes in Correspondence.

### Actions still open:

<table>
<thead>
<tr>
<th>ACTION</th>
<th>Responsible</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>ACTION:</strong> Follow up with <strong>Friends of Para Wirra Conservation Park</strong> for possible joint Working Bee. Tracy Sinclair and Angus Atkinson to visit Friends of Para Wirra Conservation Park.</td>
<td>T Sinclair/ A Atkinson</td>
<td>27/Nov/19</td>
</tr>
<tr>
<td><strong>ACTION:</strong> Seed Collection List- Brian Green to prepare a list of target plants for seed collection and the appropriate time of year for collection so this can be incorporated into the relevant working bees.</td>
<td>B Green</td>
<td>23/Oct/19</td>
</tr>
<tr>
<td><strong>ACTION:</strong> Mistletoe – Mistletoe Action Plan completed and submitted to Council for approval Chris Kruger. Follow up approval.</td>
<td>A Atkinson (to follow up)</td>
<td>23/Oct/19</td>
</tr>
<tr>
<td><strong>Update:</strong> Native Vegetation Council project clearance has been given and the final approval document has been sent to Barossa Council for signatures at the meeting on the 15 October (via Chris Kruger)</td>
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<tr>
<td><strong>ACTION:</strong> Seed Collection Sample Plan – Pam Payne (Barossa Bush gardens) is drafting a sampling plan for seed collection from the Reserve, which will require approval by The Barossa Council and the Williamstown &amp; Lyndoch land care Group Inc. prior to collection.</td>
<td>Pam Payne</td>
<td>When ready</td>
</tr>
<tr>
<td><strong>Update:</strong> Tracy Sinclair discussed with Pam Payne. Pam suggested she would come to a Thursday working bee to discuss her plan with those present.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACTION:</strong> Purchase <strong>$30 Mitre 10 voucher</strong> and send letter of thanks to Trevor Wilksca, local grape grower, assisted Rod in transporting the liner to site and with its installation</td>
<td>T Sinclair</td>
<td>29/09/19</td>
</tr>
<tr>
<td><strong>Update:</strong> Voucher had not been purchased by Don Wagner, so Tracy Sinclair volunteered to purchase and pass on to Rod Baker, with thank you letter, to give to Trevor Wilksca.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ACTION:</strong> Follow up with suppliers to determine an estimate of costs for new <strong>directional signs</strong>. Estimate to be brought to next meeting for consideration.</td>
<td>A Atkinson</td>
<td>23/10/19</td>
</tr>
</tbody>
</table>
New Actions from Business Arising this meeting:

**ACTION:** Apply for membership of Friends of Parks.  
T Sinclair  27/11/19

**ACTION:** Investigate costs of advertising in the local Barossa and Gawler papers.  
A Atkinson  27/11/19

**ACTION:** Determine costs to reprint new Reserve Brochures.  
T Woods  27/11/19

**ACTION:** Obtain signatures for the license for the use of the Council Meeting Hall.  
A Atkinson  23/10/19

**ACTION:** Install larger labelling to the Donation Box at the Container.  
Don Wegner  27/11/19

5 Correspondence:
In:
- 11/09 – Email Ashleigh Gade (Barossa Council) – Re Cricelly Block. Under current Development Plan and the Development Act limited action that Council can take.
- The Licence for the use of the Council Meeting Hall. Document has been received for the next 3 years (nominal rent of a $1, if requested by Council).

Out:
- 08/09 – Email to Ashleigh Gade (Barossa Council) – Re Cricelly Block.

6 Chair Report:
- Nothing to report

7 Treasurers Report – as presented by Joerg Wiese:
Joerg advised the meeting that the books have undergone a successful Audit. Moved by Tina Woods, seconded by Tracy Sinclair – Carried.

- Monthly Income & Expenditure – for month since last General Meeting

<table>
<thead>
<tr>
<th></th>
<th>AUG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Brought Forward</td>
<td>13,753.28</td>
</tr>
<tr>
<td>Income</td>
<td>101.17</td>
</tr>
<tr>
<td>Expenses</td>
<td>150.00</td>
</tr>
<tr>
<td>End Month Balance</td>
<td>13,704.45</td>
</tr>
</tbody>
</table>
Meeting Minutes

- **Account Balances** – for month since last General Meeting

<table>
<thead>
<tr>
<th></th>
<th>AUG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration</td>
<td>1,010.75</td>
</tr>
<tr>
<td>Credit Union Share</td>
<td>2.00</td>
</tr>
<tr>
<td>Project No.2 (Altona)</td>
<td>12,691.70</td>
</tr>
<tr>
<td><strong>Total End Month Balance</strong></td>
<td><strong>13,704.45</strong></td>
</tr>
</tbody>
</table>

8 **Publicity:**
- The publicity at the Lyndoch monthly market proved very successful at increasing visibility of the land care group and the Open Day
- Diana Dancer published photographs of the Open Day to Facebook
- All thought that publicity could be increased generally, looking at investigating costs of advertising in the local Barossa and Gawler papers.

9 **General Business:**
- **Open Day 2019** – Although low key, considered a successful day with 51 visitors to the Reserve. Elke and Joerg Wiese donated cost of the cakes. Overall Income from event was $186.80. Net profit approximately $117 (petty cash still needs to be reconciled).
- **Future Open Days** – Don Wegener proposed that future Open Days be held every 2 years, and these would be larger events, with more publicity and inclusion of other groups. Therefore, next Open day being in 2021.
  Moved by Don Wegener, seconded by Joerg Wiese – Carried.
- **Reserve Brochures** – Don Wegener pointed out that the current Reserve brochures were old and contained the wrong information of the length of the walking trails – new brochures were therefore required.
- **Friends of the Parks, SA** – Tracy proposed that land care apply for membership of Friends of the Park. Once membership accepted then 5 years membership is paid for. Tracy Sinclair volunteered to donate to land care the $75 required for the membership.
  Moved by Tracy Sinclair, seconded by Don Wegener – Carried.
- **Cricelly Block.** Joerg provided group update that he had contacted the Council regarding the Cricelly block and fencing repairs. He had since referred the matter to the Native Vegetation Council who will discuss with Mr Cricelly a Grazing Management Plan which will require a stock safe fence
- **Photographs.** Diana Dancer advised the meeting that now when she is taking the record photographs at the set photo points, she is seeing no change. She believes it is now more important to record the Reserve events. She proposed that the frequency of taking the record photos from the photo points is decreased to every 5 years.
  Moved by Diana Dancer, seconded by Joerg Wiese – Carried.
- **Working Bee with Barossa Bush Gardens.** All thought that a working bee with the Barossa Bush Gardens would be worthwhile after Summer.

- **Donation Box at Container** Tracy Sinclair suggested more visible labelling be provided to the donation box at the container as she felt that it was not obvious that there was a donation box.
  
  Moved by Tracy Sinclair, seconded by Elke Wiese – Carried.

**10 Next Meeting** – Wednesday 23 October 2019, 7.30pm Council Rooms, Lyndoch.

- **Apologies for next meeting.** Tina Woods, Tracy Sinclair, Don and Shirley Wegener all provided advance notice of their apologies for the next meeting. Angus Atkinson will take the minutes.

**11 Meeting Closed** 8.45pm.
4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1 FOOD RECALLS
B9106
Consumer Level recalls were monitored for:

- Gluten Free Vegan Mac N Cheez original cheez flavour and Gluten Free Vegan Mac N Cheez cheez n chive flavour
- Conroy’s Pastrami
- Community Co Pink Himalayan Salt Grinder 115gm, Community Co Black Pepper Corn Grinder 50gm and Community Co Sea Salt Grinder 115gm
- Flagstaff Fine Foods frozen meals

RECOMMENDATION:
That the report item 4.5.3.1 be received.
4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.2 FOOD PREMISES INSPECTIONS

During the month of September 2019 the following food businesses were inspected for their compliance with the Food Act 2001.

- Salters Kitchen - Routine inspection
- Dai Hiro Sushi Pty Ltd – Routine inspection
- Weintal Hotel – Routine inspection
- Valley Hotel – Routine inspection
- Vietnam Valley Restaurant – Routine Inspection
- Lagana Brothers IGA – Routine inspection

RECOMMENDATION:
That the report items 4.5.3.2 be received.
4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.3 2018/2019 ANNUAL ENVIRONMENTAL HEALTH REPORT UNDER THE SA PUBLIC HEALTH ACT 2011
B926

As per the provisions of the SA Public Health Act 2011 Council is required to submit a report outlining its Environmental Health activities for the previous financial year.

Following consultation with the Local Government Association (LGA) and the Environmental Health Managers Forum (EHMF), SA Health developed a new environmental health annual reporting proforma. Its intention is to collect important information on workforce, activities, compliance, administration and enforcement of the South Australian Public Health Act 2011 (the Act) and its regulations and will:

- Monitor administration of the Act
- Identify trends in compliance and enforcement
- Provide the basis for future indicator development
- Assist in the identification of gaps in legislation
- Identify support required by agencies administering the Act

Whilst SA Health have informed that every effort has been made to minimise the work required to prepare the reports, it did require a review of Council’s pre-existing Customer Request Management (CRM) environmental health categories to better align with the State’s annual reporting proforma.

The information collected in this way by SA Health will be used to assess trends and direct policy and service provision. Data obtained from reports will be used to inform the State Public Health Plan and the Chief Public Health Officer’s Report, particularly in the priority area of sustaining and improving public and environmental health protection.

Please note that the proforma does not allow for removal of sections or tables that are not applicable to The Barossa Council, or where there is no information to provide and so they have been left blank (which can be confusing to the reader).
A copy of the 2018/2019 annual report (refer attached) was submitted to SA Health by the 30 September 2019 deadline and a copy is now put before Council for general information.

**RECOMMENDATION:**
That report item 4.5.3.3 be received.
The aim of this report is to assist the Minister for Health and the Chief Public Health Officer and their delegates to perform their functions under the following sections of the South Australian Public Health Act 2011:

s17(1) The Minister's functions in connection with the administration of this Act include the following (to be performed to such extent as the Minister considers appropriate):
(a) to further the objects of this Act by taking action to preserve, protect or promote public health within the State;
(b) to promote proper standards of public and environmental health within the State by ensuring that adequate measures are taken to give effect to the provisions of this Act and to ensure compliance with the Act.

s21(1) The Chief Public Health Officer's functions are as follows:
(b) to ensure that the Act, and any designated health legislation, are complied with;

s23(1) The Chief Public Health Officer is required to prepare a written report every 2 years about—
(a) public health trends, activities and indicators in South Australia

It is requested that all councils complete and submit this report by 30 September 2019.

When completing this report, please add rows to tables as necessary.

Please submit your completed report by 30th September 2019 in electronic copy emailed to:

HealthProtectionPrograms@sa.gov.au
1 ENVIRONMENTAL HEALTH WORKFORCE

1.1 Authorised officers (s44)
Please provide a list of all persons currently authorised by the authority pursuant to s44 of the Act on 30 June 2019 in the following format. This is requested to confirm that the Chief Public Health Officer’s notification register is up to date.

<table>
<thead>
<tr>
<th>Authorised officer’s full name</th>
<th>Employment type (PFT, PPT, CE or CNE)</th>
<th>Date authorised</th>
<th>Approved qualification number</th>
<th>Environmental health experience (years/months)</th>
<th>Average EH hours per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steve Carroll</td>
<td>PFT</td>
<td>19 March 2014</td>
<td>1 &amp; 6</td>
<td>34 years 3 months</td>
<td>38</td>
</tr>
<tr>
<td>Karen Watson</td>
<td>PFT</td>
<td>19 March 2014</td>
<td>8</td>
<td>9 years 7 months</td>
<td>38</td>
</tr>
<tr>
<td>Joel Bray</td>
<td>CE</td>
<td>19 March 2018</td>
<td>8</td>
<td>3 years 9 months</td>
<td>38</td>
</tr>
</tbody>
</table>

Notes:


Approved qualification number: Please refer to the list of approved qualifications for the appointment of local authorised officers.

Average EH hours: Please indicate the average number of hours the individual spends working on environmental health related tasks and activities (including food safety, administrative, strategic, management and policy related tasks) for council per week.

1.2 Were any environmental health positions vacant on 30 June 2019?

✓ No – proceed to section 1.3

☐ Yes – complete the table below

Please provide information on all authorised officer positions vacant on 30 June 2019 in the following format.

<table>
<thead>
<tr>
<th>Position title</th>
<th>Employment type (PFT, PPT, CE or CNE)</th>
<th>Average EH hours per week</th>
<th>Term of contract (if applicable)</th>
<th>Duration position has been vacant</th>
</tr>
</thead>
</table>

1.3 Any additional comments relating to environmental health workforce
2.1 Were any section 92 notices issued under the Act during the reporting period?

☐ No – proceed to section 2.2

✓ Yes – proceed to section 2.1.1

2.1.1 In total, how many section 92 notices were issued during the reporting period (not including preliminary notices).

2

2.1.2 Please provide a summary of the matters that section 92 notices were issued to deal with.
Clandestine drug lab, Public pool free chlorine above 10mg/L.

2.1.3 Was action taken on non-compliance with any section 92 notices issued (s.93)?

☐ No – proceed to section 2.1.4

✓ Yes – complete the table below

<table>
<thead>
<tr>
<th>Details of action taken</th>
<th>Costs recoverable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council arranged and paid for clandestine drug contamination testing of house on behalf of property owner.</td>
<td>$6,513.10</td>
</tr>
</tbody>
</table>

2.1.4 Were any expiation notices issued or prosecutions commenced for failure to comply with a section 92 notice (s.92.10)?

✓ No – proceed to section 2.1.5

☐ Yes – complete the tables below

<table>
<thead>
<tr>
<th>Expiation notices issued</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date expiration notice issued (when)</td>
<td>Details of the failure to comply</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prosecutions commenced</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Date prosecution commenced (when)</td>
<td>Details of the failure to comply</td>
</tr>
</tbody>
</table>

2.1.5 Were any section 92 notices reviewed or appealed (s.95-96)?

✓ No – proceed to section 2.1.6

☐ Yes – complete the table below

<table>
<thead>
<tr>
<th>Review or appeal?</th>
<th>Summary of findings/outcome of review or appeal</th>
</tr>
</thead>
</table>

2.1.6 Any additional comments relating to section 92 notices issued
2.2 Were any expiation notices issued or prosecutions commenced for material or serious risks to public health during the reporting period?

✓ No – proceed to section 2.2.4

☐ Yes – complete tables 2.2.1 - 2.2.3 below

Please provide details on all expiation notices issued and prosecutions commenced by the authority on persons causing material or serious risks to public health between 1 July 2016 and 30 June 2017 in the following format.

2.2.1 s57 – Material risk to public health – expiation notices issued ($750)

<table>
<thead>
<tr>
<th>Date notice issued (when)</th>
<th>Details of the material risk to public health (what)</th>
<th>Was the expiation notice paid, withdrawn or did the recipient elect to be prosecuted?</th>
</tr>
</thead>
</table>

2.2.2 s57 – Material risk to public health – prosecutions

<table>
<thead>
<tr>
<th>Date of offence</th>
<th>Person prosecuted (who)</th>
<th>Details of the material risk to public health (what)</th>
<th>Details and outcome of prosecution</th>
</tr>
</thead>
</table>

2.2.3 s58 – Serious risk to public health – prosecutions

<table>
<thead>
<tr>
<th>Date of offence</th>
<th>Person prosecuted (who)</th>
<th>Details of the serious risk to public health (what)</th>
<th>Details and outcome of prosecution</th>
</tr>
</thead>
</table>

2.2.4 Any additional comments relating to material or serious risks to public health
2.3 Were any other expiation notices issued or prosecutions not previously covered commenced for breaches of the Act during the reporting period?

✓ No – proceed to section 2.4

☐ Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Section</th>
<th>Type</th>
<th>No. of expiations issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>46(4)</td>
<td>Authorised officer identity card – failure to surrender</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47(6)</td>
<td>Hindering or obstructing an authorised officer</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49(2)</td>
<td>Failure to provide information</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>92(11)</td>
<td>Hindering or obstructing a person complying with a notice</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Provision of false or misleading information</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>102</strong></td>
</tr>
</tbody>
</table>
2.4 South Australian Public Health (General) Regulations 2013

2.4.1 How many known premises with public pools and/or spas are there in your council area?
30

2.4.2 Please complete the table below to indicate routine inspections of public pools and spas conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of water borne illness.

<table>
<thead>
<tr>
<th>Type of public pool</th>
<th>No. of known public pools and spas in council area. Please count each pool separately at premises with more than one pool.</th>
<th>No. of pools inspected at least once for compliance</th>
<th>Please provide details of any regularly encountered non-compliance issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming pool</td>
<td>29</td>
<td>21</td>
<td>Chlorine not within range – Daily chemical checks not being undertaken – Pool test kits not adequate – Auto dosing equipment not being serviced.</td>
</tr>
<tr>
<td>Spa pool</td>
<td>10</td>
<td>4</td>
<td>Lack of auto dosing equipment at B&amp;Bs – obtaining access to B&amp;Bs.</td>
</tr>
<tr>
<td>Hydrotherapy pool</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Waterslide</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1</td>
<td>Interactive water feature.</td>
</tr>
<tr>
<td>Totals</td>
<td>40</td>
<td>26</td>
<td></td>
</tr>
</tbody>
</table>

2.4.3 Were any expiation notices issued or prosecutions commenced under the General Regulations during the reporting period?

✓ No – proceed to section 2.4.4

☐ Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Type</th>
<th>No. of expiations issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Control of waste on premises</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8(6)</td>
<td>Public swimming pool requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9(7)</td>
<td>Public spa pool requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Obligations of public</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

2.4.4 Please provide feedback for consideration in relation to the review of the South Australian Public Health (General) Regulations 2013

Perhaps address the issue of training for pool operators. Many have no formal training but are relying on experience gained or ‘on the job’ training by another member of staff. Barossa Council feels that training should be mandatory for swimming pool operators.

2.4.5 Any additional comments relating to the South Australian Public Health (General) Regulations 2013

2.4.6 Are there any unregulated interactive fountains or water play areas using recirculated water within your council area?
2.5 South Australian Public Health (Wastewater) Regulations 2013

2.5.1 Were any applications for wastewater works approvals received during the current or previous reporting periods?

☐ No – proceed to section 2.6

✔ Yes – complete the table below

<table>
<thead>
<tr>
<th>No. of pending applications carried over from the previous reporting period</th>
<th>Number of new applications received during the reporting period.</th>
<th>No. of applications approved</th>
<th>No. of applications refused</th>
<th>No. of applications pending a decision</th>
<th>No. of inspections undertaken by an authorised officer in relation to wastewater works approvals</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>217</td>
<td>205</td>
<td>0</td>
<td>6</td>
<td>557</td>
</tr>
</tbody>
</table>

2.5.2 Do you keep a wastewater works approval register compliant with the requirements of regulation 27 of the Wastewater Regulations?

☐ No

✔ Yes
2.6 South Australian Public Health (Legionella) Regulations 2013

2.6.1 How many cooling towers are registered in your council area? Please provide the number of individual towers even when they are part of a single cooling water system.

2.6.2 Please complete the table below to indicate inspections of high risk manufactured water systems conducted during the reporting period to confirm compliance with the regulations and to minimise the incidence of Legionellosis.

<table>
<thead>
<tr>
<th>Type of registered system</th>
<th>No. of systems on council’s register</th>
<th>No. of systems inspected at least once for compliance by an authorised council officer. Reg. 15(1)</th>
<th>No. of systems inspected at least once for compliance by an independent competent person. Reg. 15(2)</th>
<th>No. of follow-up inspections by an authorised officer due to non compliance issues</th>
<th>No. of additional inspections due to complaints and disease investigations</th>
<th>Total no. of inspections conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooling water systems*</td>
<td>43</td>
<td>43</td>
<td>43</td>
<td>2</td>
<td>2</td>
<td>45</td>
</tr>
<tr>
<td>Warm water systems</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>45</td>
<td>45</td>
<td>2</td>
<td>2</td>
<td>45</td>
</tr>
</tbody>
</table>

* A cooling water system may include an individual cooling tower, or a number of interconnected cooling towers that utilise the same recirculating water.

2.6.3 Please provide details of any regularly encountered HRMWS compliance issues.
2.6.4 Were any expiation notices issued or prosecutions commenced under the Legionella Regulations during the reporting period?

✔ No – proceed to section 2.6.5

☐ Yes – complete the table below

Please provide details on all expiation notices issued and prosecutions commenced by the authority during the reporting period.

<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Type</th>
<th>No. of expiations issued</th>
<th>No. of prosecutions commenced</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>5(2)</td>
<td>Unregistered system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6(4)</td>
<td>Notification of change to registration particulars.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6(5)</td>
<td>Notification of permanent decommissioning or removal</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Automatic biocide dosing device</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8(1)</td>
<td>Drift eliminators</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Commissioning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10(1)</td>
<td>System plans</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10(3)</td>
<td>Operation and maintenance manuals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Operation and maintenance by a competent person</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Maintenance of cooling water system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Maintenance of warm water systems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14(1)</td>
<td>Log books</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14(2)</td>
<td>Retain log books</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17(1)</td>
<td>Failure to shut down or decontaminate system</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17(2)</td>
<td>Reporting of notifiable results within 24 hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18(4)</td>
<td>Contravention of a condition of a determination or approval</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>False or misleading statement</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>N/A</strong></td>
</tr>
</tbody>
</table>
2.6.5 Were any notices issued under the Legionella Regulations during the reporting period?

☐ No – proceed to section 2.6.6

✔ Yes – complete the table below

<table>
<thead>
<tr>
<th>Reg. No.</th>
<th>Notice type</th>
<th>No. of notices issued</th>
<th>No. of notices complied with by specified date/time</th>
<th>No. of notices not complied with by specified date/time</th>
<th>No. of expiations/prosecutions for failing to comply with notice (provide details)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15(2)</td>
<td>Independent inspection</td>
<td>21</td>
<td>19</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>16</td>
<td>Requirement for microbiological testing</td>
<td>21</td>
<td>19</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>

2.6.6 Please provide feedback for consideration in relation to the review of the South Australian Public Health (Legionella) Regulations 2013

2.6.7 Any additional comments relating to the Legionella Regulations
3 South Australian Public Health (Severe Domestic Squalor) Policy 2013

3.1 Were any cases of hoarding and/or domestic squalor investigated in your area during the reporting period?

☐ No – proceed to section 4.1

✓ Yes – complete the table below

Please provide the following details on the cases of hoarding and/or domestic squalor investigated during the reporting period.

<table>
<thead>
<tr>
<th>Total number of cases investigated</th>
<th>Total number of Preliminary Notices issued under Section 92(2)(b)</th>
<th>Total number of General Duty Notices issued under Section 92(1)(a)</th>
<th>Total number of Risk to Health Notices issued under Section 92(1)(b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

3.2 Is the South Australian Severe Domestic Squalor Scale (Appendix 2 – A Foot in the Door) used for the assessment of cases of domestic squalor?

☐ Yes – proceed to section 3.3

✓ No – describe what other processes or tools are used.

Clutter image rating scale (CIRS)

3.3 Are you involved in an interagency squalor group?

✓ No – proceed to section 3.4

☐ Yes – provide details on the group and the agencies involved.

3.4 In instances of severe domestic squalor where a breach of the general duty or a risk to public health has been identified, what public health risks have been associated with these cases?

Cases of domestic squalor have not been deemed severe or risk to public health.

3.5 Have situations of hoarding and/or domestic squalor been encountered where the application of the Act has been deemed inappropriate?

✓ No – proceed to section 3.6

☐ Yes – What alternative approaches or legislation were used in these cases?

3.6 Has the South Australian Public Health (Severe Domestic Squalor) Policy 2013 and associated guideline ‘A Foot in the Door’ assisted you in the administration of the Act and in the resolution of cases of severe domestic squalor?

☐ Yes

✓ No – provide an overview of your experiences

Investigations of domestic squalor has been deemed not severe and not a risk to public health.

3.7 Any additional comments on the South Australian Public Health (Severe Domestic Squalor) Policy 2013?
4. The South Australian Public Health (Clandestine Drug Lab) Policy 2016

4.1 Were any clandestine drug laboratories reported and/or investigated in your area during the reporting period?

☐ No – proceed to section 5.0

✓ Yes – complete the table below

Please provide details on all clandestine drug laboratories reported and/or investigated during the reporting period.

<table>
<thead>
<tr>
<th>Total number of clan labs notified</th>
<th>Total number of clan labs assessed</th>
<th>Total number of clan labs completely remediated</th>
<th>Total number of clan labs currently being remediated</th>
<th>Total number of clan labs declared unfit for human habitation</th>
<th>Total number of clan labs demolished</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

4.2 Was a site inspection undertaken of any of the clandestine drug labs listed above?

✓ Yes - total number of inspections undertaken 4

☐ No – proceed to section 4.3

4.3 Has the South Australian Public Health (Clandestine Drug Laboratory) Policy 2016 and the associated ‘Practice Guideline for the Management of Clandestine Drug Laboratories’ assisted you in the administration of the Act and in the remediation of clandestine drug laboratories?

☐ Yes

✓ No – provide an overview of your experiences

4.4 Any additional comments on the South Australian Public Health (Clandestine Drug Laboratory) Policy 2016?

Certain aspects of the Policy are difficult to work with. The premises that Council is currently dealing with is occupied by a sole owner/occupier. She has no family in South Australia and no where else to reside. She is currently living in the house in contravention of
the Notice. She wishes to sell the house but Council's legal advice is that it must be remediated prior to sale. She is behind in rates and is unable to pay for rates or remediation. Council spent approximately $6500 testing the site which revealed contamination issues.

The matter is ongoing.
5 Environmental Health Complaints/Customer Requests

Please complete the table below to indicate the number of environmental health complaints and customer requests received and actioned during the reporting period. Please change category names or add new categories according to council’s complaint/customer request recording system.

<table>
<thead>
<tr>
<th>Type of complaint / customer request (category)</th>
<th>Number received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation Standards</td>
<td>0</td>
</tr>
<tr>
<td>Air Pollution / Odours / Air quality / Dust</td>
<td>12</td>
</tr>
<tr>
<td>Asbestos</td>
<td>1</td>
</tr>
<tr>
<td>Body Piercing / Tattooing / Other Skin Penetration</td>
<td>0</td>
</tr>
<tr>
<td>Combustion Heaters / Wood Heater Smoke</td>
<td>4</td>
</tr>
<tr>
<td>Community Amenity</td>
<td>0</td>
</tr>
<tr>
<td>Contaminated Land</td>
<td>0</td>
</tr>
<tr>
<td>Development Pollution</td>
<td>1</td>
</tr>
<tr>
<td>Discharge of Wastes / Waste Control / Refuse Storage and/or Disposal</td>
<td>14</td>
</tr>
<tr>
<td>Excessive Vegetation / Long Grass / Undergrowth / Fire Hazard</td>
<td>0</td>
</tr>
<tr>
<td>General Health Complaint or Enquiry / Other</td>
<td>28</td>
</tr>
<tr>
<td>Hazardous Substances</td>
<td>1</td>
</tr>
<tr>
<td>Infectious Disease / Notifiable Condition</td>
<td>3</td>
</tr>
<tr>
<td>Hairdressing / Beauty Salons</td>
<td>0</td>
</tr>
<tr>
<td>Keeping of Animals</td>
<td>0</td>
</tr>
<tr>
<td>Legionella Investigation</td>
<td>2</td>
</tr>
<tr>
<td>Mosquitoes</td>
<td>1</td>
</tr>
<tr>
<td>Noise</td>
<td>0</td>
</tr>
<tr>
<td>Public Swimming Pools and Spa Pools</td>
<td>1</td>
</tr>
<tr>
<td>Rats or Mice</td>
<td>0</td>
</tr>
<tr>
<td>Sanitary Facilities</td>
<td>0</td>
</tr>
<tr>
<td>Septic Tanks / Aerobic Servicing / Failing Onsite System</td>
<td>0</td>
</tr>
<tr>
<td>Sharps Disposal</td>
<td>228</td>
</tr>
<tr>
<td>Supported Residential Facilities</td>
<td>0</td>
</tr>
<tr>
<td>Vermin (including pigeons and insects) other than rats, mice, wasps and mosquitoes</td>
<td>0</td>
</tr>
<tr>
<td>Wasps</td>
<td>20</td>
</tr>
<tr>
<td>Water Quality (other than public swimming pools and spa pools)</td>
<td>0</td>
</tr>
</tbody>
</table>
Person to contact regarding the contents of this report:

Name: Steve Carroll  Date  24 September 2019  Signature

Endorsed by Chief Executive Officer/delegated person:

Gary Mavrinac  24 September 2019

Name          Date          Signature

Please submit your completed report by 30th September 2019 in electronic copy emailed to:

HealthProtectionPrograms@sa.gov.au

This template will be reviewed annually.
CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.4.1 DOG AND CAT MANAGEMENT BOARD ANNUAL REPORT 2018-19
B9047, 19/58749

Correspondence has been received from the Dog and Cat Management Board, advising of the publication of the Dog and Cat Management Board Annual Report 2018-19 (refer Attachment 1).

The Report identifies activities in fulfilling the legislative requirements of the Dog and Cat Management Act 1995 (the Act) and progress in meeting the objectives of the Board’s Strategic Plan.

The Board’s Annual Report also contains Local Government and hospital statistics which report on the number of dog attack/harassment incidents and hospital presentations.

The full report can be downloaded at the Dog and Cat Management Board website:


RECOMMENDATION:
That report items 4.5.4.1 be received.
From: Faulkner, Monica (DEW) [mailto:Monica.Faulkner@sa.gov.au]
Sent: Friday, 27 September 2019 3:33 PM
Subject: Dog and Cat Management Board Annual Report 2018-19 [SEC=PUBLIC]

Re: Dog and Cat Management Board Annual Report 2018-19

I am pleased to provide to you a copy of the Dog and Cat Management Board’s (the Board) 2018-2019 Annual Report. A hard copy will follow in the post next week.

The attached report highlights the state of dog and cat management in South Australia, as required by the Act, and is accompanied by audited financial statements.

Achievements highlighted for this reporting period include:

- 291,450 dogs were registered on the Dogs and Cats Online system at 30 June 2019.
- The number of dogs microchipped increased by 17% in the last financial year. 90% of all registered dogs in SA are now microchipped.
- 23,527 cats were registered on the Dogs and Cats Online system as at 30 June 2019. 98% of registered cats are microchipped.
- 1,164 fewer dogs were impounded by Councils in the last year (this is largely thought to be the result of microchipping).
- 2,660 Breeders have registered on the Dogs and Cats Online system (993 pedigree association members and 1,667 non pedigree self-registered).
- Continued delivery of the Living Safely with Pets education programs.

The Board continues to work with councils and other stakeholders on the implementation of changes to the Dog and Cat Management Act, including mandatory microchipping and desexing and proactive management of cats.

As you are aware, Dogs and Cats Online (DACO) went live to South Australian dog and cat owners and to industry stakeholders in the 2018-2019 registration year, revolutionising the way dog and cat information is gathered and managed.

DACO also delivered savings to councils through reduced postage and administration costs, easier annual reporting processes, and streamlined registration. Most importantly, Dogs and Cats Online delivered efficiencies in identifying dogs lost across local government boundaries, and in returning these dogs to their owners.
Dog and cat owners as well as the RSPCA and the Animal Welfare League can now register and update microchip details free of charge on DACO, saving the cost of national microchip database fees.

The Board’s Annual Report also contains local government and hospital statistics which report on the number of dog attack/harassment incidents and hospital presentations.

For SA residents of all ages, the frequency of hospital admissions following dog bite had risen steadily over the preceding six years, and in 2018-19 it rose again by 26 cases compared to the previous year (a 7% increase), but 11 fewer than in 2016-17.

The Board remains committed to investigating the underlying causes of dog attack increases and will continue in our work to educate the community on dog attack prevention.

For further information regarding the Annual Report please contact me on 8207 7750 or email linda.allery@sa.gov.au.

Yours sincerely

Linda Allery
Program Manager
Dog and Cat Management Board

Attachments: The Dog and Cat Management Board Annual Report 2018-19

Martin McCarthy
Chief Executive Officer
T: 08 8563 8399
7.1 DEBATE AGENDA – MAYOR


B7322

PURPOSE
Any order made by Council that operates for a period of more than 12 months must be reviewed at least once in every year – thus, this order pursuant to Section 91(9) Local Government Act (Act) is due for review.

RECOMMENDATION
That Council in compliance with Section 90(9)(a) of the Local Government Act (Act) and having reviewed the confidentiality order of 17 February 2015 made in accordance with Section 90(3)(a) of the Act resolve that all supporting attachments and performance review documents and agenda of the Confidential Council meeting held on 17 February 2015 in relation to confidential item 8.1.1 mid-year CEO Performance report shall continue to remain confidential and that Council review the said orders prior to 15 October 2020.

REPORT
At the Confidential meeting of Council held on 17 February 2015 Council considered the Mid-Year Performance Review of the Chief Executive Officer and resolved that:

Council having considered this matter in confidence under Section 90(2) and (3) (a) (being information the disclosure or which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Act that all supporting attachments and performance review documents and agenda of the Confidential Council meeting held on 17 February 2015 in relation to confidential item 8.1.1 mid-year CEO Performance Report and not available for public inspection other than the minutes relating to this confidentiality order, until the conclusion of the Chief Executive Officer’s employment.

This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at Council meetings held on 27 January 2016, 24 January 2017, 19 December 2017 and 6 November 2018 where it was resolved that the supporting attachments and performance review documents and agenda of the of the meeting held on 17 February 2015 remain confidential.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work – Good Governance

Corporate Plan

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members

Legislative Requirements
Local Government Act 1999, S90 and S91

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
No relevant considerations are noted.

COMMUNITY CONSULTATION
No public consultation is required or considered appropriate.
7.2.1 DEBATE AGENDA

7.2.1.1 ANNUAL CLOSURES OF COUNCIL OFFICES, LIBRARIES, BAROSSA VISITOR CENTRE AND COUNCIL DEPOTS OVER CHRISTMAS/NEW YEAR PERIOD

B9097

PURPOSE

Each year Council endorses limited closure and skeleton service provision for the Nuriootpa Office, Nuriootpa Library and Branch Office/Libraries, Barossa Visitor Centre and Council Depots over the Christmas/New year period.

RECOMMENDATION

That Council:

(1) Endorses the operations of Council in accordance with the table (in the body of the report) over the 2019/20 Christmas/New Year period noting that the relevant services will be closed during the outlined periods but that arrangements for urgent, emergency and other after hours support will be in place and that all services shall reopen with normal operating hours on Thursday 2 January 2020, and;

(2) Instructs the Chief Executive Officer to publish the amended operating hours in the local papers and relevant Council Facebook sites and on the website.

REPORT

In accordance with Council past policy position, Council operates basic services between Christmas and New Year, with staff taking accrued leave during this period.
## Council Operations – Daily Service Provision:

<table>
<thead>
<tr>
<th>Day</th>
<th>Nuriootpa Office</th>
<th>Nuriootpa Library</th>
<th>Tanunda Library</th>
<th>Angaston, Lyndoch &amp; Mt Pleasant Library / Office</th>
<th>Works Depots (Closing 12noon 23 December)</th>
<th>Barossa Visitor Centre</th>
<th>Barossa Regional Gallery</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Monday</strong></td>
<td><strong>23/12/19</strong></td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
<td>Close at 12noon Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open as per normal hours</td>
<td>Open as per normal hours</td>
</tr>
<tr>
<td><strong>Tuesday</strong></td>
<td><strong>24/12/19</strong></td>
<td>Close at 3pm Out of Hours Services Provided</td>
<td>Close at 3pm</td>
<td>Close at 3pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Close at 3pm</td>
<td>Close at 3pm</td>
</tr>
<tr>
<td><strong>Wednesday</strong></td>
<td><strong>25/12/19 Public Holiday</strong></td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
<td>Christmas Day Closed</td>
</tr>
<tr>
<td><strong>Thursday</strong></td>
<td><strong>26/12/19 Public Holiday</strong></td>
<td>Out of Hours Services provided</td>
<td>Closed</td>
<td>Open 10am – 4pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 10am - 4pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td><strong>Friday</strong></td>
<td><strong>27/12/19</strong></td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 5pm</td>
<td>Open 9am – 5pm Angaston Open 1pm to 5pm Lyndoch Open 9am -12.30 pm and 1.30pm to 5pm Mt Pleasant Open 9am – 12.30pm and 1.30pm – 5pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am - 5pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td>Day</td>
<td>Nuriootpa Office</td>
<td>Nuriootpa Library</td>
<td>Tanunda Library</td>
<td>Angaston, Lyndoch &amp; Mt Pleasant Library / Office</td>
<td>Works Depots (Closing 12noon 23 December)</td>
<td>Barossa Visitor Centre</td>
<td>Barossa Regional Gallery</td>
</tr>
<tr>
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<td>-------------------------------------------</td>
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</tr>
<tr>
<td>Saturday 28/12/19</td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 12 noon</td>
<td>Open 9am – 12 noon</td>
<td>Lyndoch Open 9am-12noon Angaston and Mt Pleasant Closed</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am - 4pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td>Sunday 29/12/19</td>
<td>Out of Hours Services provided</td>
<td>Open 12noon – 3pm</td>
<td>Closed</td>
<td>Closed</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 10am – 4pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td>Monday 30/12/19</td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 6 pm</td>
<td>Open 9am – 5 pm</td>
<td>Angaston Open 2pm to 5pm Lyndoch Open 9am-12.30pm and 1.30pm-5pm Mt Pleasant Open 9am - 12.30pm and 1.30pm-5pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am - 5pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td>Tuesday 31/12/19</td>
<td>Out of Hours Services provided</td>
<td>Open 9am – 6 pm</td>
<td>Open 9am – 5 pm</td>
<td>Angaston Open 2pm to 5pm Lyndoch Open 9am-12.30pm and 1.30pm-5pm Mt Pleasant Open 9am - 12.30pm and 1.30pm-5pm</td>
<td>Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 9am - 5pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td></td>
<td>Nuriootpa Office</td>
<td>Nuriootpa Library</td>
<td>Tanunda Library</td>
<td>Angaston, Lyndoch &amp; Mt Pleasant Library / Office</td>
<td>Works Depots (Closing 12noon 23 December)</td>
<td>Barossa Visitor Centre</td>
<td>Barossa Regional Gallery</td>
</tr>
<tr>
<td>--------------------</td>
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<td>-------------------------------------------------</td>
<td>------------------------------------------</td>
<td>------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Wednesday</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1/01/20 Public Holiday</td>
<td>New Years Day Closed Out of Hours Services provided</td>
<td>New Years Day Closed</td>
<td>New Years Day Closed</td>
<td>New Years Day Closed</td>
<td>New Years Day Closed Emergencies &amp; Essential Maintenance - Out of Hours Services provided</td>
<td>Open 10am – 4pm</td>
<td>Open 11am – 4pm</td>
</tr>
<tr>
<td><strong>Thursday</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2/01/20</td>
<td>Open as per normal hours</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

How We Work – Good Governance

6.6 Define and deliver on agreed Customer Service Standards for Council service delivery.
6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.
6.10 Embed a culture of continuous improvement across Council, with tools, processes and systems being used to achieve business efficiencies and customer service improvements.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource
Resources will be maintained to ensure continuity of services for Council’s Barossa Visitor Centre, Libraries and Council Depot services. The resources required for the existing service levels during the Christmas to New Year period are within the adopted budget. Any significant events that Council needs to respond to and provide support, resources and rectify any assets, will be reported to Council as per previous incidents/events.

Risk Management
Council provides services on standby as required for essential services, ensuring any risk issues are considered as appropriate for each service provided.

COMMUNITY CONSULTATION

Appropriate notices will be published in the local papers advising of the closures together with notices on Council’s website, message on hold and Council noticeboards.
7.2.1 EXECUTIVE SERVICES - CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.2 LOCAL GOVERNMENT REFORM - SUBMISSION B9484

PURPOSE
To endorse a The Barossa Council second submission and policy position to the Minister via the Office for Local Government to reform Local Government in South Australia in response to the proposed 72 reform ideas contained within the “Reforming Local Government in South Australia Discussion Paper”.

RECOMMENDATION
That Council endorse the submission tabled at Attachment 2 and seek further review of items contained in Council’s original submission specifically reform proposal items 3, 4, 5, 9 and 12.

REPORT
Introduction
As known, the Minister for Transport, Infrastructure and Local Government has commenced engagement on 72 reform ideas contained in the “Reforming Local Government in South Australia Discussion Paper” presented at Attachment 1.

Discussion
The Council made a submission to the initial call for submission in April 2019 and its submission has been cross referenced with the 72 proposals as part of the analysis and proposed response presented at Attachment 2.

The Council has been provided an opportunity to make further comment by 1 November 2019.

The Department will analyse the responses and give consideration and recommendation to the Minister ultimately on a package of reforms. The current target date for a draft Bill to be tabled in the house is the first quarter of 2020. It is anticipated that an exposure draft of the Bill may be available later this year.

Summary
Reform of Local Government should be a continuous process as the environment in which we operate changes more rapidly in a modern society and the opportunity to be involved in shaping the next phase of our sector’s legislative base necessitates the proactive submission developed by the past and present Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Reforming Local Government in South Australia Discussion Paper
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

Corporate Plan

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional and State bodies.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

No consultation or engagement requirements under legislation and policy.
Every four years, thousands of people stand for election to their local council, with more than 700 chosen to serve and lead their communities.

High expectations are rightly placed on those elected, as they take on real responsibilities for support and services in their local area. Like all governments, councils need to make decisions about the services they provide, and the revenue that they need to bring these services to life.

To achieve good outcomes for ratepayers we need the ecosystem in and around local government to be as robust as possible. From the internal structures around how councils operate, to the integrity bodies that oversee them and the media that report on them, every part of the ecosystem needs to work to deliver quality services for local communities, whilst also ensuring that ratepayer dollars are used as wisely as possible.

As Minister for Transport, Infrastructure and Local Government, I have a responsibility to ensure that this legislation offers councils the support they need, provides appropriate oversight and gives each community certainty that their council is making good decisions, understands local needs and is operating efficiently and sustainably.

This discussion paper proposes reforms to local government legislation that aims to achieve this. Some of the key reforms proposed include a new conduct management framework for council members, an expanded role for council audit committees to provide expert, independent advice to councils on a range of critical financial and governance matters, and improvements to regulation to reduce councils’ costs.

I am grateful to the people who provided their ideas for reform in the first stage of the Local Government Reform program. I was impressed by the range and number of considered ideas that were submitted. Likewise, I am keen to hear as many views as possible on the reforms contained in this discussion paper. Which do you think will work? Are there other ideas for reform that should be considered?

I look forward to receiving all submissions on this discussion paper, and to work together to ensure we have local government legislation that will set the future direction for councils in our State.

HON STEPHAN KNOLL MP
Minister for Transport, Infrastructure and Local Government
Minister for Planning
REFORMING LOCAL GOVERNMENT IN SOUTH AUSTRALIA
DISCUSSION PAPER

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REFORM AREA 2 | LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY 32

REFORM AREA 3 | EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION 50

REFORM AREA 4 | SIMPLER REGULATION 68

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WHY IS LOCAL GOVERNMENT REFORM NEEDED?

The Local Government Act 1999 (the Act) was put in place following significant council amalgamations in the late 1990s that created our current 68 councils. In 1999, the Act recognised that councils are government bodies elected by their communities to make decisions about the services that need to be delivered for their local area.

This means that councils have serious responsibilities. The services they provide—roads, footpaths, ovals, parks, sporting grounds, waste management, libraries, community centres and community support services to name just a few—are what makes our local communities work.

The State Government also has a responsibility to ensure that the legislative framework around councils enables them to act, make decisions, and provide services in the way in which their communities expect. It ‘sets the rules’ for how councils are elected; what their roles and responsibilities are; how they can raise revenue; how they make decisions; and how they inform and engage their communities.

The four reform areas put forward by the Government recognise that there are areas in this legislative framework that currently aren’t working as well as they should, and need to be reviewed.

These areas are—

- **REFORM AREA 1**: STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT
- **REFORM AREA 2**: LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
- **REFORM AREA 3**: EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION
- **REFORM AREA 4**: SIMPLER REGULATION
Communities have high expectations of how their council members should behave. They are leaders in their communities, who speak and make decisions on their behalf. There are more than 700 council members in South Australia, and most meet this expectation admirably. They step forward to serve on their council, and commit considerable time and energy to make their local community a better place to live.

However, from time to time, some council members conduct themselves in a way that is not acceptable.

This can be poor behaviour, such as rudeness or a lack of respect to fellow council members or community members. It may be poor behaviour in a council meeting, through an unwillingness to engage in the respectful debate that’s needed to ensure good decisions. Or it may be conduct that calls the integrity of their decisions into question, such as not managing a conflict of interest properly, or accepting gifts and other benefits that may improperly influence what they do.

Whatever the issue is, council members and their communities expect that it should be dealt with in the right way. This means that it is investigated at the right level; that sanctions are applied that fit the behaviour, and that council members who choose to repeat poor conduct receive escalating penalties.

There is a strong view that the current system for managing the conduct of council members is not delivering on these expectations. Feedback has been that councils have a desire to be better equipped to manage low-level behavioural issues on a local level, but also want a clearer pathway to resolving more serious conduct matters. Proposed reforms will create a better framework for managing and improving council member conduct and capacity. The Act will make a clear distinction between lower-level ‘behavioural’ matters that can be dealt with at a council level, and more serious ‘integrity’ matters that should be investigated and dealt with by an independent body.

The new framework will also recognise that while most behavioural matters are low-level, occasionally poor behaviour can be serious enough, or can be repeated to an extent that it causes a risk to the health and safety of others, or prevents an elected member body from acting effectively. Councils should be able to refer these ‘serious behavioural matters’ to an independent body for investigation and resolution as integrity breaches.

One question that this discussion paper poses is which model should be put in place to deliver this new framework. Three alternatives are proposed—a ‘light touch’ model that clarifies the current legislative provisions; a model that uses a new council ‘governance committee’ to support councils’ conduct management; and a significant change through the introduction of a ‘Local Government Conduct Commissioner’.
It is fair to say that of all the decisions a council makes, the one that receives the most attention is setting the rates that are paid by its community. This decision is what enables councils to provide the services that we rely on—roads, waste management, libraries, and all the other council services and facilities that our communities use. It also enables councils to manage the very significant assets that underpin these services—over $23 billion worth across the State.

Most people realise this and are prepared to contribute their fair share to these services. However, ratepayers must have confidence that their money is being raised fairly and spent sensibly. This means that their council is managing its finances responsibly, with the right level of oversight and assurance; that it makes every effort to keep costs low; and that it also provides clear and easily understood information about these critical decisions. The Act establishes clear standards of financial management and accountability, which have been reviewed and improved a number of times over the past decade.

However, given the critical importance of councils’ financial position, the need for all councils to make well informed and effective decisions on revenue and expenditure, and a continuing need for independent oversight that assures both councils and their communities that councils are well managed and sustainable; another review of these standards is timely.

The discussion paper proposes several reforms to improve council auditing and oversight, to improve decision making by council member bodies and to improve the information that councils provide each year to their communities on their rating decisions.

Feedback on all proposals is welcome. However, it should also be noted that the State Government has charged the SA Productivity Commission (SAPC) to undertake an inquiry into cost pressures and efficiencies in the local government sector. It is likely that any recommendations the SAPC makes in its final report in November 2019 will have a significant impact on reforms in this area.
It is the election of our councils that makes them a government.

Like State and Federal Government elections, Local Government elections give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us. Many aspects of these elections are the same. They are run by an independent body, which for councils and the State Government is the Electoral Commission of South Australia (ECSA). They are based on a fundamental principle of 'one vote, one value'—that is, that each vote held by each voter is equal.

However, there are also unique features of council elections in South Australia. Most notably, voting for councils is voluntary, and done by a postal vote. The franchise is different—property owners, as well as residents, can vote. The method of voting and counting is also different in council elections. Other differences are in the role of formal political parties, which is much less apparent in council elections; and how voters learn about the candidates that are standing for election.

In the call for reform ideas, council elections attracted the most submissions and comments. Many contributors asked for the introduction of online voting, to make voting more convenient and to improve the numbers of people choosing to vote. There is general agreement that online voting is desirable, however, a range of technological challenges must be overcome before its introduction to ensure the security of our elections. This is why this discussion paper does not propose this reform.

Other calls for improvement to local government elections centred on clarifying the roles of ECSA and councils in elections; particularly for people who wish to nominate for council, and then become candidates. There was also a widespread view that candidates should be required to provide more information that would be of interest to people considering whether to vote for them—any political affiliations the candidate may have; whether they live in the area for which they are standing; and any significant donations they may have received.

The reforms in the discussion paper therefore propose a greater role for ECSA in receiving nominations and publishing information on candidates—all online, to provide a more convenient, centralised service for both candidates and voters. The reforms also propose greater information disclosure by candidates in an easily accessible form.
Councils are required to act within a range of regulations that are put in place to deliver or protect the public interest. For example, they are required to undertake a specific, regulated process before they decide to revoke the community land status of some of their land. This regulation is in place to ensure that councils fully consider all aspects of this decision, to provide assurance that this decision is made in their community’s best interest.

However, it also must be recognised that regulations can be costly—in time and resources. This is why regulation is often referred to as ‘red tape’—or perceived only as a barrier to timely and effective actions. There’s no question that regulation should be regularly examined to ensure that it delivers on the public good it aims to protect. Every dollar that a council spends on compliance is a dollar that must be raised by rates or not spent on a local service. It’s therefore essential that regulations are regularly reviewed to ensure that the cost of compliance is justified by the benefits they deliver.

The many ideas for local government reform received suggested a number of areas where regulation can be simplified. This paper therefore proposes reforms to a range of current regulations. These include a more modern approach to community engagement; a faster process for simple community land revocation proposals; clarifying councils’ ability to hold workshops and information sessions for its council members; reducing regulations that apply to permits for use of council roads; and improving aspects of council meetings.
HOW TO MAKE A SUBMISSION

This discussion paper puts forward a range of proposals for local government reform.

In some instances, these include a number of potential models for discussion and debate. In other cases, a single proposal is put forward for comment.

We are seeking your views on the proposed reforms. Which do you think would best address the issues that have been identified? Are there changes that you would make to the proposals? And are there any new ideas and alternative proposals that you think we should consider?

TO FIND OUT MORE VISIT www.dpti.sa.gov.au/local_government_reform

JOIN THE CONVERSATION AND COMPLETE OUR SURVEY AT yourSAy.sa.gov.au
REFORM AREA 1

STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT
INTRODUCTION

Under the Local Government Act 1999 (the Act), a council is a body corporate and consists of members elected to the council. A council's elected member body is made up of a principal member who is known as either a ‘Mayor’ (elected to the position) or a ‘Chairperson’ (appointed by the other elected members, although may also be referred to as a ‘Mayor’) and several council members often referred to as ‘Councillors’. The reforms proposed in this discussion paper aim to improve the legislative framework to support and promote better conduct and stronger capacity of council members, while recognising the status of council members as democratically elected representatives, who are primarily accountable to their communities and will ultimately be judged at local government elections.

COUNCIL MEMBER CONDUCT

BACKGROUND

Council members are elected to council to make decisions for, and to act in the best interests of, their community. Being a council member is a position of trust bestowed on them by their local communities.

Because local governments today have many complex responsibilities and a great deal of discretion, their communities understandably have high expectations of standards of behaviour, integrity and performance. As representatives and leaders of their communities, council members are generally expected to act ethically, diligently, respectfully, honestly and with integrity.

Generally, the South Australian community is well served by those who serve as council members in local government, who overwhelmingly conduct themselves in accordance with the high standards expected of them. However, from time to time, inappropriate or improper conduct by council members can lead to council dysfunction, impairment of local government integrity and performance, and a reduction in community trust and confidence.

State legislation plays an important role in council member conduct. It can set the standards of behaviour, and provide arrangements for dealing with breaches across all areas of conduct.

This is a spectrum of behaviour that ranges from lower-level behavioural matters, such as how council members relate to others, to more serious matters that may affect the integrity of council members’ decisions, such as poor
management of conflicts of interest, or the inappropriate acceptance of gifts and benefits. At the highest, or most serious, end of this spectrum is criminal conduct and corruption.

The various pieces of legislation that make up the council member conduct framework are intended to operate as an escalating system that addresses the varying levels of seriousness of poor behaviour with increasing levels of sanctions and penalties.

The chief parts of the current council member conduct management framework are set out below.

THE CODE OF CONDUCT FOR COUNCIL MEMBERS

The Act requires council members to observe a Code of Conduct that is set in regulation. When people think about the ‘rules’ that apply to the conduct of council members, this Code of Conduct is often what comes to mind. The Code of Conduct has several functions. One is to establish the standards of behaviour and integrity that council members should adhere to. Reflecting the spectrum of conduct, the Code has three core ‘levels’ of standards.

The first of these is a statement of high-level principles of behaviour that council members are expected to demonstrate, such as a commitment to serving the best interests of the community, to discharging duties conscientiously, to work together constructively and to uphold the values of honesty, integrity, accountability and transparency.

The second is to set out the specific behaviours that council members should adhere to, in Part 2 of the Code—the ‘Behavioural Code’. These range from more general statements about behavioural standards (such as ‘act in a way that generates community trust and confidence in the Council’), to more detailed instructions on particular behaviours (such as ‘ensure that personal comments to the media or other public comments on Council decisions and other matters, clearly indicate that it is a private view and not that of Council’).

The third level is contained within Part 3 of the Code, ‘Misconduct’. This section contains matters that, if breached, could affect the integrity of council decisions, such as the poor management of conflict of interest, or the inappropriate acceptance of gifts and benefits. Many of these matters are also contained within the Act.

An appendix to the Code outlines the most serious conduct matters—those that could be criminal conduct or corruption.

Along with ‘setting the standards’; the Code also establishes the process by which alleged breaches of these standards are investigated. The high-level principles are not intended to be enforceable, as these express the broader expectations of council members. The Code is clear that breaches of ‘behavioural matters’ in Part 2 should be dealt with at a council level, but allows each council to determine a process to do so that best fits their own needs.

‘NOTE: This paper does not consider ‘corruption’ or ‘serious and systemic misconduct or maladministration’, which is within the jurisdiction of the Independent Commissioner Against Corruption (ICAC) and the Office of Public Integrity (OPI). Any reasonable suspicion of corruption, misconduct or maladministration in public administration should be reported to OPI—which is responsible to ICAC—in the first instance. It is noted that misconduct and maladministration complaints or reports may be referred by the ICAC to the Ombudsman for investigation.
Alleged breaches of Part 3, ‘Misconduct’, are referred to the Ombudsman, as integrity matters should be investigated by an independent statutory body. The Code of Conduct also allows for repeated breaches of the ‘Behavioural Code’, or non-co-operation with a council investigation or finding under the Behavioural Code, to be elevated to the Ombudsman.

Any suspected breaches of the most serious criminal matters should, of course, be referred to the Independent Commissioner Against Corruption (ICAC).

Finally, the Code of Conduct and Act set the penalties or sanctions that can apply when it has been breached. Again, these are designed to escalate in accordance with the seriousness of the breach.

**IF A COUNCIL FINDS THAT A MEMBER HAS BREACHED PART 2 (THE BEHAVIOURAL CODE) IT MAY—**

- Pass a censure motion in respect of the council member.
- Request a public apology, whether written or verbal.
- Request the council member to attend training on the specific topic found to have been breached.
- Resolve to remove or suspend the council member from a position within the council (not including the member’s elected position on council).
- Request the member to repay monies to the council.

**IF THE OMBUDSMAN HAS INVESTIGATED A MEMBER, HE MAY MAKE THE FOLLOWING RECOMMENDATIONS TO THE COUNCIL TO—**

- Reprimand the member (including by means of a public statement).
- Require the member to attend a specified course of training or instruction, to issue an apology in a particular form or to take other steps.
- Require the member to reimburse the council a specified amount.
- Ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal (SACAT).

If a council member fails to comply with a requirement made by a council on the Ombudsman’s recommendation, then the council must lodge a complaint against the member with the South Australian Civil and Administrative Tribunal (SACAT). This could result in stronger sanctions for the member, including their suspension or disqualification from office.
OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT 2.1.2

Along with establishing the Code of Conduct, the Act includes a number of specific conduct requirements that apply to council members.

In summary, these requirements are—

- To act honestly, and with reasonable care and diligence in the performance of official duties;
- Not to disclose information that is confidential;
- To declare all financial and non-financial interests in the ‘Register of Interests’;
- To properly manage any conflict of interest.
- Not to make improper use of their position, or of information they have gained through this position, for their own advantage or to cause detriment to the council;

OTHER CONDUCT MATTERS IN THE LOCAL GOVERNMENT ACT 2.1.3

Other pieces of legislation that form part of the council member conduct framework include the Independent Commissioner Against Corruption Act 2012 and the Ombudsman Act 1972 (which provide for the powers and functions of the integrity agencies in South Australia) and the Criminal Law Consolidation Act 1935 (which covers serious criminal offences by ‘public officers’).

ISSUES 2.2

There is general agreement from the local government sector and the community more widely that the current conduct management system is not working as effectively as it should.

One key issue identified is that the use of the Code of Conduct, particularly the ‘Behavioural Code’, results in an overly formal process that exacerbates conflicts between elected members, and creates a long, difficult and costly process for councils to resolve behavioural matters.
Before the current Code of Conduct was introduced, each council had its own code of conduct for council members that it was required to review within 12 months after each general election. The intent of the uniform, regulated Code of Conduct was to provide consistent standards of behaviour across all councils. However, feedback has been that formally regulating detailed behavioural matters can result in an excessively combative or legalistic approach to these matters.

Both the ICAC and the Ombudsman have raised public concerns about the number of Code of Conduct complaints they receive from council members against each other, particularly when the complaints stem from disagreements or personality clashes between the members.

Recent statistics from the Ombudsman indicate that almost half of the Code of Conduct complaints he receives are from an elected member against another elected member. Both the ICAC and the Ombudsman have been publicly encouraging council members to stop lodging ‘trivial’ or ‘petty’ complaints, which are a waste of public money and resources. The Ombudsman has stated that much of his time has been taken up by internal council complaints that have proved to be costly and time-consuming.

Additionally, continual trivial or petty complaints can be very destructive at a council level. It is very difficult for a council to operate effectively if its members are unable to overcome personal differences and are continually lodging Code of Conduct complaints against each other.

These concerns have also been raised by councils, who have noted a lack of deterrence for ‘trivial, frivolous and vexatious’ complaints. Councils do not feel that they have the right tools to deal with minor behavioural matters quickly, fairly, and effectively.

Another key area of concern is how serious behavioural issues can be dealt with—behaviour that may cause a risk to another person’s health and safety. While the current Code of Conduct recognises bullying and harassment, and provides for a mechanism for repeated behavioural breaches to be escalated from council level to the Ombudsman, there is a strong view that this mechanism is not effective; and that the sanctions available to deal with these matters are not adequate.

It is also essential to ensure that the health and safety of council staff and members is properly protected. There may therefore be a need to enable a position (such as a principal member or CEO), or a body (such as a council governance committee) to give immediate, limited directions to council members in circumstances where this health and safety is at risk.

Other concerns have been raised about the overlap and duplication between the Code of Conduct and conduct matters within the Act. These include duplication of expectations of behaviour in the Code of Conduct and in the section of the Act that sets out the ‘General Duties’ of members, conflict of interest matters, and the management of confidential information.
While the Code of Conduct was intended to create a ‘one-stop shop’ that described all conduct matters, and therefore included matters also in the Act, the conclusion is that this approach causes confusion and uncertainty as to the appropriate body to investigate alleged breaches.

Councils have also argued that the conflict of interest provisions in the Act, which were introduced in 2016 are considered ‘complex’ and ‘confusing’, making it difficult for council members to adhere to the rules.

**PROPOSALS FOR REFORM**

2.3

It was clear from the response received through the call for reform ideas that the community generally considers that there should be rules of behaviour or conduct that council members should abide by.

It was also clear that there is support for a review of the current system to create a ‘clearer’, ‘simpler’, ‘stronger’, ‘well-defined’ conduct management framework. Ideas received on how this could be achieved, however, were diverse.

Ideas about how disagreements between council members should be managed ranged from dealing with them ‘in-house’ within the council to having an external, independent body to manage all complaints.

Other suggestions were that it is the responsibility of the Mayor and/or the elected member body and/or CEO (i.e. the ‘leadership’ roles) to manage disputes and find appropriate resolutions. A number of submissions advocated for a mechanism to resolve behavioural issues without having to resort to external complaints management bodies.

Many councils endorsed the approach put forward by the Local Government Association (LGA), which stated that “It is important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.”

Following on from this, one of the LGA’s proposals is for an “increase in devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate”. The LGA submission also seeks a broadening of the range of penalties so that effective action can be taken commensurate with the circumstance of each case, and clearer classifications of ‘misconduct’, along with definitions for ‘bullying and harassment’ and ‘sexual harassment’.

The Local Government Reform process provides an opportunity to review the conduct framework to provide clearer roles and responsibilities and a broader (and proportionate) range of tools and sanctions for managing different categories of elected council member conduct.

Noting the complexity of this issue, there are three conduct management framework models proposed in this paper. All of these models, however, contain a number of ‘common features’ that, like the current system, reflect the spectrum of member conduct.
A CLEAR ‘HIERARCHY’ OF CONDUCT

A new conduct management framework will establish a much clearer hierarchy of conduct that clearly separates ‘behavioural matters’ from ‘integrity matters’. This will create clearer responsibilities and pathways and enable council members and members of the community to understand which body is responsible for managing aspects of council member conduct.

The Local Government legislation will continue to be the primary documents that establish the standards of behaviour and of conduct that affects integrity for council members. It is proposed that detailed behavioural matters are removed from a ‘Code of Conduct’ in favour of setting appropriate standards of behaviour in the legislation.

Councils will be empowered to determine—if they choose to do so and consider it helpful—more detailed examples of these behaviours (in a policy adopted by the council), which supports and is consistent with the standards in the legislation.

The legislation will also clarify which conduct matters are ‘integrity matters’. These may include—

- A requirement to act honestly in the performance of official functions and duties.
- Release and disclosure of confidential information.
- Misuse of information to gain benefit or cause detriment.
- Register of interests.
- Only using official council communication methods (e.g. e-mails) for official council functions and duties.
- Gifts and benefits.
- Conflicts of interest.
- Misuse of meeting management powers by the presiding member.
- Directing or influencing council staff.
- Misuse of position to gain benefit or cause detriment.
- Breaching any communication (or other) protocol set up by the council or CEO for staff or council members to address risks to health and safety allegedly caused by a council member.
COUNCILS WILL CONTINUE TO BE RESPONSIBLE FOR ‘BEHAVIOURAL MATTERS’

Councils will continue to be responsible for managing council member behaviour, as they currently are under the Code of Conduct.

The current Code of Conduct enables councils to decide for themselves the most suitable mechanism for dealing with behavioural matters by elected members. Complaints may be investigated and resolved in any manner that a council deems appropriate in its process for handling alleged breaches of the Behavioural Code. This can include, but is not limited to: a mediator or conciliator; the Local Government Governance Panel; a regional governance panel; or an independent investigator. A complaint within this process may be considered trivial, vexatious or frivolous and accordingly not investigated.

It is proposed that councils will continue to be required to have a process for handling complaints and an internal resolution process, but will also continue to have the autonomy to decide on the resolution mechanisms that are most suitable to that council.

Councils will also continue to be able to apply the sanctions for breaches of ‘behavioural matters’ that are contained within the current Code of Conduct, however, it is proposed that this be strengthened to enable councils to direct or require (rather than ‘request’) the actions.

It is also proposed that the principal member have enhanced powers to deal with disruptive behaviours at meetings.

AN ESCALATION PROCESS FOR ‘SERIOUS BEHAVIOURAL MATTERS’

It is recognised that certain behaviours or circumstances can require escalation to an independent body for investigation or intervention if they are serious enough to be considered as an integrity breach.

The current Code of Conduct recognises this and provides for certain matters to be referred from a council to the Ombudsman for investigation. These matters include—

1. Failure of a council member to cooperate with the council’s process for handling alleged breaches.
2. Failure of a council member to comply with a finding of an investigation adopted by the council.
3. Repeated or sustained breaches of the Behavioural Code (Part 2) by the same council member may be referred, by resolution of the council.
These referral mechanisms, however, have rarely been utilised by councils. Feedback has been that it can be difficult to escalate issues about a council member’s behaviour where there are factions within the council, or where divided views amongst council members on the conduct in question mean that they are unable to agree to refer the matter to the Ombudsman.

It is proposed that a better process is put in place to escalate serious behavioural matters from a council to an independent body for investigation, where there is a view that these matters are an integrity breach.

The matters which could be considered for escalation to an independent body could include—

1. Repeated and unreasonable behaviour by a council member that creates a risk to health and safety, such as bullying or harassment. This may specifically include ‘sexual harassment’.
2. Behaviour that is not repeated, but still creates a risk to health and safety.
3. Behaviour that is repeated and does not create a risk to health and safety, but is serious ‘unreasonable’ behaviour. This could be circumstances where, despite a council’s reasonable, multiple efforts to address behaviour, a council member continues to be unreasonable and unmanageable, necessitating an external ‘circuit breaker’ to resolve the matter.

It is likely that the independent body receiving complaints about these matters would expect that the relevant council would have taken reasonable actions to address the behaviour at a council level, before escalating, where possible. It is also proposed that complaints of this nature would be escalated only following a decision of the council, or by a council’s governance committee.

It should be noted that any person affected by behaviour that poses risks to their safety can seek intervention orders (including an interim order) under the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) for their protection. It is proposed that a council member subject to an intervention or interim intervention order relating to a council member or staff could be suspended from office for the duration of this order to properly protect members and staff.

**ENSURING THAT ‘INTEGRITY MATTERS’ ARE DEALT WITH BY AN INDEPENDENT BODY**

A new conduct management framework will clarify that breaches of integrity matters should be dealt with by an independent body that has appropriate sanctions available to them.

This body could be the Ombudsman, or the ‘Conduct Commissioner’ (as discussed in the proposed models). It is also proposed that this body could apply an expanded range of sanctions that would include: the ability to suspend a member; suspend a member’s allowance; or to require reimbursement to the council of costs involved in an investigation of a matter.
A number of ideas received requested a greater ability to dismiss council members, and/or prevent them from standing at future elections.

This ability is currently only held by the South Australian Civil and Administrative Tribunal (SACAT). It is appropriate that the ability to disqualify a democratically elected council member from office should be reserved for only the most serious categories of conduct, and can only be applied by a tribunal or court.

It is, however, essential that serious matters can be brought before SACAT when necessary. Accordingly, the new conduct management framework will retain the ability of the independent body investigating integrity breaches to require that complaints to SACAT be made when appropriate.

**IMPROVED CONFLICT OF INTEREST PROVISIONS**

The conflict of interest provisions in the Act will be reviewed, to—

- Simplify the current system by reducing the current three ‘categories’ of conflict (material actual and perceived) to two—‘material conflict of interest’ and ‘non-material conflicts of interest’
- Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter. This will include a review of the ‘ordinary business matters’.
- Clarify the application of conflict of interest rules to council committees and subsidiaries to remove the current complex regulations that deal with this matter.

**OPTIONS OF PROPOSED MODELS FOR COUNCIL MEMBER CONDUCT FRAMEWORK**

The three models of the conduct management framework that are proposed are detailed below. It is proposed that all of these models would include the common features described above. Additionally, the models are not mutually exclusive. Elements of any of the three could be incorporated into any final model.

**MODEL 1 - CLARIFICATION OF CURRENT LEGISLATION**

This proposed model would have the common features described above but would require a council resolution to refer ‘bullying and harassment’ complaints to the Ombudsman. That is, the council as a body has to be satisfied that the definition or threshold for ‘bullying and harassment’ has been met.

This model would also require the council to report on conduct matters in the annual report.
MODEL 2 - UTILISATION OF GOVERNANCE COMMITTEES

This proposed model utilises a council ‘governance committee’ (with requisite skillsets) to have a role in relation to council member conduct. The concept of a ‘governance committee’ is explored in Reform Area 2. In summary, it would be an independent body that is empowered to advise the council on a range of governance issues.

This model would—

- Require governance committees to assess complaints of alleged ‘bullying and harassment’ by council members, and, if determined that alleged behaviour meets the definition/threshold, to lodge the complaint with the Ombudsman.
- Enable (but not require) councils to use governance committees to consider behavioural matters.
- Require governance committees to report on conduct matters in the annual report.

MODEL 3 - ESTABLISH A LOCAL GOVERNMENT CONDUCT COMMISSIONER

This model would create an additional integrity body with a specific responsibility to oversee all aspects of council member conduct. This body would—

- Have a specific role in the prevention of improper conduct through providing training, advice and practice guidelines to council members.
- Be able to consider and investigate alleged breaches of behavioural standards at the request of the relevant council.
- Have responsibility for considering and investigating bullying and harassment allegations, if the council/governance committee agrees to the referral of this complaint to them.
- Have responsibility for the investigation of all alleged breaches of integrity matters (rather than the Ombudsman).
- Have appropriate disciplinary or sanction powers except for the powers that will remain with SACAT (e.g. disqualification powers).
- At council request, may undertake a range of services on a cost-recovery model including specific training, counselling, mediation and conciliation.
It is expected that this model would be funded by the local government sector, including cost recovery fees for specific services.

While the detail of the operation of a ‘Local Government Conduct Commissioner’ would be developed in accordance with its potential functions, it is expected that it would—

1. Require the appointment of a suitably qualified and experienced person as the Commissioner, noting that this role would have similar responsibilities to those currently held by the Ombudsman to investigate members and apply sanctions. This is likely to be a full time, or near full-time position.

2. Require a core administrative unit to be established to support the Commissioner, and to undertake investigations.

3. Enable the Commissioner to appoint training facilitators, mediators, and additional investigators as required.

This model would enable the Ombudsman to focus on the administrative acts of councils (not including conduct) as is the case with most other Australian jurisdictions.

3 COUNCIL MEMBER CAPACITY

ROLES WITHIN LOCAL GOVERNMENT - OVERVIEW

A brief overview of the roles of the various components that make up local government is set out below—

THE COUNCIL

A group of members (led by a mayor or chairperson) elected by the community and is the governing body of a local government. Councils are responsible for the governance of their local government’s affairs and functions. This includes oversight of the planning and allocation of finances and resources and the determination of local government policies.
CHIEF EXECUTIVE OFFICER (CEO)

Employed by the council to head the administration and manage the day-to-day operations, or executive functions, of the local government and to implement lawful council policies and decisions.

COUNCIL STAFF

Employed by the CEO to perform the functions of the local government.

3.1 ROLE OF COUNCIL MEMBERS

BACKGROUND

Council members are elected to represent the interests of their community through participation in important local decisions and are expected to act with the highest standards of integrity.

To effectively perform this role, council members are also expected to work together constructively and deal with disagreements, conflicts or personality differences in a professional manner, for the best interests of their community. They must also make every effort to ensure that their skills and knowledge enable them to perform their roles, and are continually improved.

The Act recognises the role of council members, and provides some specific details on expectations, that this role is—

AS A MEMBER OF THE GOVERNING BODY OF THE COUNCIL—

- Participate in the deliberations and civic activities of the council.
- Keep the council’s objectives and policies under review to ensure that they are appropriate and effective.
- Keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.
- Ensure, as far as is practicable, that the principles set out in section 8 of the Act are observed.
ISSUES

While the role of a council member details the tasks and responsibilities of a council member’s functions and duties, the Act is currently silent on expectations of a council member’s behaviour, and on their obligations to promote a good working relationship amongst their council.

Feedback was also received that the importance of mandatory training for council members is not well recognised within the Act. Some concern has been raised within the local government sector that there is a perception in the community, however, that training or ongoing training and development of council members is a waste of public resources.

PROPOSALS FOR REFORM

There is an opportunity to strengthen council members’ capacity and improve their conduct through better description of their role in the Act.

It is proposed to further clarify the role of council members, in particular, to recognise their responsibility both individually and collectively to ensure (as far as reasonably practicable) good working relationships within the council, and to support the effectiveness of a new conduct management framework.

It is also proposed to clarify that the role of a council member recognise their obligation to complete mandatory training requirements within the required timeframes and have a commitment to the continuous development of knowledge and skills.
The role of a council member in the Act will be clarified to include—

- Ensure (as far as is practicable) constructive working relationships within the council including with other council members, the principal member and council employees.
- Ensure completion of mandatory training within the specified timeframes and to have a commitment to ongoing training and development of skills relevant to the role of a council member and the roles and functions of the council body.
- Act with integrity.
- Recognise and support the role of the principal member as specified in the Act.

To better recognise the importance of council member training, it is also proposed to clarify its mandatory nature in the Act, and to revise the presentation of the mandatory training scheme in the regulations (see below for further discussion).

### 3.2 THE ROLE OF THE PRINCIPAL MEMBER

#### BACKGROUND

The Act also defines the specific role of the principal member of a council (that is, the Mayor or Chairperson), which is in addition to their role as a council member.

These additional duties and responsibilities are to preside at (chair) council meetings, to perform certain civic and ceremonial duties, to act as the principal spokesperson for the council, and to provide advice to the CEO on the implementation of a decision of a council.

#### ISSUES

While the role of the principal member as described in the current Act recognises the particular responsibilities of a principal member, it does not sufficiently reflect expectations that Mayors and Chairpersons are a leader of their elected body; and should demonstrate and lead the standards of behaviour and decision making that are critical to the effectiveness and reputation of their council.

Good governance relies on constructive working relations between council members. The principal member, as the leader of the council, is expected to promote and foster positive relationships and to support members in resolving disagreements or conflicts that arise. Promoting and leading good relations between council members before contentious issues arise increases the likelihood that these issues can be dealt with robustly but without becoming divisive in a way that damages the reputation of the council.
It is also recognised that, in addition to these expectations, principal members have limited tools available to them to support behavioural standards and working relationships between elected members. In particular, it has been identified that principal members need greater powers to manage poor behaviour in the context of council meetings.

Currently, under the *Local Government (Procedures at Meetings) Regulations 2013*, a council member can only be excluded (suspended) for part of or the remainder of a meeting by a council resolution. This is unworkable where there are factions within a council or where there are disagreements creating high tensions that result in inappropriate and impeding behaviour.

Finally, a number of concerns have also been voiced about the working relationship between principal members and councils’ chief executive officers. For a council to be effective, these two leaders must work together in a complementary way, providing mutual support and ensuring productive interaction between the elected council and its administration.

**PROPOSALS FOR REFORM**

It is proposed that the Act should clearly state expectations of the role of the principal member as a leader of the council. These could include—

- Presiding at meetings of the council and exercising the powers as prescribed under the regulations.
- Providing guidance to council members about what is expected of a council member.
- Supporting council members’ understanding of the separation of responsibilities between the elected and administrative arms of the council.
- Promoting and supporting good, constructive working relationships and high standards of behaviour and integrity in the council.
- Where necessary, taking a leadership role in resolving differences in the elected member body.

It is also proposed that the presiding member of the council meeting (which is usually the principal member) be given enhanced powers to manage disruptive behaviour by council members in a council meeting, through a power to exclude council members for part of or for the remainder of council meetings.

Any misuse of this power would be considered as an integrity breach, within the new conduct framework.
Mayors cannot vote on most council motions as they are currently restricted to a casting vote only when members’ votes are tied. Feedback from Mayors is that this limitation does not reflect community expectations of their leadership role within a council. Therefore, it is proposed to give directly elected Mayors a deliberative vote in council meetings while retaining their ability to make a casting vote.

### 3.3 MANDATORY TRAINING REQUIREMENTS

#### BACKGROUND

Currently, the imposition of mandatory training for council members is through the requirement in section 80A of the Act and Regulation 8AA of the *Local Government (General) Regulations 2013* that councils must prepare and adopt a training and development policy for its members that complies with the LGA training standards approved by the Minister. The LGA training standards require mandatory training.

#### ISSUES

There is a significant amount of support from the community for mandatory training requirements for council members.

However, the LGA, with support from the local government sector, has raised an issue regarding how the mandatory training for council members is currently imposed through the training standards. A number of submissions proposed that there could be more clarity in the legislation on the training that is required, and on the consequences for members that choose not to comply with the mandatory training requirements.

Ideas have been received to change the requirements to a competency-based assessment (rather than attendance-based) and consideration of online training capabilities. Many suggestions were also received in regard to the topics that should be covered in mandatory training.

#### PROPOSALS FOR REFORM

It is proposed to amend the Act to replace the requirement for councils to have a training and development policy with a mandatory training scheme established in regulations.

It is also proposed that the requirement for mandatory training for council members to be completed (within a specified timeframe) be prescribed in the legislation and that there be a consequence for non-compliance. Specific sanctions may apply for a failure to comply with these mandatory training requirements, or this failure could be considered as a breach of an ‘integrity matter’.
The effectiveness of a local government is largely dependent on the relationship that a council (and its individual elected members) has with its administration, primarily the chief executive officer (CEO). The role of the CEO is outlined in the Act—in summary, CEOs must implement council policies and lawful decisions, be responsible for the day-to-day management of the council, and provide good advice and information to the council.

CEOs answer to their council—and it is, therefore, the council’s responsibility to properly manage them. However, while the Act includes requirements for appointing (employing) a CEO, and sets some procedures for appointment and grounds for termination, the Act does not have any specific requirements about performance reviews or management.

Feedback received raised concerns about a perceived imbalance of power in local government in South Australia. There is a view that the council as a governing body and the individual elected members are overly reliant on the administration, particularly the CEO, in their decision making.

Concerns have also been raised that council CEOs have a disproportionate advantage in negotiating their own contractual conditions and that there is insufficient oversight of their performance. Conversely, other feedback argued that CEOs can be vulnerable to poor assessments of their performance, and poor decisions regarding their future employment. The role of a CEO in a council is of critical importance, and therefore, so is their performance. However, council members do not always have the expertise to set performance standards, contractual conditions and appropriate remuneration, or to conduct effective and timely performance monitoring and management.

Further, the review of a CEO’s performance can be particularly difficult when relationships between the council and its CEO are not professional—both hostile and overly friendly relationships between a council and its CEO can be equally problematic.

The details of minimum training requirements and standards will be considered as part of the development of a regulation package in a later stage of the reform process.
A number of ideas were received on the performance of the CEO, and the role and relationships between the CEO and the council. These ideas included revising the process by which CEOs’ positions are advertised, appointed, renewed and released.

It is proposed that councils be required to involve independent advice in a CEO appointment process. This could be a requirement to receive independent advice or to include independent members on the CEO selection panel that makes recommendations to the council on the appointment and employment of a CEO, including employment conditions. An additional proposal could be to give the responsibility for determining appropriate CEO remuneration to the Remuneration Tribunal of South Australia (which currently sets council members’ allowances).

It is also proposed that councils be required to conduct annual performance reviews of their CEO. These could include independent membership (noting that it is common for councils currently to use CEO performance committees), which may be linked to the council's governance committee, if this reform is implemented, or separate independence advice.

Finally, it is proposed that a CEO’s contract cannot be extended without the council completing a performance review; and that the CEO’s contract cannot be terminated without the council gaining specialist industrial/employment contract advice.
### COUNCIL MEMBER CONDUCT

1. **Clearly separate behavioural matters from integrity matters in the legislation.**

2. **Include standards of behaviour in the legislation, allowing councils to adopt more detailed ‘examples of behaviour’.**

3. **Continue to give councils flexibility to deal with behavioural matters.**

4. **Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.**

5. **Enable escalation of serious behavioural matters to an independent body that can suspend members (including suspension of an allowance).**

6. **Simplify the conflict of interest provisions by establishing ‘material’ and ‘non-material’ conflicts.**

7. **Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.**

8. **Clarify the application of conflict of interest rules to council committees and subsidiaries.**

   Establish a new conduct management framework through—

   - **Model 1 - The clarification of current legislation**
   - **Model 2 - Using governance committees**
   - **Model 3 - Establishing a Local Government Conduct Commissioner.**
1.10 Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.

1.11 Clarify the role of council members to recognise their obligation to complete mandatory training.

1.12 Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.

1.13 Provide directly elected Mayors with a deliberative vote on motions before council.

1.14 Establish a mandatory training scheme within the regulations.

1.15 Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.

1.16 Require councils to receive independent advice on CEO selection and remuneration.

1.17 Give responsibility for determining CEO remuneration to the Remuneration Tribunal of South Australia.

1.18 Require councils to conduct annual performance reviews of CEOs, with independent oversight.

1.19 Require annual performance reviews to be completed before the extension of a CEO contract.

1.20 Require councils to receive independent advice before terminating a CEO contract.
REFORM AREA 2

LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
INTRODUCTION

Councils in South Australia collectively manage an annual budget in excess of $2.2 billion and are responsible for more than $24 billion worth of infrastructure and other assets. To manage these responsibilities, councils can raise tax—council rates—and impose other fees and charges on their communities.

It is essential that councils, as public bodies, meet the right standards of accountability for public sector administration and management of public funds.

Many submissions made through the call for ideas argued that a system of benchmarking or service reviews across local government would help councils and communities to better understand the costs of services, and how efficiencies may be achieved.

The South Australian Government has directed the South Australian Productivity Commission (the SAPC) to undertake an inquiry into local government costs and efficiency to identify options to improve efficiency and financial accountability and reduce costs for ratepayers.

The inquiry will involve state-wide consultation with councils, community groups and relevant professionals in the public, private and professional bodies as part of the public engagement process, before the release of a draft report in August 2019, and a final report on 22 November 2019. It is expected that this work will inform future directions on the potential use of benchmarking and other service review mechanisms across local government.

Further information on the SAPC’s work is available at—
2.1

The Local Government Act 1999 (the Act) sets the standards for councils’ administrative and financial accountability, largely in Chapter 8 of the Act. This framework reflects the broader local government policy that has been in place for South Australia for some time, that is, that councils have a responsibility to abide by the statutory framework, and are accountable to their communities for doing so, without detailed compliance oversight from the State Government.

However, the State does have a responsibility to ensure that the statutory framework sets appropriate standards. Significant legislative amendments have therefore been made over a number of years to improve the financial management and accountability of councils in South Australia.

In 2007, amendments to the Act improved the accountability of councils as well as strengthening their financial governance, asset management, rating practices and auditing arrangements.

These improvements included the requirement for councils to—

- Prepare and adopt long-term financial plans.
- Establish audit committees.
- Adopt a consistent and improved reporting format for annual financial statements.
- Prepare and adopt infrastructure and asset management plans.
- Adopt several measures to strengthen the independence of external auditors.
Additional amendments in 2009 further improved the legislative framework for internal and external review of council administration and financial management, including changes to improve council external audits and strengthen internal controls.

These changes included—

- New requirements for an auditor to audit a council’s internal controls and provide an opinion on whether those internal controls provide a reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.

- Expanding the matters that council auditors must report to the Minister.

- Increased guidance about what council policies, procedures and practices must be designed to achieve in key areas such as prudential management and contracts and tendering.

In addition, amendments were made to the Public Finance and Audit Act 1987 in 2013 to enable the Auditor-General to conduct an examination of a publicly funded body (which includes a council, a subsidiary of a council or a regional subsidiary) and the efficiency, economy and effectiveness of its activities.

The Auditor-General may also examine the accounts relating to a publicly-funded project and the efficiency and cost-effectiveness of the project. The Auditor-General must conduct an examination if requested to do so by the Treasurer or the Independent Commissioner Against Corruption.

**COUNCIL AUDITS**

Auditing is the independent examination of the financial report of an organisation. Audits are critical to ensuring confidence in councils’ financial position and operations, as they assess compliance with the standards set out in the Act and Regulations.

External audits in the South Australian local government sector have traditionally been focused on an independent assurance that a council’s annual financial statements present a true and fair view of the financial position of the council and comply with prescribed requirements.
These audits now also examine and report on the adequacy of a council's internal controls, which are the measures put in place by councils to ensure that a council's resources, operations and risk exposures are effectively managed.

Auditors must undertake an audit on the controls put in place by a council in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities, and provide a report to the council as to whether these controls are sufficient to provide reasonable assurance that the financial transactions have been conducted properly and in accordance with law.

In forming such an opinion on a council’s internal controls, the auditor must assess them according to the criteria in the LGA’s Better Practice Model – Internal Financial Controls, which is a tool that assists a council to assess, mitigate against and reduce risks in its day-to-day operations.

Organisations commonly undertake an internal audit process to assess and report on internal controls, however, an internal audit function is not prescribed for councils in South Australia. Many councils do have an internal audit function of some kind in place to provide assurance to their audit committee that internal controls are in place and effective.

Along with a requirement to undertake an audit, the Local Government Act also provides some direction on how auditors should be appointed, and how audits should be undertaken.

All councils contract registered company auditors to audit their annual financial statements, applying the relevant Auditing Standards. Under the Act—

Councils are required to appoint an auditor who must either be a registered company auditor or a firm comprising at least one registered company auditor.

Auditors are appointed by councils on the recommendation of a council’s audit committee.

The term of an appointment of an auditor must not exceed five years.

As described above, external auditors must undertake annual auditing of a council’s financial statements and internal controls exercised by the council, and then provide, to the council, an opinion on the financial statements and the adequacy of the internal financial controls.

In practice, many councils have a majority of independent members on their audit committees, and many also extend the role of their committees to provide independent advice on a range of matters, such as procurement and prudential reporting.
Additionally, a council may request its auditor, or some other person determined by the council to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives.

It is worth noting the critical role that councils’ audit committees play in their financial reporting framework, including auditing. South Australia was one of the first States in Australia to require councils to establish an audit committee, as a body that provides independent advice to a council on auditing and related matters.

Currently, audit committees are required to—

- Review annual financial statements to ensure that they fairly present the state of affairs of the council.
- Propose, and provide information relevant to a review of the council’s strategic management plans or annual business plan.
- Have a role in an investigation of a council’s financial management, or its efficiency and effectiveness, if this investigation is requested by the council.
- Liaise with the council’s auditor.
- Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

An audit committee must have between three and five members and must include at least one external independent member with financial experience as determined by the council.
It is critical that audits are an effective financial management tool for councils, and that they generate public confidence in their operation.

Increasingly, there is an expectation for audits to provide improved financial management, fiscal responsibility, public accountability and greater community confidence in a council's administration of public money.

While significant improvements have been made to the provisions in the Act regarding council financial management and audits, there are concerns about the present arrangements for the external audit of councils. While there appears to be a consensus that the legislative framework is sound, questions have been raised about the quality of some audits. There also have been calls for greater external oversight.

A report released by the LGA in 2016, *Who Should Audit Local Governments in South Australia?*, identified a number of issues regarding local government audit arrangements.

These issues included the limited scope of many council audits (the depth of an audit performed), lack of audit oversight, inconsistency in the interpretation and application of accounting standards and auditing standards, the thoroughness of audits (in light of the generally low audit fees charged by auditors), and the independence of the relationship between auditor and council.

Additionally, an examination of the District Council of Coober Pedy completed by the Auditor-General in late 2018 concluded that this Council's financial position was unsustainable, the Council's financial performance was inadequate and that the Council's accounting systems and records were significantly deficient and unable to support effective financial management of the Council's operations.

While this examination was of a single council, its results raise the question of why the Council's own external audit process apparently did not reveal any irregularities in the Council's accounting practices or management of its financial affairs, or identify the multiple breaches of the Act that had been occurring.

### PROPOSALS FOR REFORM

It is timely to consider improvements to the Act to ensure that councils' financial management framework is both robust and consistent.

Potential improvements centre on two reform proposals—strengthening the role of audit committees and expanding the role of the Auditor-General.
As noted above, audit committees play a critical role in the standard of councils’ financial management practice and auditing processes.

The value of audit committees is widely recognised in the local government sector. Many councils have taken additional steps, beyond those required by the Act, to improve the independence and standard of audit committee members, and to expand its role.

It is generally acknowledged within the local government sector that having more than one independent member, including an independent chair, is best practice. Many councils also give their audit committees responsibilities and oversight that extend beyond those currently required under the Act, to include risk management and fraud prevention, financial and non-financial performance, and compliance with council policies and legislation.

A simple improvement to audit committees would be to require all committees to have a majority of independent members and an independent chair.

However, it may also be timely to strengthen the role of the audit committee. It is essential to ensure that the relationship between the council and its auditor is independent, and that council audits are not compromised by limited scope and reduced costs.

This could be achieved through establishing a clearer role for audit committees in the appointment of a council’s auditor; to ensure that the scope of the council’s audit parallels the scope of public sector audits undertaken by the Auditor-General, and clarify an audit committee’s role as the council’s chief liaison point with the auditor.

Additionally, given the importance of a strong internal control regime in councils, it is proposed that the responsibility of an audit committee to comment on these be strengthened, to form an opinion on the council’s internal audit requirements and a recommended course of action, recognising the diversity of councils with regard to size, needs, budget and complexity of operations.

It is critical that the audit committee’s membership contains the right skillsets and knowledge, particularly if the role is to be expanded. For example, an audit committee should have at least one member with financial qualifications and experience, in addition to experience in risk management, financial and legal compliance, governance, and a local government background. An appropriate induction should also be provided to committee members.

It is also proposed to amend the Act to clarify the policy intent for an audit committee to be active and carry out its responsibilities. It is therefore suggested that audit and risk committees be mandated to meet regularly, for example, at least four times a year.
It is acknowledged that there are concerns regarding the ability to attract suitably qualified and skilled members to audit committees, particularly in regional areas.

Amendments to the Act in 2009 permitted each council to determine, or allow its committees to determine for themselves that some committee meetings may include participation by telephone or other electronic means, provided that there is still a place that is open to the public where the conduct of the meeting can at least be heard, even when all participants are not physically in that place.

It is proposed that an expansion of audit committees' responsibilities and roles would be accompanied by an ability for councils to establish regional audit committees as they choose.

**EXPANDING THE ROLE OF THE AUDITOR-GENERAL**

Currently, South Australia is the only Australian state where the Auditor-General does not have some role in the annual council audit process.

In every other jurisdiction (with the exception of the Northern Territory), the Auditor-General is the external auditor for councils. All also enable the Auditor-General, at his or her discretion to undertake a broad scope or performance audit of councils or the local government system.

The council audit process in most interstate jurisdictions has developed in recent years into a mechanism for addressing and improving financial and asset management. This is well illustrated by the reforms in local government seen interstate, in particular in Victoria and New South Wales.

Further, in interstate jurisdictions where the Auditor-General's mandate encompasses the audit of local government authorities, the Auditor-General submits the results of these audits in reports to Parliament. These reports include comparative analysis, including analysis of financial performance and sustainability, and key issues and trends relating to local government. Further information on interstate arrangements is available in a separate document from the Office of Local Government website [dpti.sa.gov.au/local_government_reform](http://dpti.sa.gov.au/local_government_reform).
The proposal that the South Australian Auditor-General should have a similar role for councils here has been put forward previously, through—

The Economic and Finance Committee of Parliament’s 2016 Final Report on the Inquiry into Local Government Rate Capping Policies, which recommended that councils be subject to a thorough auditing process under the auspices of the Auditor-General, consistent with section 36 of the Public Finance and Audit Act 1987, and that councils be required to publish, on an annual basis, these audits.

The LGA’s 2016 Who Should Audit Local Governments in South Australia? report, which concluded that transferring local government audits under the auspices of the Auditor-General should be considered as a serious alternative to the current system.

The South Australian Local Excellence Expert Panel’s 2013 report Strengthening South Australian Communities in a Changing World, which recommended that the Auditor-General assume responsibility for local government auditing on a basis to be agreed between the LGA and State Government, noting that this would add to the legitimacy and autonomy of local government by making it subject to the same scrutiny and accountability to both the community and the Parliament as other spheres of government.

It is acknowledged that, as is the case interstate, the Auditor-General would appoint and oversight councils’ external auditors, rather than undertake the audits ‘in house’. However, this oversight would ensure that council audits are undertaken to the same standards as the audits of all State government bodies, which would improve the scope and quality of the audit process in many councils.

It would also provide a level of oversight from outside of the council body that is currently lacking. While, as detailed above, audit committees were put in place to ensure that councils’ ‘self- assessment’ scheme under the Act is subject to independent oversight, in order to deliver high quality audits across all councils, this previous reform has not quite achieved that aim. Improving the membership and role of the audit committees, while valuable, may continue to pose a risk that a body that is established by and is subordinate to councils may not deliver the level of independent oversight that is critical for public bodies.
The Auditor-General’s involvement in council audits would ensure that all audits are undertaken uniformly and to a high standard. It would also allow for the collection of useful data that can form the basis for further investigations and performance audits.

It is important that councils are aware of what services they provide, the cost of those services, and how they can improve delivery to achieve cost efficiency. Unlike the terms of reference for audits traditionally developed by most councils, an audit by the Auditor-General could routinely assess whether councils are delivering services efficiently and economically.

Finally, establishing a role for the Auditor General in council audits would also provide a consistent approach to the oversight of all public bodies in South Australia, as is already largely the case with the other integrity bodies in the State, the Ombudsman and the Independent Commissioner Against Corruption.

It is recognised that the costs of audits would be likely to increase under the mandate of the Auditor-General. This cost should be weighed, however, against the benefits of improvements to the scope and quality of many council audits, and of better, consistent data and analysis and increased public confidence in councils’ financial position, management and decisions.

3 IMPROVING GOVERNANCE STANDARDS AND DECISION MAKING

BACKGROUND

Councillors are established as democratically elected governments to make representative, informed and responsible decisions in the interests of local communities, for which they are ultimately accountable at elections. As local governments, councils must meet the standards of accountability appropriate for public sector administration and management of public funds.

The Act sets out the primary legislative framework for the system of local government and the operation of local governing authorities, including financial governance. For example, the Act requires each council to develop and adopt a number of key documents, including strategic management plans, an annual business plan and budget, and an annual report.

ISSUES

While councils are independent spheres of government that answer to their communities for the decisions that they make, it is critical that these decisions are made within a legislative framework that sets high standards of accountability and transparency.
Concerns have been raised regarding council decision making and accountability. It is essential that the legislative framework supports elected member bodies to make decisions that are well informed and that these decisions are effectively communicated to members of the public. This includes improvements to financial reporting to ensure that information about councils’ finances and budget decisions are both accessible and easily understood.

### 3.3 PROPOSALS FOR REFORM

#### CREATING ‘AUDIT AND RISK COMMITTEES’

As noted above, a number of councils have expanded the role of their audit committees to provide advice to them on a range of matters beyond those detailed within the Act. They do this to ensure that the council has an independent and thorough assessment of various matters to help the council to make good decisions, and to provide assurances to their communities that critical processes and decisions have been subject to independent oversight and assessment.

It is therefore proposed that audit committees be expanded to become ‘audit and risk committees’ that would play a critical role in improving councils’ financial management and performance. An expanded role could include—

- Reviewing councils’ risk assessments and controls.
- Providing comment on councils’ rating policies and practices.
- Reporting to councils on its use of public resources.
- Reporting to councils on prudential matters.
- Performance monitoring of councils.

It is also suggested that the chair of each audit and risk committee provide a report or statement in the council’s annual report on prescribed matters including compliance with financial governance and related statutory obligations..

The expansion of their current role would assist with increased accountability, improved decision-making, and compliance with legislation, policies and procedures. As highlighted above, it is critical that the committee’s membership contains diverse skillsets, particularly if the role is to be expanded.
While councils are required to develop a rating policy, the Act does not require councils to adopt a funding policy that sets out approaches to the funding of services. Some councils, however, have adopted a formal funding policy. The LGA’s local government reform agenda highlights that funding policies would create a single point of reference to enable the community to understand how a council proposes to pay for each of its services and infrastructure over a period of time, taking into account rates, grants fees and charges and commercial activities.

An additional proposal is therefore that councils should be required to develop and adopt a funding policy that would be reviewed on an annual basis, as part of a council’s annual business plan. Audit and risk committees could also be required to review and report to councils on this policy before its adoption.

In response to concerns regarding the transparency of rating decisions and their impact, it is proposed that councils be required to release a summary with their draft annual business plan each year that details the expected increase in councils’ total general rate revenue and the reasons for this increase. If the increase is above a prescribed level, the council’s audit and risk committee could be required to report to the council on the necessity for the increase, before a final decision on the matter.

**CREATING ‘GOVERNANCE COMMITTEES’**

Along with audit committees, many councils also establish a range of committees to advise them on critical council business and decisions. These can be governance and corporate management committees, strategic planning committees, policy committees, or committees to assist councils to appoint and manage its chief executive officer (CEO). Often these committees consist entirely of council members, or members and staff.

The advice that independent audit committees provide to councils can be invaluable. They can be a critical source of support for members, to provide additional assessment and assurances to inform their decisions, beyond that which is provided by council administration.
It is proposed to capture the benefits delivered by independent audit committees to apply to other, equally important matters before councils. To undertake their roles properly, councils need good governance standards. This extends beyond their financial management and position to encompass management, policies, processes, guidance and actions that councils rely on to make their decisions. These can be improved and strengthened through independent advice on matters that could include—

- Councils’ compliance and governance policies.
- Councils’ policies for improving ethical standards across councils and reducing fraud and corruption risks.
- Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
- Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
- CEO appointment and management (as described in Reform Area 1).

This additional ‘governance role’ could be incorporated into the overall role of an ‘audit and risk committee’ (potentially creating an ‘audit, risk and improvement committee’), or established as a separate ‘governance committee’.

Alternatively, an approach could be to allow councils to decide whether to establish two, smaller committees, or one slightly larger committee to deliver all responsibilities. As with the proposed expansion of the audit committees, enabling councils to establish regional committees could assist regional councils to appoint members with the necessary expertise and experience.
The reform program provides an opportunity to progress a number of other issues that have been identified.

**LONG TERM FINANCIAL PLANS — CONTENT 4.1**

Section 122(1a) of the Act requires each council to develop and adopt a long-term financial plan covering a period of at least 10 years, along with an infrastructure and asset management plan also covering a period of at least 10 years. These plans form part of a council’s strategic management plans. The Act and Regulations set out content requirements for long-term financial plans and the LGA’s Financial Sustainability Information Paper includes guidance material.

It is proposed that the requirements in the Act and Regulations should be more detailed. For example, councils should be required to clearly state whether their infrastructure and asset management plan is based on maintaining existing service levels, or whether service level reductions or improvements are planned.

**LONG TERM FINANCIAL PLANS — CONSULTATION 4.2**

The Act requires councils to review their long-term financial plans, and any other elements of its strategic management plans as soon as practicable after adopting its annual business plan for a particular financial year.

To ensure that long-term financial plans are improved and updated as frequently as practical, it is proposed to amend the Act to clarify that public consultation is not required for a review of a long-term financial plan unless significant changes are being proposed.

It is also proposed to clarify that long-term financial plans must be reviewed at least once a year, rather than the requirement for the review to be undertaken as soon as practicable after the CEO reports on the council’s long-term financial performance and position.
CEO REPORT ON THE COUNCIL’S LONG TERM FINANCIAL PERFORMANCE AND POSITION 4.3

The Act requires a council CEO to report, each year, on the sustainability of a council’s long-term financial performance and position. As the content and quality of such reports vary significantly, it is proposed to strengthen the legislative provisions by ensuring that the report is presented in a manner in which supports council members and the community to understand it.

APPROVAL OF COUNCIL BORROWINGS 4.4

A report released by the Auditor-General in late 2018, concerning the District Council of Coober Pedy, could be interpreted to suggest that councils are required to pass a separate resolution every time a borrowing is undertaken. It is proposed to amend the Act to ensure that a budget adopted by a council may include approval of an amount of new borrowings or other forms of financial accommodation which may be undertaken for the financial year.

ADOPTION OF AN ANNUAL BUSINESS PLAN 4.5

Currently, councils are unable to adopt their annual business plans and budgets before 1 June each year, but must do so before 31 August (except in a case of extraordinary administrative difficulty). It is proposed to simplify this requirement, and recognise that most councils adopt their annual budgets in July, by requiring councils to adopt their annual business plan and budget by 15 August each year.

INTERNAL FINANCIAL CONTROLS 4.6

It is proposed to require all councils to comply with the LGA’s Better Practice Model – Internal Financial Controls. This would support councils to meet their obligations under the Act to maintain policies, practices and procedures of internal control.

It would also resolve a current inconsistency between the requirements for internal controls under section 125 of the Act, and the scope of internal controls required to be considered by a council’s external auditor under section 129(3)(b) of the Act. Unless a council has voluntarily agreed to adopt and comply with the Better Practice Model – Internal Financial Controls framework, an external auditor may be put in the position of being required to give an opinion on a council’s compliance with a framework that a council is not required to comply with.
REFORM AREA 2
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY
SUMMARY OF REFORM PROPOSALS

FINANCIAL ACCOUNTABILITY

2.1 Require audit committees to have a majority of independent members, and an independent chair.

2.2 Strengthen the role of audit committees in councils’ external audits, through a greater role in the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.

2.3 Require audit committees to report on the council’s approach to internal audit processes.

2.4 Require audit committee members to have specified skills, and an induction process.

2.5 Allow councils to form regional audit committees.

2.6 Require the Auditor-General to oversee all council audits.
Create ‘audit and risk committees’ that play an expanded role in councils’ financial management and performance.
This could include—

2.7
• Reviewing councils’ risk assessments and controls.
• Providing comment on councils’ rating policies and practices.
• Reporting to council on its use of public resources.
• Reporting to councils on prudential matters.
• Performance monitoring of councils.

2.8
Require the chair of the ‘audit and risk committee’ to provide a report in the council’s annual report on governance standards and compliance.

2.9
Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.

2.10
Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase.

2.11
If a council’s proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.

Create ‘governance committees’ to provide independent advice to councils on critical management, policies, processes and actions, potentially—

2.12
• Councils’ compliance and governance policies.
• Councils’ policies to improving ethical standards across councils and reduce fraud and corruption risks.
• Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.
• Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).
• CEO appointment and management (as described in Reform Area 1).
EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION

REFORM AREA 3
Every four years, all councils across South Australia are elected. Just like State and Federal elections, Local Government elections establish our government. They give us the ability to choose who we want to represent us, to lead our communities, and to make decisions about the services that are available to us.

The details of an election process are therefore critically important. Many aspects of council elections are unique, differing from State and Federal elections to reflect their essentially local nature.

It is fair to say that the way in which we vote for our councils is a matter of great importance to all people with an interest in local government. It’s critical that this process is fair, transparent, run independently, provides the right information at the right time, and encourages participation from potential council members and voters alike.

This Reform Area provides a range of proposals aimed at improving the local government elections in South Australia. As election processes can be technical, this Reform Area breaks this process into smaller parts, that progressively work through the ‘stages’ of an election; from its basis to its final result, to assist further discussion and debate on these proposals.

This Reform Area also covers matters of representation that sit outside a general council election process—supplementary elections; and the role of representation reviews that consider councils’ internal structure.

Finally, a number of additional (technical) amendments to the Local Government (Elections) Act 1999 are proposed. These have largely been requested by the Electoral Commissioner of South Australia (ECSA) to remove inconsistencies and address technical issues that have arisen during previous Local Government elections.

Note: Many aspects of Local Government elections are the responsibility of the ‘returning officer’. The returning officer is currently ECSA. References to ECSA throughout this paper should, therefore, be read in this context.
2 BASIS OF ELECTIONS

BACKGROUND

Local Government elections are held in November every four years. Currently, local government elections are held in the same year as State elections. In 2018, the State election was held in March and Local Government Elections were held in November.

Unlike State and Federal elections where voting is compulsory, voting for your council is voluntary in South Australia.

Voting is postal. Ballot papers are sent to voters, and, if they are choosing to vote, voters complete the ballot papers, and return them via post or to a council office.

The voting franchise extends beyond residents, to include property owners.

It should be noted that these elements of Local Government elections vary across Australian jurisdictions. For example, voting for your council is compulsory in New South Wales, and voting there is also by ‘attendance’—that is, at a polling booth.

ISSUES

While many ideas and suggestions to improve local government elections have been made, the chief issue that is raised is voter turnout. A statewide average of 32.94% of enrolled voters chose to vote in their council elections in the 2018 elections. This is a proportion that has been fairly consistent since the introduction of postal voting for the 2000 Local Government elections.

PROPOSALS FOR REFORM

During the call for reform ideas, the most popular idea received was to introduce electronic—online—voting for councils. However, there are a range of technological challenges that must be overcome before online voting can be introduced. For this reason, it is not proposed to change the current postal voting system.

ECSA has, however, requested an ability to provide ballot papers to electors electronically in some instances (with them returned electronically) to avoid delays in receiving the completed votes.
It is also not proposed to move to compulsory voting. Enforcing compulsory voting in a postal voting system is difficult and resource intensive. This may be a reform best explored at a time when online voting is possible.

However, it may be timely to consider changing the timing of council elections, to move them away from a State election year. If this proposal is to proceed, it is suggested that Local Government elections would be held the following year from State elections. If this is the desired change, the next local government elections will be held as scheduled in November 2022, followed by the next periodic elections in November 2027 (ie a five-year term), then reverting to four-year terms.

It is also proposed to clarify the respective roles that ECSA and the local government sector play in promoting local government elections. To allow for clear and timely messages to be provided to both encourage people to nominate for councils and to encourage people to vote, it is suggested that councils are responsible for information sessions about their role and opportunities for potential members; and that ECSA is solely responsible for the promotion of the election.

### 3 ENROLMENT

#### BACKGROUND

Before receiving ballot papers, voters must be on their council’s voters roll.

In South Australia, voters who are already on the State Electoral roll in their council area to vote in State elections are automatically included on the Council voters roll and receive ballot papers in the post. However, landlords, business lessees or resident non-Australian citizens who wish to vote in Local Government elections must enrol for each council election by completing an enrolment form. The application for enrolment on a voters roll must be made to the CEO of the council, who is responsible for the maintenance of the voters roll for the council area.

This was a change made after an extensive review of local government elections in 2008. From 2000-2008, property owners—like residents—automatically received ballot papers in the post, without having to ‘self-enrol’.

However, the 2008 *Review of Local Government Elections* found that the costs of maintaining a separate council voters roll, comprising those voters who are landlords, business lessee or resident non-Australian citizens, was high. Councils at that time were spending around $1 million across the sector to maintain the roll. Additionally, the voter turnout from property franchise holders was very poor. Slightly less than 19% of these voters chose to exercise their vote in the 2006 local government elections, dropping as low as 10.2% in previous elections.
ISSUES

3.2

When the requirement to automatically enrol property franchise holders was removed, councils were required to notify people who were not on the House of Assembly roll in their areas of the need to self-enrol if they wished to receive ballot papers. It has become apparent, however, that many people are not aware of this requirement, and are unhappy when they do not receive ballot papers in the post.

There have therefore been a number of requests from councils and from members of the public to re-introduce the requirement to automatically enrol property franchise holders.

However, some councils have also expressed concerns that this could have significant resource implications. Additionally, ECSA have advised that the re-introduction of the automatic enrolment of property franchise holders must include a requirement for groups and body corporates to nominate a natural person to exercise its vote, before receiving ballot papers. This will enable councils to ensure that a person is not voting twice in a council election, but will add to the costs of managing the roll.

PROPOSALS FOR REFORM

3.3

Two proposals are suggested to improve participation in local government elections by property franchise holders—

1. Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol before an election (and introduce a penalty for non-compliance).

2. Re-introduce automatic enrolment of property franchisees, with each body corporate and group required to nominate an eligible natural person as a ‘designated person’ in order to receive ballot papers.

NOMINATIONS

4.1

Nomination is the process that enables a person who wishes to be elected to their council to put themselves forward as a candidate.

Before making this decision, people can attend information sessions and obtain nomination kits, which are made available by ECSA two weeks before nominations open.
Once they have decided to nominate, that person must complete a form declaring their eligibility to stand as a candidate in their nominated election. Their nomination is then lodged with the council in which the individual is standing for election. The nomination must be accompanied by a ‘candidate profile’ that includes a short (150 word) description of themselves and the reasons why people should vote for them.

Prior to the close of nominations, those nominations that are accepted (ie not rejected by ECSA) are displayed in council offices for the public’s information. The front page of this form includes the candidate’s enrolled address, and address of the rateable property, if different from their enrolled address.

Within five business days of the close of nominations, a candidate may also provide a ‘candidate’s statement’, which is subsequently published on the Local Government Association’s website. This differs from the candidate profile as candidates are allowed to make direct statements about the council and its members in this statement.

Candidate profiles are also provided to all voters with their ballot papers.

**ISSUES**

A number of councils have expressed concerns regarding their involvement in receiving and publishing nominations. This can place pressure on council staff, and give rise to an impression that staff are assisting or benefiting some candidates over others.

There was also some confusion expressed about the intent of the candidate profile and the candidate statement. It was also noted that the need to provide a platform for candidates to promote their candidature has been largely superseded by the accessibility of social media, which allows candidates to communicate information to voters in a dynamic, responsive manner, which the website is unable to achieve.

A specific issue regarding nominations for the position of Lord Mayor has also been raised. The *City of Adelaide Act 1998* prevents any person from holding office as Lord Mayor for more than two consecutive terms. No other council office—and no office within State or Commonwealth Parliament—has a similar limit.
It is proposed that ECSA, as the returning officer, take a clearer and more centralised role in receiving nominations and publishing candidate profiles—

- ECSA will be responsible for the nominations process, will manage an online nomination process and provide councils (and publish online) a list of accepted nominations relevant to their council area within 24 hours after close of nominations.
- ECSA will publish candidates’ profiles, including the profile statements on its website. The maximum length of the profile statements will be amended from 150 words to 1000 characters, to provide a more consistent and accurate count. These 1000 characters may include directions to find further information about a candidate (such as social media).
- The provisions relating to the candidate’s statement will be removed, along with the corresponding requirement for the LGA to subsequently publish these on a website.

It is also proposed that the term limit on holding the office of Lord Mayor be removed.

5 CANDIDATES

BACKGROUND

Once a person has had their nomination accepted, they become a candidate standing for election. At this point, a candidate can commence campaigning.

Many candidates in the 2018 local government elections campaigned via social media. Others used more traditional methods of campaigning, such as door-knocking and letterbox drops. ‘Meet the candidates sessions’ run by councils also help voters to learn who is running for their council, and what their views are.

Candidates may place election signs on road infrastructure (eg light poles and stobie poles) during the campaign, but these signs must comply with legislated guidelines. Election signs may be put in place no earlier than four weeks before the close of voting, and must be removed within 48 hours of the close of voting.

Council resources such as offices, staff, equipment or stationery must not be used during any candidates’ campaign.
ISSUES

A range of issues and ideas about requirements placed on candidates were raised in the call for reform ideas.

A number of these centred on the information that is required to be provided by candidates to voters. As described above, candidates currently must provide a 150-word profile (which is included with the ballot papers posted to voters), and may make a candidate statement.

A number of people also raised concerns that candidates who are members of political parties can access a copy of the voters roll in electronic form, which is not available to candidates who are not political party members.

There was also a range of views expressed on whether or not candidates should be required to have a particular qualification, or undergo training relevant to being a council member, to improve the quality of candidates and better prepare candidates to becoming a council member.

While it was widely agreed that council resources should not be used to advantage any candidate for election—whether they be an incumbent member or not—there was also a strong view that the requirements within councils' caretaker policies do not express this obligation well.

PROPOSALS FOR REFORM

It is proposed that candidates be required to state—

- Whether they live within the ward or council area that they are contesting. This would be a simple ‘yes/no’ or tickbox, to avoid risks associated with the release of candidate addresses.
- Their membership of any political party, or any association or body formed for political purposes, of which the candidate is a member or has been a member within the past 12 months.

It is also proposed that the responsibility for receiving information on donations received by candidates, and enforcing candidates' compliance with campaign donations returns requirements, is transferred from council CEOs to ECSA, which will publish all returns online.

This will include a requirement for candidates to report to ECSA any single donations above a prescribed amount (for example, $2000), or donations totalling above a prescribed amount from a single person or entity, or gifts worth above a prescribed amount, within five business days of receipt. ECSA must publish a report of these donations within two business days of receipt on its website.
It is proposed that all candidates be entitled to an electronic copy of the voters roll on request to their council, with significant penalties ($10 000) for use of the roll for any purpose other than campaigning in the local government election for which the candidate has nominated.

While views about candidate training and qualifications were considered, it is not proposed that these will be required, given concerns about enforcement and the impact requirements may have on the range and number of people choosing to stand for their council.

Finally, it is proposed that the requirement for councils to make a ‘designated decision’ within their caretaker policies regarding the use of council resources for the advantage of a particular candidate or group of candidates be removed. It is more appropriate for this requirement to be simply stated within the general caretaker responsibilities of councils.

6 RECEIVING AND COUNTING VOTES

BACKGROUND

Voting packs are distributed to enrolled voters in the mail at least two weeks prior to the close of voting. In addition to ballot papers, each pack includes information about the candidates standing for election. Votes must be received by ECSA no later than the day and time noted on the postal voting guide included in the ballot package.

This guide explains how voters need to complete their ballot papers. In the South Australian system, voters must mark numerical preference for at least the number of candidates to be elected, and can continue to number if desired. This voting system is called ‘partial preferential voting’.

When counting votes, ECSA use a system called ‘Proportional Representation’. This system requires candidates to reach a determined quota, calculated by dividing the number of formal ballot papers (votes) by the number of vacancies to be filled.

It is a counting method designed to ensure that vacant positions are allocated as nearly as possible in proportion to the votes received. A candidate is elected after obtaining a quota or proportion of the formal vote.

ECSA must then declare the provisional result of the poll once the result becomes apparent. The election result must be finalised following a period of 72 hours for any recount requests, and results published within one month of the close of voting.
ISSUES

6.2

For the November 2018 local government elections, there were additional expense and delays in the posting of ballot papers as a result of changes to Australia Post fees and delivery policies. This raised some concerns about the voting period (2 weeks), and voters’ ability to post a vote that would be received by ECSA before the end of this period.

There have also been some requests for changes to the system of voting, particularly to change to optional preferential voting in Local Government elections, to encourage voter participation. A number of requests were also received to accelerate the counting process, so that results can be known sooner after the close of voting.

PROPOSALS FOR REFORM

6.3

It is proposed that the voting period be extended by an additional week to accommodate Australia Post delivery timeframes. This will assist in bringing forward the current date for reissue of voting material and to provide for its return before the close of voting.

Changes to the voting method were considered, particularly the proposal to move to optional preferential voting. However, it should be noted that a large proportion of voters in elections where optional preferential voting applies only put a number ‘1’. If a voter’s preferred candidate is not elected, but excluded, their ballot paper cannot be distributed as they have no further preferences marked—their vote is exhausted. Therefore, the partial preferential voting method should be retained.

It is, however, proposed to change the counting method. While the current method is assessed as a ‘fair’ system for counting votes, it is also recognised as a more complex counting process than other systems, and one that takes considerably longer to finalise. A simpler, faster method of counting is the exclusion method. This excludes at each count the candidate who has received the fewest votes until the number of candidates continuing in the count is equal to the number of vacancies to be filled.

The more simplified counting method will remove the requirement for complex counting software, and reduces the risk posed by any lack of access to this software.

To determine the potential effects on election results from this proposed reform, ECSA conducted recounts of ballot papers from six council elections using the simpler exclusion count method. The only change to any of the elected candidates was one case, where the final position in a ward that had six nominations for three positions, was changed. In this instance, the candidate elected through the exclusion method obtained significantly more first preference votes than the candidate elected through the current method.
SUPPLEMENTARY ELECTIONS

BACKGROUND

If an elected member resigns or passes away, a casual vacancy arises in the council. Supplementary elections are held when it is necessary to fill a casual vacancy on a council.

ECSA must begin a supplementary election, once advised by a council's CEO that their council has a vacancy, unless this vacancy has occurred on or after 1 January in a periodic election year, or within seven months before polling day of a general election.

Where a council does not have wards, they may adopt a policy to not fill a single vacancy until the next periodic election. However, if a subsequent vacancy occurs, a supplementary election must be held to fill all vacancies. These provisions do not extend to mayoral vacancies which must be filled as soon as practicable.

ISSUES

Supplementary elections must be funded by councils and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant. Notably, voter participation in supplementary elections is in the range of 5–7% lower than at periodic elections.

VOTER TURNOUT AT SUPPLEMENTARY ELECTIONS

<table>
<thead>
<tr>
<th>YEAR</th>
<th>NUMBER OF SUPPLEMENTARY ELECTIONS</th>
<th>AVERAGE PARTICIPATION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015–16</td>
<td>10 supplementary elections to fill 12 vacancies¹</td>
<td>24.32%</td>
</tr>
<tr>
<td>2016–17</td>
<td>11 supplementary elections</td>
<td>27.9%</td>
</tr>
<tr>
<td>2017–18</td>
<td>10 supplementary elections</td>
<td>25.7%</td>
</tr>
<tr>
<td>2018</td>
<td>November 2018 Local Government elections</td>
<td>32.94%</td>
</tr>
</tbody>
</table>

Seven months after the conclusion of the November 2018 Local Government elections, three supplementary elections have been held, or will be held, for four elected member positions.

¹As no nominations were received for the vacancy of councillor for Flinders Ward, in the District Council of Streaky Bay, the election failed. Accordingly, the council was required to appoint an eligible person to fill the position, under the provisions of section 8(1) of the Local Government (Elections) Act 1999, following the failure of the supplementary election. Source: ECSA Annual Report 2015–16.
It is proposed to reduce the impact of supplementary elections on councils and their communities by allowing the last excluded candidate at the most recent periodic election to be elected, if the vacancy they are filling was created within twelve months of this periodic election. Of course, the candidate would still need to meet the eligibility criteria and be willing to accept the position. This may apply to all positions, or exclude directly elected mayoral positions.

It is also proposed that the period in which a vacancy does not need to be filled be extended to twelve months prior to the next periodic election or a general election.

It may also be possible to allow councils to ‘carry’ greater numbers of vacancies. It is, however, important to balance the cost of supplementary elections against the cost of under-representation of the community during council decision making processes. And, as councils have varying numbers of elected members, the impact of reduced numbers is felt differently.

For those councils that have relatively small numbers of members (6–7) allowing two vacancies would result in a very small number of elected members carrying responsibility for all council decisions. For example, some councils have a total of six elected members, and can carry one vacancy under the current provisions. If allowed to carry an additional vacancy, council decisions would be voted on by four elected members. This may also make it difficult for councils to form a quorum when members are absent.

With this in mind, it is proposed to allow a council without wards to carry a maximum of two vacancies where that council has a total of nine or more elected members, not including a directly elected mayor.

### QUORUM REQUIRED FOR REDUCED NUMBER OF ELECTED MEMBERS

If councils were allowed to carry an additional vacancy, it is possible that a council could end up carrying more than two vacancies if an elected member resigned during the prescribed period leading up to a periodic or general election.

<table>
<thead>
<tr>
<th>ORIGINAL NUMBER OF ELECTED MEMBERS</th>
<th>NUMBER OF ELECTED MEMBERS AFTER 2 VACANCIES</th>
<th>QUORUM REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>9</td>
<td>7</td>
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</tr>
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<td>10</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>9</td>
<td>5</td>
</tr>
</tbody>
</table>
**8 REPRESENTATION REVIEWS**

**BACKGROUND**

8.1 Representation reviews require councils to regularly consider their composition—essentially its number of council members—and their structure—primarily whether or not it has wards.

Section 12 of the *Local Government Act 1999* sets out requirements that all councils must follow when conducting a representation review, including how councils must undertake and consider public consultation.

Councils must release a ‘representation options paper’ that examines the advantages and disadvantages of the various options to alter the composition of the council or its ward structure and, in particular, if the council is divided into wards, consider whether this should be the case.

The council must then invite submissions on this paper. After the public consultation period, the council must prepare a report that provides information on the public consultation, responds to issues arising from the submissions it has received, and sets out a proposal. If the council has decided not to adopt any change under consideration that was part of the representation options paper, the council must set out the reason for its decision. This report must then be made available for a ‘second round’ of public consultation.

Before any changes can be made to a council’s composition, ECSA must determine that the requirements of the Act have been satisfied, and provide the council with a certificate. Once a council has this certificate, it can gazette the change to its composition or wards.

**ISSUES**

8.2 Over the last two council terms (2010–2018), all councils have completed representation reviews. Following this, there has been a request to review and simplify the requirements in the Act that apply to this important process.

In particular, there is a view that the process guiding councils’ public consultation on their representation reviews is unnecessarily prescriptive, and prevents councils from properly responding to—or adopting—changes to proposals that may arise through this consultation.

On a more fundamental level, there is also a view that council members have—or are seen to have—an inherent conflict of interest when making a decision on the right representative structure for their council. Elected members may be reluctant to make any changes which would affect them and their chance to be re-elected at the next election, or may be perceived to be acting in their own interests rather than that of the council and its community.
There are two proposals for reform of representation reviews—

1. Review the current provisions, to make the public consultation requirements more flexible, and to make other simplifications and improvements that may be identified, or

2. Give responsibility to the Boundaries Commission to regularly review the internal structure of councils, including council representation (e.g., the number of elected members) and nature of representation (e.g., ward vs. area councillors) as is appropriate for each community. This would be done on a cost-recovery basis for each council.

9 Elected Members Contesting State Elections

BACKGROUND

From time to time, members of councils may choose to run for political office in another sphere of government. These candidates continue in their role as a council member throughout the campaign for State or Federal Parliament.

ISSUES

The issue that has been raised is whether it is appropriate for these candidates to be in a position as a council member if they are running for another office, or whether they should be required to take a leave of absence.

The principal argument for requiring council members to take a leave of absence while campaigning is that it is not appropriate for council members to use their position in local government to promote their candidacy for another sphere of government. It is argued that this raises perceptions that these members have a conflict of interest, or that the interests of their campaign takes precedence over their role as a council member.

While existing rules prevent council members from using council resources for their personal benefit (which would include a campaign), there may also be a perception that the resources available to council members do in fact give them an advantage in this campaign against other candidates who are not council members.
It is proposed that council members standing for election to State Parliament are suspended from their position as council members during the election period. This would mean that the members would not—

- Undertake any official functions or duties over this time, including attending council meetings.
- Be provided with council meeting agendas or other materials as a council member.
- Have any access to council facilities or services that is not available to members of the public.
- Receive their allowance for this period.

This proposal only applies to State elections, as Commonwealth legislation prevents its application to elections to the Commonwealth parliament.

### ADDITIONAL PROPOSALS

The Local Government Reform program provides an opportunity to make a range of other amendments to the Local Government (Elections) Act 1999.

Other proposals for reform are—

### SUPPLEMENTARY ELECTIONS

Allow for the close of voting for supplementary elections to be at a time determined by the Returning Officer, allowing the Returning Officer to set both polling day [under section 6(6)] and the time for the close of voting on that day. Such a determination would be made by the Returning Officer when setting all other dates for the supplementary election including the Close of Rolls and Close of Nominations.

### COUNCILS HOLDING POLLS UNDER THE LOCAL GOVERNMENT ELECTIONS ACT

Require councils to provide notice of a polling day on its website, and allow for the close of voting for a council poll to be 5 pm on polling day.

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2Section 327(3) of the Commonwealth Electoral Act 1918 provides that state of territory laws that discriminate against local government members in Federal elections have no effect.
THE VOTERS ROLL  

Remove the reference to ‘purchase’ of the voters roll, to provide consistency with section 15(14).

PUBLICATION OF MISLEADING MATERIAL  

Require the publication of a retraction to be prominently placed in the early pages of The Advertiser and other local press.

BALLOT PAPERS  

Allow for drawing of lots as soon as practicable after noon (rather than waiting for 4 pm).

ISSUE OF POSTAL VOTING PAPERS  

Align the cut-off for both an application by post and in person to be by 5 pm on the fourth business day before polling day.

ARRANGING POSTAL PAPERS  

Remove the reference to the close of voting at noon for an election or poll (consist with amendments to the close of voting).

METHOD OF COUNTING AND PROVISIONAL DECLARATIONS  

Alter the method to that used when conducting an optional preferential count.

DISPUTED RETURNS  

Allow the Electoral Commissioner as returning officer to petition the Court of Disputed Returns in circumstances where the validity of the result must be challenged due to error.
3.1 Change the timing of periodic council elections to the year following a state election.

3.2 Enable ECSA to provide ballot papers electronically.

3.3 Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.

3.4 Require councils to undertake specific activities to inform property franchise holders of their need to self-enrol, OR re-introduce the automatic enrolment of property franchise holders.

3.5 Require ECSA to receive all nominations and publish candidate profiles.

3.6 Remove the term limit on holding the office of Lord Mayor.

3.7 Require candidates to ‘tick a box’ stating whether they live in the area they are contesting.

3.8 Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.

3.9 Require ECSA to host all information on donations received by candidates.

3.10 Require candidates to report to ECSA any single donations above a prescribed amount (for example, $2,000) within five business days of receipt.
PROPOSALS FOR LOCAL GOVERNMENT REFORM

3.11 Enable all candidates to request an electronic copy of the voters roll from the relevant council.

3.12 Remove the requirement for councils to make a ‘designated decision’ within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.

3.13 Extend the voting period by one week to better allow for postal delays.

3.14 Change the counting method to the ‘exclusion method’.

3.15 If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a ‘countback’ of candidates.

3.16 Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.

3.17 Enable councils without wards, and with at least nine members, to ‘carry’ two vacancies.

3.18 Simplify representation reviews, and make public consultation requirements more flexible.

3.19 Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.

3.20 Suspend council members running for State Parliament for the duration of the election campaign.
SIMPALER REGULATION

REFORM AREA 4
1 INTRODUCTION

Councils play an important role in our local communities and make many decisions that have a real impact on our day to day life. While councils are independent governments in their own right, their operations and decisions must comply with broader rules. These are the various pieces of legislation that apply to councils, that set out the processes by which they make decisions; consult with their communities and release information.

However, we must always be aware that compliance with these rules costs councils time and money. If regulation is inefficient, or ineffectively designed or administered, it imposes unnecessary costs on councils, businesses and the community. That is why regulation must be regularly reviewed, to ensure that the rules are justified by the benefits they deliver.

The Local Government Reform process provides an opportunity to look at improvements to the regulations that apply to councils, with the intention to better enable councils to focus on the services their communities value most.

Opportunities for simpler regulation include—

- Modernising and streamlining requirements for consulting with communities.
- Clarifying the provision and publication of information that is relevant and informative to our communities.
- Clarifying obligations around informal gatherings.
- Simplifying community land and road management requirements to assist State and Local Government, as well as reducing red tape for businesses.

2 PUBLIC CONSULTATION

BACKGROUND

Community consultation is an important channel for governments to engage with their community. They can exchange information and ideas, and make sure that councils hear views on projects, policies, issues and plans.

Perhaps most importantly, strong and effective engagement gives communities confidence in the decisions
that their councils make. They know that their council has used the insights, skills, knowledge and experience to understand the impact of their decisions, and how services can be improved.

Since its commencement, the Local Government Act 1999 (the Act) has recognised the importance of community consultation, as it stipulates that councils must prepare and adopt a public consultation policy.

The Act also lists 19 decisions, actions and policies that councils must consult on, in accordance with their community consultation policy. These range from critical annual decisions, such as determining the annual business plan and budget, to decisions that happen less regularly, such as a decision to remove the community land status from council land.

When councils are consulting on these matters, they must publish a notice on their website, and in a newspaper circulating within the area of the council, and allow at least 21 days for people to make a submission. Councils may also choose to follow their public consultation policies whenever they are of the view that it is of value to their decisions and actions.

**EXAMPLES OF MATTERS THAT REQUIRE COUNCILS TO UNDERTAKE COMMUNITY CONSULTATION**

- Representation reviews, including the composition and wards of the Council
- Status of Council or change of name.
- Principal office of the Council (places and times the office is open to the public).
- Prudential requirements for certain activities.
- Public consultation policy.
- Access to meetings and documents code of practice.
- Strategic management plans.
- Annual Business Plans and Budgets.
- Basis of rating.
- Basis of differential rates.
- Passing by-laws.
- Order making policies.
- Planting of vegetation on roads.
- Community land; classification; revocation of classification; proposed management plans; amendment or revocation of Management plans; alienation by lease or licence.
- Certain authorisations for the alteration of public roads and permits for business purposes on public roads.
The current legislative requirements for councils’ community consultation are now 20 years old. There is a clear view that these provisions are outdated; excessively prescriptive; and can lead councils to take a ‘tick the box’ approach to consultation, rather than thinking creatively about engagement that best suits their community.

The Act also assumes that one process for community consultation fits all needs. Whether it is a critical decision such as a council’s rating policies that affects all people in a council area, or a decision that has more impact on a local level, such as a permit for working on a council road, the process is the same. Councils are only required to publish the notice for 21 days—not to determine how best to reach the people that these decisions affect.

A lot has changed over the past two decades—how we communicate, hear ideas, and provide our views to each other. It is time for the Act to ‘catch up with the times’, and support councils to develop flexible, contemporary public engagement practices.

It is proposed that the current, prescriptive public consultation obligations in the Act are replaced with a contemporary approach that sets minimum notification and consultation standards in the Regulations but also enables councils to design and deliver the engagement that is the ‘best fit’ for their decisions and actions. This approach could be to develop a Community Engagement Charter, similar to the Charter now in place within the Planning, Development and Infrastructure Act 2016, to deliver a consistent but flexible platform for community consultation for all councils.

The decisions that councils make can have a great impact on our everyday lives. It’s important that people in the community have confidence in these decisions, and know that they can question them at any time.

For this reason, section 270 of the Act requires all councils to have a process in place for any community member to apply for an internal review of any council decision. When requested, councils should consider the process by which it made a decision, and the various factors and views that informed it.

This process should not only give communities surety that councils are making well-considered decisions, but also enable councils to identify improvements in their own processes and practices.
This obligation is part of the broader set of requirements to have policies, practices and procedures in place for dealing with requests for services, and also for responding to complaints about the actions of the council, employees of the council, or other people acting on behalf of the council.

Councils are currently required to consider, on an annual basis, a report relating to applications for internal reviews. This report is required to be included in the council’s annual report and also to be published on the council’s website.

**INTERNAL REVIEW APPLICATIONS, 2008-09 TO 2017-18**


**ISSUES**

There is a general consensus that a review of council internal review provisions is required. A number of councils commented that the current system does not provide sufficient benefits to their communities to justify the high level of costs and other resources that are necessary to undertake the reviews.
There is also a view that the system is open to exploitation by people who refuse to accept a reasonable decision of council, but use large amounts of council time and resources to question and challenge it. There is some evidence to support this view as while the total number of internal review applications received by councils fluctuates each year, the number of councils that receive applications has remained more consistent.

Over the past decade, the State Ombudsman has undertaken a number of reviews of councils’ internal review processes.

Most recently, the Ombudsman published *Right of Review: An Audit of Local Government Internal Review of Council Decisions Procedures* in November 2016. This examined some of the key issues for councils in delivering a fair internal review of decision process. It also explored how councils can use internal reviews to drive their administrative improvement and service excellence. In summary, the Ombudsman recommended that all councils—

- Highlight a direct link on their website homepage to a plain English description of the procedure available for making an application for internal review of a council decision.
- Ensure that their internal review of decisions procedure is fully compliant with the requirements of the Act.
- Include a reference to a six-month time limit for accepting internal review of council decision applications in a revised version of their internal review of decisions procedure. Consideration should also be given to the exercise of discretion by councils to allow a longer time limit to apply in particular cases.
- Revise the part of their internal review of decision procedure that deals with matters outside the scope of the policy and procedures to explicitly state that matters that fall outside statutory appeals procedures will be considered for the conduct of a section 270 review on the merits of the individual application.
- Consider developing regional panels of independent reviewers who can assist councils with complex review matters.
- Periodically evaluate their section 270 review investigations and document learning outcomes relevant to their administrative practices and functional responsibilities.
PROPOSALS FOR REFORM

3.3

It is proposed to extend the Act’s current allowance for councils to refuse an internal review of decisions if the request is vexatious or frivolous, to situations where the request is substantially similar to a matter that has already been reviewed or is under review, by the council or by other means.

It is also proposed to allow councils to charge a prescribed fee to undertake an internal review. It is anticipated that this fee would be small (in the order of the current $35 cost for a Freedom of Information enquiry) to deter vexatious complaints, rather than be a ‘cost recovery’ mechanism. Councils would not be required to charge this fee, and would also be able to waive it at their discretion.

It is also proposed to set a time limit in which requests for internal review of decisions can be made—potentially within six months of the relevant decision (councils would have the discretion to extend this on a case-by-case basis).

To ensure that councils continue to analyse internal review outcomes, it is proposed that the annual internal review of decisions report that councils are required to consider should include recommendations to improve its administrative practices.

4 INFORMAL GATHERINGS AND DISCUSSIONS

BACKGROUND

4.1

For communities to have confidence in their councils’ decisions, they need to understand why these decisions are made, and what their council members’ views are. That is why the Act makes it clear that all council meetings are to be open to the public, except in ‘special circumstances’.

A number of these ‘special circumstances’ refer to particular matters that should be discussed in confidence. These include matters that include confidential commercial information, or matters that can affect the security of the council, or its members or employees.

The Act also recognises that council members often get together to discuss council business and other matters outside of council meetings, such as having planning sessions, or briefing and training sessions. These ‘informal gatherings’ can help council members be better informed on important matters, and enable them to properly plan for the conduct of council business. However, the Act also makes it clear that these meetings should not be used to effectively make a decision outside of a council meeting.
Some years ago, it became apparent that a number of councils were using their ability to hold informal gatherings in a way that gave rise to concerns that they were, in fact, making council decisions outside of formal council meetings.

For example, some councils were holding regular closed meetings to go through their agenda papers immediately before a council meeting. While these meetings may have simply been ‘information sessions’ the fact that they were held behind closed doors gave the perception at least that they were being used to avoid public debate on council decisions.

In response to these concerns, the Act was amended in 2015 to require councils to have policies to guide their informal gatherings. These policies must comply with the regulations, which currently include detailed instructions to councils on how they may hold informal gatherings, when they should be open to the public and how councils should release information about them.

While these reforms were intended to provide a clearer framework for councils, and assure communities that councils are not making decisions behind closed doors, feedback from some councils has been that the regulations are onerous, difficult to understand, and place an administrative burden on councils that is not justified.

It has also been reported that the legislation gives rise to a view that it is not appropriate for council members to discuss council business between themselves; or cannot hold social gatherings. This has never been the intent of the legislation.
The Local Government Reform process provides an opportunity to re-think how the Act should guide councils when they are holding information, training or briefing sessions for council members.

It is proposed to establish a new category of council ‘meeting’ (possibly calling these ‘information’ or ‘briefing’ sessions) within the Act. These would be sessions called by the council or CEO, inviting any number of council members, for the purpose of providing information on council matters, or to undertake training on any aspect of the members’ official functions and duties.

The Act will continue to state that these sessions should not replace open discussion and decision making at formal council meetings. Sessions discussing matters that are on a council or council committee agenda must only be discussed at a session open to the public, subject to the meeting confidentiality provisions of the Act.

Councils will also be required to publicly release information about these sessions, where practical before the session, detailing when the session will be/was held, what will be/was discussed, attendees, and whether the session was/will be open to the public. If the session was/will be closed to the public, this record would state the reasons why the council consider that it is appropriate to close the meeting.

5 REGISTER OF INTERESTS (PRIMARY AND ORDINARY RETURNS)

BACKGROUND

It is critically important that all of the decisions that council members make are made in the public interest, and not to benefit or affect them personally in any way. This requirement is largely managed through the conflict of interest processes (discussed in Reform Area 1 of this paper).

Along with managing conflicts of interest that may arise, council members are also required to provide a ‘Register of Interests’ that lists a range of information about themselves and their interests. These interests include things such as property ownership, sources of income, and membership of political organisations and associations.

Similar requirements also apply to council CEOs and other council staff members.

Council members’ Registers of Interest are made available to members of the public at council offices; and large parts are also required to be published on a council website. Council members are also required to let their CEO know when the information on the Register changes or needs to be added to, so that the Register is kept updated at all times.
There are also requirements for council members to complete a Register of Interests under other legislation, for example, council members that sit on Development Assessment Panels under the Planning, Development and Infrastructure Act 2016.

ISSUES

5.2

A number of comments have been received saying that the current returns forms are lengthy and confusing to complete. Additionally, the requirement to extract some of the information for publication on the council’s website is seen as an administrative burden.

Some people also noted that the requirement to complete several different Registers of Interest to capture essentially the same information is unnecessarily burdensome for council members.

PROPOSALS FOR REFORM

5.3

While the Register of Interests is an important mechanism for ensuring the veracity of council decisions, there may be scope to streamline and standardise the form and method of returns used to maintain them.

It is proposed that the various requirements and forms are compiled into one simple, plain English document that meets a suitable standard (potentially the Australian Accounting Standards)

It is also proposed that councils be required to publish council members’ Register of Interests in full on their website (with the removal of any specific residential address information in the interests of safety).

6 PUBLICATION OF INFORMATION

BACKGROUND

6.1

Having full and easy access to a range of important council information means that communities are informed about their council’s actions, decisions and policies; and encourages them to engage more fully with their council’s work.
The Act lists a range of documents that must be made available to the public—

- Documents listed in section 132(3) of the Act are required to be made available on the council website.
- Documents listed in Schedule 5 of the Act are only required to be made available at the council office.

However, councils generally go well past these legislative requirements and do a good job in providing full and complete information on policies, decisions, meetings, current consultations and a range of other matters, generally on their website.

**ISSUES**

6.2 Councils have advised that having two lists within the Act is confusing to both councils and members of the public, as it is not clear what needs to be provided on a website and/or in paper form. The Act creates an unnecessary burden on local government to navigate the separate requirements.

Additionally, the requirement to have material available at a council office does meet current community expectations that information should be available on a website, enabling access at all hours of the day. Councils must spend time and money printing material that is now rarely accessed in this form.

**PROPOSALS FOR REFORM**

6.3 There is an opportunity to simplify and improve the requirements that apply to the release of information by councils.

It is proposed that any document that is required to be made public must be published on council websites (a council’s Assessment Record would be exempt from this requirement for commercial and safety reasons).

This would remove the requirement to have physical documents available at a council’s principal office, and the requirement to fix and pay a fee for documents. Councils may be required to print a copy of any document and allowed to charge a fee for this service.

It is also proposed that the Act include a single list of the documentation required to be available on a council’s website.

This list will include all documentation/reports associated with agendas or minutes of council or council committee meetings, subject to the related motion’s confidentiality orders (noting that the vast majority of councils make this information available already).
### Registers or Annual Report? How Councils Release Information

Councils are required to record some information on registers that are updated on a continual basis. This is information that may have an impact on council members’ decision making, or is not available in other council material.

These registers include—

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<th>Register</th>
<th>Description</th>
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<td>The register of remuneration, salaries and benefits— containing information about salaries and employment benefits paid by the council. This includes details of the chief executive officer’s salary package.</td>
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<td>The register of community land in the council area.</td>
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<tr>
<td>The register of the council’s by-laws.</td>
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<tr>
<td>The register of interests for council members and the council's chief executive officer and identified senior officers.</td>
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<tr>
<td>The register of allowances and benefits paid to council members.</td>
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<tr>
<td>A register recording gifts and benefits received by council members above a prescribed amount (currently $50).</td>
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It is proposed to amend the Act to require council registers to be placed on the council’s website. Councils must also publish an annual report at the end of the financial year. This annual report is required to include a range of information such as—

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<th>Information</th>
<th>Description</th>
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<tbody>
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<td>The council’s audited financial statement.</td>
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<tr>
<td>A report on the council’s performance in implementing its strategic management plans, and its performance against its annual business plan.</td>
<td></td>
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<tr>
<td>A report on freedom of information requests received by the council.</td>
<td></td>
</tr>
<tr>
<td>Training and development activities for members of the council during the year.</td>
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</table>
Annual reports are easily found on council websites, and are therefore a convenient source of information about council activities, processes and expenditure. They ensure transparency without the administrative burden of constantly updating and maintaining multiple registers.

It is proposed to increase the material required to be included in a council’s annual report to include—

- A summary of travel undertaken by council members and staff over the year and the relevant costs.
- A summary of credit card expenditure by council members and council staff, and remunerations claimed by members and staff.
- A report from the Chair of the council’s audit/governance committee on the governance standards of the council.

## 7 Community Land Revocations

### Background

The Act establishes a framework for the classification of most land owned by a council or under a council’s care, control and management as ‘community land’.

The community land framework aims to ensure a consistent, strategic and flexible approach to the administration and management of local government land, with the objective of protecting community interests in land for current and future generations.
Once classified as community land the land—

- Cannot be disposed of, except in prescribed cases.
- May require the preparation and adoption of a management plan.
- Can be leased or licensed but only in accordance with prescribed requirements.
- Can be used for business or commercial purposes, subject to the use being authorised in an approved management plan for the land.

Section 194 of the Act sets out the process for the revocation of community land classification. Councils must prepare a report outlining the reasons for the proposal, stating their intention in regard to the future use of the land, and capturing any implications of the decision. Councils must also consult on the proposal, in line with the council's public consultation policy.

This report, and any matters that arose during public consultation, must be submitted to the Minister responsible for the Act for approval. Once this approval is received, the council makes the final decision to revoke community land classification.

The Act also safeguards the community land classification of certain land of significant community value. Schedule 8 of the Act contains provisions relating to specific pieces of land where the land’s community land classification is irrevocable. These provisions also often include site-specific land use and management requirements that must remain in place for the benefit of the community. These can be as specific as caring for a particular tree, or requirement to maintain a caravan park or other community facility.

**ISSUES**

7.2

The process outlined above is a ‘one size fits all’ approach to revoking community land classification. It does not consider the level of impact on a community that a revocation would have, but requires all proposals to undergo the same process before requesting ministerial approval.

In some cases, the cost and effort of the revocation process outweighs the benefit of the outcome, as a proposal may have little to no impact on the community. For example, a proposal may be to revoke the community land status of an unmade road that passes through private property, or of a small portion of land purely used for operational reasons. However, in other circumstances, the revocation of community land is contentious.

In more significant proposals, the future use of land may be a relevant consideration before a council's proposal is approved by the Minister. Currently, there is no general ability to impose conditions on an approval (unless State Government financial assistance was previously given to the council to acquire the land).
Concerns were also raised that the Act prevents councils changing the management of a piece of land where the owner of the land cannot be found, particularly given that councils can take actions to sell land for unpaid rates when this is the case.

Ideas were also submitted that the requirements set out in Schedule 8 of the Act that apply to specific pieces of land are too restrictive, and do not allow councils to modify their management of this land to meet modern community expectations.

**PROPOSALS FOR REFORM**

It is proposed to introduce a streamlined process for the revocation of community land status, by establishing two ‘categories’ of proposals within the Act. Administrative, or minor, proposals would not require ministerial approval. General, or more significant, proposals would continue to require ministerial approval. The Minister would also be provided with the ability to attach conditions to the approval of a general proposal.

It is proposed to enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land. These amendments would be made by regulation, however, regulations would not be able to change the community land status, or the chief use of these pieces of land.

It is proposed to clarify that a council does not need to undertake the process to revoke the community land classification of Crown land where the council’s care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*.

It is proposed to enable a council to revoke the classification of land as community land where owners cannot reasonably be found.

Finally, it is proposed to provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.

**AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS**

**BACKGROUND**

Councils manage most of the roads across our State—they are a core service that councils provide to their community. While roads, and infrastructure associated with a road, such as footpaths and stormwater drainage, are provided for the public’s use, there are times when people or businesses need access to them, or need to make changes to them for their own purposes.
Accordingly, the Act allows councils to provide authorisations for the alteration of a public road, and permits for the use of a public road for business purposes.

Authorisations for road alterations are commonly provided for activities such as building driveway crossovers; landscaping a road verge; and laying stormwater and other pipes under roads.

Permits for the use of a road for business purposes enables activities such as footpath dining; food trucks; flower sales and ride-sharing operations. Permits and authorisations are also provided to enable property development, such as the use of a crane or concrete truck when needed.

Councils have a free hand to decide whether or not they should grant an authorisation or permit and, if they do, they can apply conditions as they see fit. One exception to this is the permits that are provided to food trucks. Following changes to the Act in 2017, councils must issue permits to food trucks, and are required to establish policies and guidelines that comply with the regulations.

ISSUES

Issues raised by councils in regard to these sections of the Act focused on what they perceive to be a heavy-handed approach, particularly in regard to the requirement that councils must consult with their communities before issuing permits or authorisations for activities that would impede traffic on the road to ‘a material degree’.

This consultation must include a notification in a newspaper circulating in the council area; notification on the council’s website; and allow at least 21 days for submissions. While this may be appropriate for significant works, councils have raised concerns that it this process may be required in circumstances where works are minimal, such as the need to block a road for a short period of time. The consultation period is seen as both excessive and impractical in these instances.

Councils have also raised concerns regarding the current rules about food trucks, and have sought more flexibility for councils to determine whether or not to provide permits to food trucks, and to apply conditions freely.

However, other comments about permits and authorisations reflect a view that councils’ ability to grant permits and authorisations as they see fit, and to apply whatever conditions they wish, results in inconsistent approaches across councils that can be onerous, and subject to change at short notice. This can result in additional costs for businesses and their customers, and, in some instances, place the future of a business at risk.

PROPOSALS FOR REFORM

It is proposed that the consultation requirements for issuing permits and authorisations be reviewed in accordance with a review of councils’ public consultation more widely (as discussed earlier in this Reform Area).
It is also proposed that the specific provisions relating to mobile food vendors be removed. These would be replaced by a general ‘right of appeal’ where a council has unreasonably issued or refused to issue a permit or authorisation to a business (including food trucks), or a council’s use of permits or authorisations has unreasonably impacted business. This appeal could be made to the Small Business Commissioner, who has an existing role to manage any conflicts between food trucks and other businesses.

9 MISCELLANEOUS REFORMS

The Local Government Reform process also allows for a number of inconsistencies within the Act to be addressed, and for provisions to be updated where necessary.

Other proposals to simplify regulations are therefore to—

1. Repeal section 269 of the Act that requires a report to be prepared between 30 June 2002 and 31 August 2002 and tabled in Parliament.

2. Clarify that certain documents may be served on or by a council by electronic communication when indicated or agreed by a party. Remove references to ‘facsimile transmission’ and ‘facilities of a document exchange’ (for example, sections 83(6), 279 and 280 of the Act).

3. Amend the meeting regulations to achieve better integration between Regulation 12(3) and Regulation 21. This will clarify that a council’s CEO can submit a report to a council meeting recommending revocation or amendment of a previous council resolution.

4. Standardise the requirement of a council to review its optional meeting code of practice to match the review requirements of its Access to meetings and documents—code of practice (section 92 of the Act).
## COMMUNITY ENGAGEMENT

4.1 Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible ‘Community Engagement Charter’.

4.2 Review the requirements for councils to publish notices.

## INTERNAL REVIEW OF COUNCIL DECISIONS

Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.

4.3 Enable councils to charge a small fee for internal review requests.

4.4 Set a time limit on which requests for internal review of decisions can be made.

4.5 Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.

## INFORMAL GATHERINGS AND DISCUSSIONS

4.7 Remove the ‘informal gatherings’ provisions in the Act, in favour of establishing a new category of meetings, such as ‘information or briefing sessions’.

4.8 Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.

## REGISTER OF INTERESTS

4.9 Compile all council members’ registers of interest into one, simple plain English form.

4.10 Publish council members’ Register of Interests in full on the council website (with the exception of specific residential address information).
### PUBLICATION OF INFORMATION

| 4.11 | Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record) |
| 4.12 | Remove the requirement for councils to have documents ‘available for inspection’, but require them to print a copy at request (for a fee). |
| 4.13 | Include a single list of all material to be published on a council’s website in the legislation. |

### COMMUNITY LAND REVOCATIONS

| 4.14 | Create two categories of community land revocation proposals within the Act (‘administrative’ and ‘significant’) and require Ministerial approval only for ‘significant’ proposals. |
| 4.15 | Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land. |
| 4.16 | Clarify that councils do not need to undertake community land revocation proposal where the council’s care, control and management of the land has been withdrawn under the *Crown Land Management Act 2009*. |
| 4.17 | Enable a council to revoke the classification of land as community land where owners cannot reasonably be found. |
| 4.18 | Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party. |

### AUTHORISATIONS AND PERMITS FOR USE OF COUNCIL ROADS

| 4.19 | Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach. |
| 4.20 | Remove specific provisions regarding mobile food vendors, in favour of a ‘general right of appeal’ where a council has unreasonably affected a business. |
REFORMING LOCAL GOVERNMENT
IDEAS FOR REFORM CONSULTATION SUMMARY

WHAT WE RECEIVED
Over 80 submissions received
170 yourSAy surveys completed
37 ideas shared through yourSAy online discussion
Over 700 ideas for reform

WHO WE HEARD FROM
51% Public
31% Councils
11% Elected Members
7% Professional Body

WHAT AREAS INTERESTED YOU MOST
24% Council member capacity and conduct
19% Lower costs and enhanced financial accountability
29% Local Government representation
28% Simpler regulation

WHAT YOUR IDEAS WERE ABOUT

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<td>Section 270 reviews</td>
</tr>
<tr>
<td></td>
<td>23</td>
<td>Consultation/ engagement</td>
<td>11</td>
<td>Transparency</td>
</tr>
<tr>
<td></td>
<td>22</td>
<td>Informal gatherings</td>
<td></td>
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</tbody>
</table>

TIMELINE FOR REFORM
STAGE ONE
MARCH — APRIL — JULY — AUGUST — NOVEMBER — 2020
Call for ideas consultation
Release of discussion paper
Engagement on proposals
Release of Draft Bill
Response to Reforming Local Government in South Australia Discussion Paper

September 2019
The following tables represent an assessment of proposal local government reforms delivered in the Reforming Local Government in South Australia Discussion Paper of August 2019 from the perspective of The Barossa Council. This table should be read in conjunction with the LGA Discussion Paper which provides a sector view.

**Reform Area 1: Stronger Council Member Capacity And Better Conduct**

<table>
<thead>
<tr>
<th>OLG Ref</th>
<th>Proposal</th>
<th>Support</th>
<th>Council Response and Comments</th>
<th>Will the Initiative Result in Savings or Efficiencies If It Proceeds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Clearly separate behavioural matters from integrity matters in the legislation.</td>
<td>Supported</td>
<td>Is closely aligned with 1.9 in terms of achieving a more efficient system.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>1.2</td>
<td>Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'.</td>
<td>Supported</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>1.3</td>
<td>Continue to give councils flexibility to deal with behavioural matters.</td>
<td>Conditional Support</td>
<td>Will depend on detail and trigger points for escalation.</td>
<td>No</td>
</tr>
<tr>
<td>1.4</td>
<td>Provide principal members with enhanced powers to deal with disruptive behaviour at meetings.</td>
<td>Supported</td>
<td>But need to consider the limits and what mechanisms to deal with Mayor non-use of those powers.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>1.5</td>
<td>Enable escalation of serious behavioural matters to an independent body.</td>
<td>Supported</td>
<td>Again depends on outcome of reform 1.9.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>1.6</td>
<td>Simplify the conflict of interest provisions by establishing 'material and 'non-material' conflicts.</td>
<td>Supported</td>
<td>Current system is cumbersome and ineffective resulting in CEO’s and senior officers having to support and answer questions constantly around conflict matters.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>1.7</td>
<td>Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter.</td>
<td>Supported</td>
<td>See 1.6 comments</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
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<tr>
<td>1.8</td>
<td>Clarify the application of conflict of interest rules to council committees and subsidiaries.</td>
<td><strong>Supported</strong></td>
<td>See 1.6 comments</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>1.9</td>
<td>Establish a new conduct management framework through Model 1 - The clarification of current legislation Model 2 - Using governance committees Model 3 - Establishing a Local Government Conduct Commissioner.</td>
<td><strong>Supported</strong></td>
<td>Will depend on the detail of the preferred model and a transition through a model through internal management under above clauses, escalating to Mayor’s powers and thereafter a Conduct Commission which could be an existing oversight body but resourced appropriately. Consider making members individuals accountable under law for Work Health and Safety of staff and actions that maybe contrary to their wellbeing. Preferred position is model 3, whilst this may result in sector costs on balance it is felt the overall cost would be lower. The LGA are undertaking analysis of the financial and governance impacts and therefore further information may be forthcoming in due course.</td>
<td>Increased cost expected – will depend on any matters requiring escalation</td>
</tr>
<tr>
<td>1.10</td>
<td>Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework.</td>
<td><strong>Supported</strong></td>
<td></td>
<td>No</td>
</tr>
<tr>
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<tr>
<td>1.11</td>
<td>Clarify the role of council members to recognise their obligation to complete mandatory training.</td>
<td>Conditional Support</td>
<td>Would depend on what the training is, we need to move away from extensive knowledge of the law rather focus on the strategic basics such as debating rules, budgeting and the like and move to support organisational culture, relationships of a functioning board, strategic thinking, community engagement, skills and needs of informed decision makers including agenda management and consideration of relevant and irrelevant considerations and policy development – officers can do the nuts and bolts training on day to day matters.</td>
<td>No</td>
</tr>
<tr>
<td>1.12</td>
<td>Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council.</td>
<td>Conditional Support</td>
<td>Need to understand the detail and how this inter-relates with things like voting rights for the Mayor.</td>
<td>No</td>
</tr>
<tr>
<td>1.13</td>
<td>Provide directly elected Mayors with a deliberative vote on motions before council.</td>
<td>Supported</td>
<td>Would seem logically to us that the Mayor would have both a deliberative and casting vote as the elected member who is one the spokesperson of Council and two the member voted in by the whole electorate as its leader.</td>
<td>No</td>
</tr>
<tr>
<td>1.14</td>
<td>Establish a mandatory training scheme within the regulations.</td>
<td>Conditional Support</td>
<td>See 1.11 comments</td>
<td>Increase cost expected</td>
</tr>
<tr>
<td>1.15</td>
<td>Establish a timeframe for the completion of mandatory training and a penalty for non-compliance.</td>
<td>Conditional Support</td>
<td>See 1.11 comments</td>
<td>Increase cost expected</td>
</tr>
<tr>
<td>1.16</td>
<td>Require councils to include independent advice on CEO selection and remuneration.</td>
<td>Supported</td>
<td>Will depend on outcome of 1.17 on the question of remuneration.</td>
<td>Increase cost expected</td>
</tr>
<tr>
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</table>
| 1.17    | Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA. | **Supported** | Allows independent assessment, but needs to be flexible to allow for the various factors of attracting and retaining CEO’s in local government especially for rural and remote areas.  
Whilst we agree with the concept any determinations needs to provide some room for the employer (Council) to negotiate acceptable outcomes for the CEO therefore a determination should consider ranges of remuneration packages and benefits, but be restricted to the types of benefits such as leave, training, tools of trade, security clauses, reimbursement of costs, remote allowances, and other benefits enjoyed by Council employees under enterprise systems. | No                                                                  |
<p>| 1.18    | Require councils to conduct annual performance reviews of CEOs, with independent oversight. | <strong>Not Supported</strong> | This is dependent on the relationship and has the potential to significantly drive up costs for little benefit, perhaps a better route is to develop a minimum framework/template where either party can elect to have independent oversight but where the relationships are sound this costly oversight is not considered necessary and for us could run to $10-$12K per year when the internally supported process mirrors exactly what an independent person/consultant would do in any case. Perhaps there is also a mechanism required to be built into the review process for administrative review by someone independent if there are areas of dispute/conflict at the conclusion of an internal process? | Increase cost expected                                               |</p>
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<tbody>
<tr>
<td>1.19</td>
<td>Require annual performance reviews to be completed before the extension of a CEO contract.</td>
<td><strong>Not Supported</strong></td>
<td>Will depend on timing but if Council is contemplating extension it goes to the conclusion Council are satisfied with performance and therefore Council could be undertaking additional work and incurring cost for no particular reason. If the timing coincides with the annual review then this point is irrelevant as it would be done as part of that process.</td>
<td>Increase cost expected</td>
</tr>
<tr>
<td>1.20</td>
<td>Require councils to receive independent advice before terminating a CEO contract.</td>
<td><strong>Conditional Support</strong></td>
<td>Interested in the view of independent advice in these circumstances though for instance Councils solicitor or a third party not involved? Would depend also on the circumstances if it is agreed termination such as resignation / contract has been concluded on agreed terms and parties agree why both?</td>
<td>No</td>
</tr>
</tbody>
</table>
## Reform Area 2: Lower Costs And Enhanced Financial Accountability

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</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Require audit committees to have a majority of independent members, and an independent chair.</td>
<td><strong>Supported</strong></td>
<td>No change for Barossa.</td>
<td>No</td>
</tr>
<tr>
<td>2.2</td>
<td>Strengthen the role of audit committees in councils' external audits, through oversight of the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor.</td>
<td><strong>Supported</strong></td>
<td>Our Committee undertake the tender process in any case and make the recommendation to Council.</td>
<td>No</td>
</tr>
<tr>
<td>2.3</td>
<td>Require audit committees to report on the council’s approach to internal audit processes.</td>
<td><strong>Conditional Support</strong></td>
<td>Need to see detail most Councils cannot afford dedicated internal audit resources so just need to be careful not over engineer a solution.</td>
<td>No</td>
</tr>
<tr>
<td>2.4</td>
<td>Require audit committee members to have specified skills, and an induction process.</td>
<td><strong>Supported</strong></td>
<td>Already supported by Barossa.</td>
<td>No</td>
</tr>
<tr>
<td>2.5</td>
<td>Allow councils to form regional audit committees.</td>
<td><strong>Supported</strong></td>
<td>And mandate that certain organisations such as regional or local subsidiary are exempt based on a risk assessment.</td>
<td>Yes</td>
</tr>
<tr>
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</tbody>
</table>
| 2.6     | Require the Auditor-General to oversight all council audits. | Not Supported | Cannot be resourced by Auditor-General and therefore there would be increased costs over and above current systems. The Auditor-general has general power already should they wish to use them on particular matters. All auditors bound by standards and professional ethics to express opinions on the financial statements and risk environment. See little benefit for the estimate threefold increase in cost (based on work done some years ago by the Finance Managers Group).  
**Alternative Comment Depending on True Nature of this Reform**  
If an alternative notion is to have the reform look at standardising audit scope set by the Auditor-General then Council supports that outcome on condition that the scope does not result in “creep” with private providers then adding further burden to address other risks it perceives, how this would be balanced will be difficult as ultimately it is the private provider that must express the opinion on the controls and financial statements and their risk assessment and appetite might differ from the Auditor-General assessment of scope ultimately resulting in increased time, resources and cost for audit services. | Significant increased costs expected |
<table>
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</thead>
</table>
| 2.7     | Create ‘audit and risk committees’ that play an expanded role in councils’ financial management and performance. This could include:  
  - Reviewing councils’ risk assessments and controls.  
  - Providing comment on councils’ rating policies and practices.  
  - Reporting to council on its use of public resources.  
  - Reporting to councils on prudential matters.  
  - Performance monitoring of councils. | Not Supported | Another layer of oversight that is unnecessary and costly, if the legislature wish to have these specific components catered for append them to the requirements of the audit committee – in practice this is what our audit committee does in any case especially the last four dot points.  
**Alternative Comment Depending on True Nature of this Reform**  
If the intent of this reform is to remove the current “Audit Committee” and establish and “Audit and Risk Committee” with increased responsibility for items outlined then Council supports the initiative. | Increased costs expected (unless absorbed into audit committee role) |
<p>| 2.8     | Require the chair of the ‘audit and risk committee’ to provide a report in the council’s annual report on governance standards and compliance. | Not Supported | See 2.7 comments. | Increased costs expected (unless absorbed into audit committee role) |
| 2.9     | Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee. | Not Supported | Is essentially the same as the budget, business plan and long term financial plan documentation seems to be further duplication of effort. | Minor inefficiency |
| 2.10    | Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase | Not Supported | Is generally simplistic and such decisions are outlined in the budget, business plan and long term financial plan documentation seems to be further duplication of effort. | No |</p>
<table>
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<tbody>
<tr>
<td>2.11</td>
<td>If a council’s proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.</td>
<td><strong>Not Supported</strong></td>
<td>See 2.7, 2.9 and 2.10 comments.</td>
<td>Minor detriment to efficiency or cost</td>
</tr>
<tr>
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</tbody>
</table>
| 2.12    | Create 'governance committees' to provide independent advice to councils on critical management policies, processes and actions, potentially:  
- Councils' compliance and governance policies.  
- Councils' policies to improving ethical standards across councils and reduce fraud and corruption risks.  
- Councils' strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.  
- Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).  
- CEO appointment and management (as described in Reform Area 1). | Not Supported | Simply put isn’t the Governance Committee the Council supported by the audit committee and staff this will just add further burden and cost without benefit. Also we already use the audit committee this way.  
CEO appointment and management is a key role of the elected body with amendments outlined in reform area 1 this would also seem to duplicating outcomes. | Increased costs expected (unless absorbed into audit committee role) |


Reform Area 3: Efficient and Transparent Local Government Representation

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Change the timing of periodic council elections to the year following a state election.</td>
<td>Supported</td>
<td>Very logical change to allow some space for local government elections to be held and ECSA to spread its workload. Council support the change to occur during this term of Council on the basis that clear space needs to be provided urgently to Local Government Elections to try and drive increased engagement.</td>
<td>No</td>
</tr>
<tr>
<td>3.2</td>
<td>Enable ECSA to provide ballot papers electronically.</td>
<td>Supported</td>
<td>Should be able to achieve this in the 21st century. ECSA need to be properly resourced by the Government to transition to an electronic system over the next four years and support significant information infrastructure investment which will have long term savings for the State and Local Government.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3</td>
<td>Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</td>
<td>Supported</td>
<td>Status quo in essence for Barossa.</td>
<td>No</td>
</tr>
<tr>
<td>OLG Ref</td>
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<tr>
<td>3.4</td>
<td>Require councils to undertake specific activities to inform property franchise holders of their need to self-enroll; OR Re-introduce the automatic enrolment of property franchise holders.</td>
<td><strong>Supported</strong></td>
<td>Status quo in essence for Barossa we already do the first component of the reform.</td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>3.5</td>
<td>Require ECSA to receive all nominations and publish candidate profiles.</td>
<td><strong>Supported</strong></td>
<td></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>3.6</td>
<td>Remove the term limit on holding the office of Lord Mayor.</td>
<td>Not relevant to Barossa.</td>
<td></td>
<td><strong>N/a</strong></td>
</tr>
<tr>
<td>3.7</td>
<td>Require candidates to ‘tick a box’ stating whether they live in the area they are contesting.</td>
<td><strong>Supported</strong></td>
<td></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>3.8</td>
<td>Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.</td>
<td><strong>Supported</strong></td>
<td></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>3.9</td>
<td>Require ECSA to host all information on donations received by candidates.</td>
<td><strong>Supported</strong></td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>3.10</td>
<td>Require candidates to report to ECSA any single donations above a prescribed amount (for example, $2,000) within five business days of receipt.</td>
<td><strong>Supported</strong></td>
<td></td>
<td><strong>No</strong></td>
</tr>
<tr>
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<tr>
<td>3.11</td>
<td>Enable all candidates to request an electronic copy of the voters roll from the relevant council.</td>
<td>Supported</td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>3.12</td>
<td>Remove the requirement for councils to make a ‘designated decision’ within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.</td>
<td>Supported</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>3.13</td>
<td>Extend the voting period by one week to better allow for postal delays.</td>
<td>Not Supported</td>
<td>Not required if we can resolve 3.2 and further extension to the election period seems unwarranted it already fundamentally starts in January for staff and around mid-September for candidates.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>3.14</td>
<td>Change the counting method to the 'exclusion method'.</td>
<td>Not Supported</td>
<td>Current system is fairer to the electorate than the exclusion methodology as it distributes preferences from all those that have or have not reach a quota so the electors subsequent preferences are considered.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.15</td>
<td>If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.</td>
<td>Not Supported</td>
<td>Current policy and legislative framework is adequate for Barossa and circumstances of candidates can change significantly.</td>
<td>Possibly would need two to vacate to generate a saving</td>
</tr>
<tr>
<td>3.16</td>
<td>Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.</td>
<td>Supported</td>
<td>Subject to the same policy and legislative mechanisms currently in place.</td>
<td>No</td>
</tr>
<tr>
<td>3.17</td>
<td>Enable councils without wards, and with at least nine members, to 'carry' two vacancies.</td>
<td>Supported</td>
<td>Doesn’t impact Barossa but would assist Councils with wards.</td>
<td>Not applicable</td>
</tr>
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</tr>
<tr>
<td>3.18</td>
<td>Simplify representation reviews, and make public consultation requirements more flexible</td>
<td>Conditional Support</td>
<td>Current system is expensive and achieves little reform. The proposed reform should go further and band Councils into types of models and number of representatives.</td>
<td>Yes More significant savings can be generated by additional reform through banding.</td>
</tr>
<tr>
<td>3.19</td>
<td>Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.</td>
<td>Conditional Support</td>
<td>ECSA would be the better vehicle and reform should remove individual Council decision making but include Council engagement.</td>
<td>Yes More significant savings can be generated by additional reform through banding.</td>
</tr>
<tr>
<td>3.20</td>
<td>Suspend council members running for State Parliament for the duration of the election campaign.</td>
<td>Supported</td>
<td></td>
<td>No</td>
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</table>
## Reform Area 4: Simpler Regulation

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<tr>
<td>4.1</td>
<td>Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible ‘Community Engagement Charter’.</td>
<td><strong>Conditional Support</strong></td>
<td>Agreed on condition of the detail, grey areas can produce further issues and areas for challenge and therefore would need to approach this matter with caution.</td>
<td>Difficult to determine – need further detail.</td>
</tr>
<tr>
<td>4.2</td>
<td>Review the requirements for councils to publish notices.</td>
<td><strong>Conditional Support</strong></td>
<td>Need to ensure it is not too rigid as communities still look to local print media as well as on-line solutions for notices, to push all matters out digitally will be a disservice to the community and our partnership print media.</td>
<td>Difficult to determine – need further detail.</td>
</tr>
<tr>
<td>4.3</td>
<td>Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.</td>
<td><strong>Supported</strong></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>4.4</td>
<td>Enable councils to charge a small fee for internal review requests.</td>
<td><strong>Supported</strong></td>
<td>And recover cost or seek court orders where reviews are made to defer community, economic and social outcomes and are fundamentally initiated to obfuscate.</td>
<td>Yes</td>
</tr>
<tr>
<td>4.5</td>
<td>Set a time limit in which requests for internal review of decisions can be made.</td>
<td><strong>Supported</strong></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>4.6</td>
<td>Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.</td>
<td><strong>Supported</strong></td>
<td>Council should consider recommendations for any improvement that is sound continuous improvement so long as it is not imposing new burden not required by legislation.</td>
<td>Difficult to determine – need further detail.</td>
</tr>
<tr>
<td>OLG Ref</td>
<td>Proposal</td>
<td>Support</td>
<td>Council Response and Comments</td>
<td>Will the Initiative Result in Savings or Efficiencies If It Proceeds</td>
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<tr>
<td>4.7</td>
<td>Remove the 'informal gatherings' provisions in the Local Government Act, in favour of establishing a new category of meetings, such as 'information or briefing sessions'.</td>
<td>Supported</td>
<td>The current legislation achieves little other than more regulatory burden a simpler system would be welcomed depending on its design.</td>
<td>Yes</td>
</tr>
<tr>
<td>4.8</td>
<td>Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.</td>
<td>Not Supported</td>
<td>Not supported see comments under 4.7.</td>
<td>Minor detriment to efficiency or cost</td>
</tr>
<tr>
<td>4.9</td>
<td>Compile all council members' registers of interest into one, simple plain English form.</td>
<td>Supported</td>
<td>On condition it is simpler and easier to meet legislative compliance.</td>
<td>Yes</td>
</tr>
<tr>
<td>4.10</td>
<td>Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information).</td>
<td>Conditional Support</td>
<td>Depends on design under 4.9 but would streamline administrative compliance.</td>
<td>Yes</td>
</tr>
<tr>
<td>4.11</td>
<td>Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)</td>
<td>Conditional Support</td>
<td>Should be any legislative document and depends on final design. We do this as best we can now.</td>
<td>No</td>
</tr>
<tr>
<td>4.12</td>
<td>Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).</td>
<td>Conditional Support</td>
<td>Often the ‘available for inspection’ is utilised and printing a copy each and every time is inefficient. Have to cater for all users of the system of local government therefore would recommend the status quo.</td>
<td>Minor detriment to efficiency or cost</td>
</tr>
<tr>
<td>4.13</td>
<td>Include a single list of all material to be published on a council’s website in the legislation.</td>
<td>Supported</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>OLG Ref</td>
<td>Proposal</td>
<td>Support</td>
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<tr>
<td>4.14</td>
<td>Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.</td>
<td>Supported</td>
<td>Would be important to ensure that there are clear definitions of what “administrative” and “significant” proposals are, and not just base these on community engagement, due to its subjective nature.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>4.15</td>
<td>Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.</td>
<td>Supported</td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>4.16</td>
<td>Clarify that councils do not need to undertake community land revocation proposal where the council’s care, control and management of the land has been withdrawn under the Crown Land Management Act 2009.</td>
<td>Supported</td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>4.17</td>
<td>Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.</td>
<td>Supported</td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>4.18</td>
<td>Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.</td>
<td>Supported</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>4.19</td>
<td>Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.</td>
<td>Supported</td>
<td></td>
<td>Minor improvement to efficiency or cost</td>
</tr>
<tr>
<td>OLG Ref</td>
<td>Proposal</td>
<td>Support</td>
<td>Council Response and Comments</td>
<td>Will the Initiative Result in Savings or Efficiencies If It Proceeds</td>
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<tr>
<td>4.20</td>
<td>Remove specific provisions regarding mobile food vendors, in favour of a 'general right of appeal' where a council has unreasonably affected a business.</td>
<td>Not Supported</td>
<td>The whole exception should be repealed and the matter of mobile vendors rethought so as to make a fair playing field for traditional and contemporary business models.</td>
<td>Minor improvement to efficiency or cost</td>
</tr>
</tbody>
</table>
Matters Raised By Council Cross-Referenced with Table

**Sector Reforms Support By Council**

<table>
<thead>
<tr>
<th>Item</th>
<th>Proposal</th>
<th>Response</th>
<th>Council Response and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Reducing the solid waste levy.</td>
<td>Not addressed, in fact increased by 40%</td>
<td>Continue to call for relief, further investment and reduction in fee.</td>
</tr>
<tr>
<td>2.</td>
<td>Address growing impact of mandatory rate rebates and exemptions.</td>
<td>Not addressed.</td>
<td>Seek for Marshall Government reform in this matter in this round of local government change to reduce burden on ratepayers subsidising those who receive mandatory rate rebates and exemptions.</td>
</tr>
<tr>
<td>3.</td>
<td>Revised statutory fees and charges to represent true cost.</td>
<td>Not addressed.</td>
<td>Seek for Marshall Government reform in this matter in this round of local government change to align with true cost recovery.</td>
</tr>
<tr>
<td>5.</td>
<td>Increase grant funding to the national average.</td>
<td>Not addressed.</td>
<td>Allow LGA and ALGA to press this case.</td>
</tr>
<tr>
<td>6.</td>
<td>Federal advocacy to finally resolve the matter of road funding for South Australia.</td>
<td>$40M in funding provided for 2019-20 and 2020-21 and brought forward.</td>
<td>Allow LGA and ALGA to press this case.</td>
</tr>
</tbody>
</table>
## Barossa Council Reforms Put Forward

<table>
<thead>
<tr>
<th>Item</th>
<th>Proposal</th>
<th>Response</th>
<th>Council Response and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Remove the administrative oversight for informal meeting rules - it achieves little.</td>
<td>Partially addressed at OLG Ref 4.7 and 4.8.</td>
<td>Will depend on detail but reform of this area included.</td>
</tr>
<tr>
<td>2.</td>
<td>Conflict of interest laws are confusing and overly complicated.</td>
<td>Addressed at 1.6, 1.7 and 1.8.</td>
<td>Nil</td>
</tr>
<tr>
<td>3.</td>
<td>A partnership agreement with State and possibly the Federal Governments should be in place and/or updated to clearly articulate responsibilities and stop cost shifting.</td>
<td>Not addressed.</td>
<td>Lobby LGA and respond to discussion paper seeking further reform. Seek Minister and Department to reassess this component in the submission.</td>
</tr>
<tr>
<td>4.</td>
<td>Consider maximum representation timeframes as part of Council election reforms.</td>
<td>Not addressed.</td>
<td>Lobby LGA and respond to discussion paper seeking further reform. Seek Minister and Department to reassess this component in the submission.</td>
</tr>
</tbody>
</table>
| 5.   | Reform planning requirements - there are too many plans that are legislated. At a minimum Council should only be required to have a strategic plan of at least 4 years duration and all other plans are required to integrate.  
   a. Remove the need for Asset Management Plans and implement a 10 year annually reviewed program supported by an Asset Management Policy – the plans are overly complex, not fundamentally used by rate payers and have very little buy-in when consulting. Their worth is in the data and estimated future works.  
   b. Remove Community Land Management Plans like Asset Plans - they are of low value, provide little assurance that the Act does not already do or could | Not addressed | Significant missed opportunity to increase accountability and generate savings long term. Is a significant reform item and would need to be transitioned. Lobby LGA and respond to discussion paper seeking further reform. Seek Minister and Department to reassess this whole component in the submission. |

Minor variations to technical components at 4.14 to 4.17 but doesn't address this reform idea.
do by simply having the register and declaring the primary purpose of the land and defining the uses in the Act. The service levels will be encased in the service level statements outlined at c.

c. Implement the need for service level statements for all services including assets on which the above programs are built and land managed. This would provide a clear direction to ratepayers as to the standards of service Council are striving for rather than the extremely disjointed framework at present.

d. Link the majority of other statutory plans such as Public Health and Wellbeing Plan and Disability Access and Social Inclusion Plan into the same process, mandating their inclusion through alignment with State and Federal Government Strategies and a commitment to the principles of the relevant Acts; but not another plan.

The benefit is one strategic plan supported by considered service level definition for each service which removes the need to maintain, update, report against multiple frameworks and would support benchmarking across the sector on an equal footing.

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<tbody>
<tr>
<td>6</td>
<td>Review regional representation models to reflect areas of interest and efficient delivery of services, long term strategic planning and strategy delivery within the Local Government framework.</td>
<td>Not addressed</td>
<td>Undertake further work with LGA in long term.</td>
</tr>
<tr>
<td>7</td>
<td>Refine Council representation review legislation into a model similar to that of the Remuneration Tribunal mechanisms; where certain models are banded for each class of Council and undertake reviews within the band authorisations provided. The work can then be done internally at a fraction of the cost and the banding for Councils and the discretion for wards can remain with Council. For instance very large Councils could have a range of representation of between 10-15 members, large 8-12 and scaled back from that point.</td>
<td>Partially addressed at 3.18 and 3.19.</td>
<td>Lobby LGA and respond to submission seeking additional reform to achieve a banding solution</td>
</tr>
</tbody>
</table>
8. Reform pricing mechanisms for water provision to take account of the amenity, environmental and community benefit derived from managing open spaces and recreational parks. This could be achieved by removing the fixed charge component whilst ensuring some tension on the use of water through the consumption component of water charges. | Not addressed | Undertake further work with LGA in long term.

9. In addition to the strategic matters above the Executive highlights the following areas that should be considered for efficiency gains on the premise they are cumbersome, inefficient, add cost for little understood benefit, or do not deliver the level of accountability or administrative practice for the costs associated with administering them:

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<tbody>
<tr>
<td>a. Align reporting back to State agencies with the above part five planning requirement, to streamline reporting requirements and data collection and management.</td>
<td>Not addressed</td>
</tr>
<tr>
<td>b. Reform the building and civil works licencing and regulatory environment and at least exclude non-structural work from such as road sealing from registration requirements.</td>
<td>Not addressed</td>
</tr>
<tr>
<td>c. Reform the complaint framework and oversight arrangements in Local Government it is too complex, utilised to stifle progress, has too many avenues and no accountability for those laying complaints when they are found to be unfounded.</td>
<td>Not addressed</td>
</tr>
<tr>
<td>d. Investigate the State Records Act requirements - the compliance burden is significant and develop a risk based approach.</td>
<td>Not addressed</td>
</tr>
<tr>
<td>e. Remove the inefficient accountability and cost encased in the Construction Industry Training Fund Act 1993 and just have a contribution based on number of employees or budget size of Council.</td>
<td>Not addressed</td>
</tr>
</tbody>
</table>

Lobby LGA and respond to discussion paper seeking further reform. Seek Minister and Department to reassess this component in the submission.
<table>
<thead>
<tr>
<th></th>
<th>Develop corporate governance principles for Local Government in line with accepted best practice standards aligned with the Australian Institute of Company Directors.</th>
<th>Partially addressed at 1.10-1.12 and 1.14 and 1.15.</th>
<th>Will depend on detail but reform of this area included. Respond to discussion paper seeking design to be in line with AICD principles.</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.</td>
<td>Develop support systems for Mayors and Elected Members through the enactment of skills and abilities akin to a Position Description and require assessment of training needs tailored to each member.</td>
<td>Partially addressed at 1.10-1.12 and 1.14 and 1.15.</td>
<td>Respond to discussion paper seeking design to be in line with this recommendation.</td>
</tr>
<tr>
<td>11.</td>
<td>Increase capacity under legislation for delegation of responsibility to the CEO to improve efficiency and drive operational matters and focus Councils on strategy settings.</td>
<td>Not addressed</td>
<td>Lobby LGA and respond to discussion paper seeking further reform. Seek Minister and Department to reassess this component in the submission.</td>
</tr>
</tbody>
</table>
Introduction.

On 6 April 2019, the SA Government released its discussion paper on Local Government Reform, with over 70 proposals for change. This LGA Discussion Paper provides a preliminary analysis of each proposal, to help councils understand what is proposed. In some cases, where the local government sector has an established position through the LGA, this position is expressed.

This paper also sets out a number of additional discussion issues, proposed by the LGA. Most of these are proposals previously supported by the LGA Board. A number of others are issues that warrant debate whilst local government regulation is under review.

Traffic Light Code ‘Guidance’:

The following is the LGA’s guidance, based on LGA Board-approved decisions and previous member feedback. The LGA’s formal position on each issue will be determined after, and as a result of, the consultation process with member councils.

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

Next Steps

The LGA is facilitating six consultation workshops across regional SA and a further three workshops in the metropolitan area. This consultation will inform and direct the sector’s formal response to the State Government.

In November 2019, the SA Productivity Commission is expected to make further recommendations on local government reform in SA. These will then form part of the wider reform process. The Office of Local Government advise that we can expect a resulting Bill, to amend the Local Government Act, tabled in Parliament in the first quarter of 2020.
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reform Area 1: Stronger Council Member Capacity And Better Conduct</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Clearly separate behavioural matters from integrity matters in the legislation.</td>
<td>✓</td>
<td>The Ombudsman and ICAC are the appropriate bodies to deal with serious integrity issues. However, their processes take time and councils need fair and efficient processes to quickly resolve behavioural issues (e.g., bullying &amp; harassment).</td>
</tr>
<tr>
<td>1.2</td>
<td>Include standards of behaviour in the legislation, allowing councils to adopt more detailed 'examples of behaviour'</td>
<td>✓</td>
<td>The legislation should contain clear standards and expectations. There should also be real and speedy consequences, for councillors who breach the rules. Q: Should the same standards of behaviour apply state-wide or should councils set their own standards?</td>
</tr>
<tr>
<td>1.3</td>
<td>Continue to give councils flexibility to deal with behavioural matters</td>
<td>✓</td>
<td>The LGA agrees that councils should have clear behaviour policies and should try to resolve matters internally, before they are referred to an external conduct tribunal.</td>
</tr>
<tr>
<td>1.4</td>
<td>Provide principal members with enhanced powers to deal with disruptive behaviour at meetings</td>
<td>✓</td>
<td>There is strong (but not unanimous) support across the sector for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively. There is a wider spread of views, on the role of Mayors, more generally. Q: Should Mayors have the power to temporarily exclude elected members from council meetings? In what circumstances should these powers be exercised?</td>
</tr>
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</table>
| 1.5         | Enable escalation of serious behavioural matters to an independent body | ✗ | Agree. The LGA supports ‘Prevention to intervention’ strategies. Whilst councils should try to resolve disputes/issuses at first instance, there need to be real consequences for elected members whose conduct does not meet behavioural standards. 
Q: Should a council be able to refer less-serious matters to the independent body if (for example):  
• the behaviour is on-going; or  
• internal council processes have failed to resolve it? 
Q: How should the Act deal with trivial or vexatious complaints made by elected members? |
| 1.6         | Simplify the conflict of interest provisions by establishing 'material and 'non-material' conflicts | ✗ | The ‘conflict of interest’ model in the Local Government Act is unnecessarily complicated and confusing. As a result, many councillors do not participate in debates, when their expertise would be valuable.  
Simplification is supported. However, a distinction between ‘material’ and ‘non-material’ conflicts may not be useful.  
NB Many elected members have ongoing roles in other community organisations. 
Q: How can we manage conflict of interest issues without deterring community-minded people from running for council and legitimately participating in debates? |
<p>| 1.7         | Simplify the process by which council members can be exempt from conflict of interest provisions, or seek approval to participate in a matter | ✗ | Conflict of interest rules should ensure that all relevant relationships are declared but should not prohibit participation in debate where duties owed to two organisations do not actually ‘conflict’. |</p>
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<tbody>
<tr>
<td>1.8</td>
<td>Clarify the application of conflict of interest rules to council committees and subsidiaries</td>
<td>⚫</td>
<td>One set of conflict of interest rules should apply, whether at a council meeting, a committee or at a council subsidiary.</td>
</tr>
<tr>
<td>1.9</td>
<td>Establish a new conduct management framework through Model 1 - The clarification of current legislation Model 2 - Using governance committees Model 3 - Establishing a Local Government Conduct Commissioner</td>
<td>⚫</td>
<td>Whilst councils should make efforts to resolve behavioural issues at first instance, there will be times when these processes fail. At present, there are few real consequences for poor behaviour. In those cases, where council processes have not succeeded, there is a need for an independent body that can make a speedy decision, with the ability to impose appropriate sanctions, enabling the council to move past the issues and to get on with business. Q: Which is the preferred model for managing conduct? Q: Could the existing arrangements work if the legislation was clearer or governance committees were created? Q: If an independent body is created (Model 3), what would an ideal model look like? eg: Who should appoint Commissioners? Who should pay for it?</td>
</tr>
<tr>
<td>1.10</td>
<td>Clarify the role of council members to recognise their responsibility to ensure good working relationships within the council, and to support the conduct management framework</td>
<td>⚫</td>
<td>Q: How should the role of council members be expressed? General principles? Black-and-white rules? Both? Q: Should the duties of members continue to be expressed in the Act, Code of Conduct? Or should these be consolidated?</td>
</tr>
<tr>
<td>1.11</td>
<td>Clarify the role of council members to recognise their obligation to complete mandatory training</td>
<td>⚫</td>
<td>Mandatory training for elected members is supported by the LGA. Qs: • How can mandatory training be improved? • What penalties should apply, for members failing to complete the training? Is it ‘Misconduct’?</td>
</tr>
<tr>
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<tr>
<td>1.12</td>
<td>Clearly state the role of the principal member as a leader of the council, particularly in ensuring good working relationships within the council</td>
<td>⚫</td>
<td>There is widespread support for clarifying the role of Mayors and ensuring they have the powers necessary to chair meetings effectively. Q: What level of prescription should the Act contain, about Mayoral powers?</td>
</tr>
<tr>
<td>1.13</td>
<td>Provide directly elected Mayors with a deliberative vote on motions before council.</td>
<td>⚫</td>
<td>This idea has not been previously considered by the LGA. At present Mayors receive <em>either</em> a deliberative vote (along with all of the elected members) <em>or</em> a casting vote (only used if a vote is tied). Q: Should <em>all</em> Mayors have a deliberative vote but no casting vote (so, if there is no majority, the motion fails)? Q: Should Mayors have two votes (a deliberative <em>and</em> casting vote)?</td>
</tr>
<tr>
<td>1.14</td>
<td>Establish a mandatory training scheme within the regulations</td>
<td>⚫</td>
<td>There are some council issues that all councillors should receive training in. However, different councils have different priorities and different training needs. These change over time. Q: What training components should be specified as mandatory?</td>
</tr>
<tr>
<td>1.15</td>
<td>Establish a timeframe for the completion of mandatory training and a penalty for non-compliance</td>
<td>⚫</td>
<td>Whilst a deadline can be a useful spur to action, any requirement should have some flexibility built in (eg in cases of illness or exceptional circumstances).</td>
</tr>
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</tbody>
</table>
| 1.16       | Require councils to include independent advice on CEO selection and remuneration. | ✨ | Independent advice can add value to recruitment and remuneration processes and is relatively common in councils:  
Q: Is there currently a problem, requiring a legislative remedy?  
Q: Will independent advice prevent the recurrence of these problems?  
Whilst members of the public are sometimes aggrieved about their councils the CEO an salary levels, it does not necessarily follow that (i) the CEO is sub-standard; (ii) they make poor decisions or that (iii) problems are so acute that legislative intervention is required. |
| 1.17       | Give responsibility for determining CEO remuneration to the Remuneration Tribunal of SA. | ✨ | The state government has not previously raised this issue with the LGA and more information is sought about the potential benefits compared with the costs to the sector.  
Q: Should the Remuneration Tribunal make mandatory determinations? |
| 1.18       | Require councils to conduct annual performance reviews of CEOs, with independent oversight. | ✨ | Annual performance reviews are generally a good idea but there can be good reasons for not conducting these. More information is sought about the potential benefits compared with the costs to the sector.  
Q: Should it be mandatory for councils to annually review their CEO’s performance? |
<table>
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</thead>
</table>
| 1.19        | Require annual performance reviews to be completed before the extension of a CEO contract. | ✧ | Annual performance reviews are generally a good idea but there can be good reasons for not conducting these.
More information is sought about the potential benefits compared with the costs to the sector.
Q: Should a performance review be mandatory, before a CEO contract is extended? |
| 1.20        | Require councils to receive independent advice before terminating a CEO contract. | ✧ | In some cases, independent advice would be useful. In uncontroversial cases, the expense might not be justified.
More information is sought about the potential benefits compared with the costs to the sector.
Q: Should it be mandatory to seek independent advice, before a CEO contract is extended? |

Reform Area 2: Lower Costs And Enhanced Financial Accountability

| 2.1         | Require audit committees to have a majority of independent members, and an independent chair. | ✧ | This change is prudent but many regional councils struggle to find qualified audit committee members. So, some flexibility is required. |
| 2.2         | Strengthen the role of audit committees in councils’ external audits, through oversight of the appointment of the auditor and determining the scope of the audit, and as the chief liaison point with the auditor. | ✧ | Q: Feedback is sought from councils on the implications of these proposals. |
| 2.3         | Require audit committees to report on the council's approach to internal audit processes | ✧ | SA councils have very different levels of size, complexity and business activities. These require differing levels of internal controls and audit reporting.
Q: Feedback is sought from councils on the implications of these proposals. |
<table>
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</tr>
</thead>
<tbody>
<tr>
<td>2.4</td>
<td>Require audit committee members to have specified skills, and an induction process.</td>
<td>🌟</td>
<td>This is broadly consistent with the LGA’s approved position. Whilst a useful aim, it is not always possible to attract a diverse range of experienced skill sets, to some councils.</td>
</tr>
<tr>
<td>2.5</td>
<td>Allow councils to form regional audit committees</td>
<td>🌟</td>
<td>Opportunities to share resources and expertise across a number of councils should be explored.</td>
</tr>
<tr>
<td>2.6</td>
<td>Require the Auditor-General to oversight all council audits.</td>
<td>🌟</td>
<td>The LGA understands that the Auditor-General could not take on this extra work without extra resourcing. So, this proposal would significantly increase costs to councils, as demonstrated by interstate experiences. It is also very likely that the Auditor-General would out-source this extra work. In effect, the work may end up being done by the same external auditors who currently audit councils. The Auditor-General already has existing broad powers to audit councils and a broad discretion, as to the use of these powers. They can perform spot checks and can pursue the expenditure of any public monies. The standard of existing council audits is generally high and improving. Councils are already overseen by audit committees, auditors, ICAC, the Ombudsman, the OLG, the Minister, the Parliament and their ratepayers. It would more valuable to focus on enhancing the quality of existing audit processes.</td>
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<td>OLG Ref No.</td>
<td>OLG Proposal</td>
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<tr>
<td>2.7</td>
<td>Create ‘audit and risk committees’ that play an expanded role in councils' financial management and performance. This could include: - Reviewing councils' risk assessments and controls. - Providing comment on councils' rating policies and practices. - Reporting to council on its use of public resources. - Reporting to councils on prudential matters. - Performance monitoring of councils.</td>
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<td></td>
<td>♦</td>
<td>Councils already have rigorous risk management controls and extensive reporting obligations. Previous LGA papers have contemplated the expansion of the role of audit committees. Q: Would expanding the focus of audit committees dilute the current focus on financial management and integrity? Q: Are there any new/additional areas of focus for an audit committee that should be mandatory?</td>
<td></td>
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<tr>
<td>2.8</td>
<td>Require the chair of the 'audit and risk committee' to provide a report in the council's annual report on governance standards and compliance.</td>
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<td></td>
<td>♦</td>
<td>The additional reporting requirement is probably unnecessary and a duplication of the existing report provided by audit committees. Q: Should it be mandatory for audit committees to focus on 'governance standards and compliance' and, if so, how should this be reported?</td>
<td></td>
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<tr>
<td>2.9</td>
<td>Require councils to develop and adopt a funding policy that would be reviewed by its audit and risk committee.</td>
<td></td>
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<td></td>
<td>♦</td>
<td>The LGA’s May 2019 submission on LG Reform recommends councils have a ‘revenue policy’. Q: Should a funding or revenue policy be mandatory?</td>
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<td>OLG Ref No.</td>
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<tr>
<td>2.10</td>
<td>Require councils to release a summary of their draft annual business plan that states the proposed increase in total general rate revenue, and the reasons for this increase</td>
<td></td>
<td>‘Total general rate revenue’ is influenced by many factors, such as growth in the number of ratepayers. A council could increase their rates by less than CPI but nevertheless generate increased revenue greater than CPI, e.g. because of population increases. A more important aim, is for each council to have a robust Long-term Financial Plan, which should focus councils on longer term planning and reduce the pressures imposed by the electoral cycle. The local government sector wishes to avoid pointless reporting and ‘doubling-up’. The sector hopes to have discussions with the state government about cutting some of the ever-increasing red tape, so we balance the need for transparency and accountability, on the one hand, with council priorities of efficiently providing services to our communities.</td>
</tr>
<tr>
<td>2.11</td>
<td>If a council’s proposed increase in total general rate revenue is above a prescribed level (such as the Local Government Price Index), require its audit and risk committee to provide a report to the council on the reasons for this increase.</td>
<td></td>
<td>‘Total general rate revenue’ is influenced by many factors, such as growth in the number of ratepayers. The focus and resources of auditors should not be needlessly diverted to irrelevant or non-productive tasks.</td>
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</table>
| 2.12        | Create ‘governance committees’ to provide independent advice to councils on critical management policies, processes and actions, potentially:  
• Councils’ compliance and governance policies.  
• Councils’ policies to improving ethical standards across councils and reduce fraud and corruption risks.  
• Councils’ strategic management plans, and on progress to deliver priorities, particularly on the management of significant council projects.  
• Council member conduct—both on policies and processes to improve it, and on specific conduct matters (as described in Reform Area 1).  
• CEO appointment and management (as described in Reform Area 1). | ⚫️ | Councils already have a significant range of mandatory policies, processes, reporting obligations, committees and auditing requirements. They devote enormous and increasing resources to ‘governance’ and are already under multiple layers of scrutiny.  
Councils already receive advice on governance from their administrations and through their membership of the LGA.  
As part of their LGA membership, councils are provided with a comprehensive suite of model policies, guidelines and resources to assist them to meet their legislated governance responsibilities.  
An additional council committee would add a further level of red tape, adding little extra value. |
|             | Reform Area 3: Efficient And Transparent Local Government Representation | | |
| 3.1         | Change the timing of periodic council elections to the year following a state election. | ⚫️ | A Notice of Motion at LGA AGM October 2018 to move the timing of local government elections was lost (but similar motions have carried in past). Discussion focused on the benefits of building relationships with State Government during aligned terms.  
Q: Should the timing of local government elections be changed? |
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<tr>
<th>OLG Ref No.</th>
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<tbody>
<tr>
<td>3.2</td>
<td>Enable ECSA to provide ballot papers electronically.</td>
<td></td>
<td>Note, the OLG proposal is only to replace long-distance postal voting with a secure system for the online delivery and return of ballot papers (which will require the printing, signing and scanning of ballot paper in order to vote). The LGA position advocates for the Act to enable full electronic voting when a suitable model is approved by ECSA. The Act should be amended, to enable electronic voting, when that approval is given.</td>
</tr>
<tr>
<td>3.3</td>
<td>Clarify that councils are responsible for information sessions about the role of a council member, and that ECSA is responsible for election promotion.</td>
<td></td>
<td>Q: Should the Act make clear that councils are not responsible for election promotion? Q: Should ECSA have an obligation to consult the LGA on its election promotions?</td>
</tr>
<tr>
<td>3.4</td>
<td>Require councils to undertake specific activities to inform property franchise holders of their need to self-enroll, OR re-introduce the automatic enrolment of property franchise holders.</td>
<td></td>
<td>The sector’s submissions on this issue have changed on a number of occasions. The automatic enrolment of property franchise holders is a considerable administrative burden for councils. Figures show that this measure has only a small impact on voter turn-out (&lt;2%). Nevertheless, this measure has been popular with elected members. Q: Should the requirements be reinstated?</td>
</tr>
<tr>
<td>3.5</td>
<td>Require ECSA to receive all nominations and publish candidate profiles.</td>
<td></td>
<td>The Electoral Commission is the independent body conducting elections. ECSA should remain in control of the integrity of the electoral roll, handling of nominations and the promotion of elections, generally.</td>
</tr>
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<tr>
<td>3.6</td>
<td>Remove the term limit on holding the office of Lord Mayor.</td>
<td>✨</td>
<td>The LGA will seek the views of the City of Adelaide in relation to this proposal.</td>
</tr>
<tr>
<td>3.7</td>
<td>Require candidates to 'tick a box' stating whether they live in the area they are contesting.</td>
<td>✨</td>
<td>This proposal is supported by LGA policy.</td>
</tr>
<tr>
<td>3.8</td>
<td>Require candidates to state whether they are a member of a political party or any association or body formed for political purposes, or have been within the past 12 months.</td>
<td>✨</td>
<td>This proposal is supported by LGA policy.</td>
</tr>
<tr>
<td>3.9</td>
<td>Require ECSA to host all information on donations received by candidates.</td>
<td>✨</td>
<td>The Electoral Commission of SA is the independent body best able to collect and disclose candidate information.</td>
</tr>
</tbody>
</table>
| 3.10       | Require candidates to report to ECSA any single donations above a prescribed amount (for example, $2,000) within five business days of receipt. | ✨ | LGA policy supports the transparent and timely reporting of campaign donations.  
Q: Advice is sought from members about whether 5 business days is a reasonable timeframe.  
Q: What should be the consequences for a breach? |
<p>| 3.11       | Enable all candidates to request an electronic copy of the voters roll from the relevant council. | ✨ | The LGA position strongly supports this change. Currently the Act only allows for the supply of a printed copy, but some candidates who have connections to political parties are able to gain access to the electronic roll for the House of Representatives. The ability for some candidates to access a digital copy of the voters roll is perceived as an advantage over those candidates who are not connected to political parties. The LGA's policy position supports a level playing field for all candidates. Any provision of the roll should include a limitation that it only be used for the purpose for which it is provided. |</p>
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<tr>
<td>3.12</td>
<td>Remove the requirement for councils to make a 'designated decision' within their caretaker policies on the use of council resources, in favour of a statement within general caretaker responsibilities that council resources must not be used to advantage particular candidates.</td>
<td>![Traffic Light]</td>
<td>LGA policy supports this proposal. It should help councils get on with their business, most of which has little impact on election campaigns for councillors.</td>
</tr>
<tr>
<td>3.13</td>
<td>Extend the voting period by one week to better allow for postal delays.</td>
<td>![Traffic Light]</td>
<td>The LGA supports methods for reducing the number of late postal votes received by ECSA. It is arguable whether extending the voting period is the right solution, so further consultation is needed about other solutions.</td>
</tr>
<tr>
<td>3.14</td>
<td>Change the counting method to the 'exclusion method'.</td>
<td>![Traffic Light]</td>
<td>The LGA does not have a policy on changes to the vote counting method and is seeking member views on this proposal.</td>
</tr>
</tbody>
</table>

The 'Exclusion method' means that where candidates receive more than a quota of votes, or they are eliminated, their preferences are not distributed. Rather, the candidates with the least amount of votes is always eliminated until there are the same number of candidates as positions. This may lead to unfair results: eg: The first candidate on a 'ticket' receives two or three quotas (ie enough votes to elect two or three councillors). However, in the exclusion method, these votes over quota are ignored. The people who are second and third on the ticket do not get elected, as they receive fewer (first preference) votes than other candidates.

Q: What issues are associated with using/not using the exclusion method?

Q: Is reform warranted?
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<tr>
<td>3.15</td>
<td>If a vacancy on a council is created within 12 months of a periodic election, allow this to be filled through a 'countback' of candidates.</td>
<td>☑️</td>
<td>By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.</td>
</tr>
<tr>
<td>3.16</td>
<td>Extend the period of time in which a vacancy does not need to be filled to 12 months before a periodic election.</td>
<td>☑️</td>
<td>By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.</td>
</tr>
<tr>
<td>3.17</td>
<td>Enable councils without wards, and with at least nine members, to 'carry' two vacancies.</td>
<td>☑️</td>
<td>By-elections to fill casual vacancies take up a lot of time and cost ratepayers large sums. Councils are generally supportive of any measure designed to reduce supplementary elections, while maintaining democratic integrity.</td>
</tr>
<tr>
<td>3.18</td>
<td>Simplify representation reviews, and make public consultation requirements more flexible</td>
<td>☑️</td>
<td>The current arrangements are prescriptive and expensive. In particular, the current processes often result in councils having to undertake multiple rounds of time-consuming and expensive community consultation.</td>
</tr>
<tr>
<td>3.19</td>
<td>Transfer the responsibility for representation reviews to the Local Government Boundaries Commission.</td>
<td>☑️</td>
<td>The LGA has (Feb 2018) called on the state government to work with ECSA, the LGA and councils to review the technical and process issues and decision-making structures for representation reviews. Q: Should representative review decisions remain the responsibility of council?</td>
</tr>
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<tr>
<td>3.20</td>
<td>Suspend council members running for State Parliament for the duration of the election campaign.</td>
<td></td>
<td>The LGA position (October 2018 OGM) is: “Any local government elected member on nomination, endorsement or declaration of candidacy for any position in State or Federal Parliament shall for the period of suspension to only be from when the nominations are lodged and accepted to the election outcome and that the elected member take leave of absence during this time and have all allowances suspended. This should include provision of motor vehicle and other support. The LGA will liaise with the Minister for Local Government to determine any further detail that makes the intent of this motion acceptable and enforceable”</td>
</tr>
</tbody>
</table>

Reform Area 4: Simpler Regulation

Community Engagement

| 4.1 | Replace the prescriptive community engagement requirements in the Local Government Act with a more flexible 'Community Engagement Charter'. |               | We look forward to working with the state government on a complete overhaul of the complex and prescriptive consultation requirements, in favour of a more flexible best-practice approach where the type of consultation undertaken can be tailored to the scope and complexity of the issues involved. |

| 4.2 | Review the requirements for councils to publish notices |               | There are a wide range of ways that information can be provided to the community. More flexibility is welcomed. |

Internal Review of Council Decisions
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<tr>
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<tbody>
<tr>
<td>4.3</td>
<td>Allow councils to refuse a request for an internal review of a council decision where the request is substantially similar to a matter that has been reviewed, or is under review through another process.</td>
<td></td>
<td>The legislation requires councils to devote considerable resources each time a council decision is reviewed. There is no point wasting ratepayers’ dollars, to repeat a process that has already been undertaken. Q: Should this flexibility be extended to trivial and vexatious requests?</td>
</tr>
<tr>
<td>4.4</td>
<td>Enable councils to charge a small fee for internal review requests.</td>
<td></td>
<td>The official LGA position (OGM October 2018) supports this change. This reflects the costs to councils, when following the requirements in the legislation, each time a review of a council decision is requested. Q: Where a complaint is upheld, should the fee be refunded?</td>
</tr>
<tr>
<td>4.5</td>
<td>Set a time limit in which requests for internal review of decisions can be made.</td>
<td></td>
<td>In a democratic environment, not everyone will agree with every decision. We note that all courts have time limits for making appeals and this provides certainty, for all involved, even those who disagree. Similarly, councils need to make decisions and move forward in implementing those decisions with a reasonable degree of certainty.</td>
</tr>
<tr>
<td>4.6</td>
<td>Require councils to consider recommendations for improved administrative practices in their annual report on internal reviews.</td>
<td></td>
<td>Q: What are the benefits of this change and do these outweigh the further additions to councils’ regulatory ‘red tape’ burden?</td>
</tr>
<tr>
<td><strong>Informal Gatherings and Discussions</strong></td>
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<tr>
<td>4.7</td>
<td>Remove the ‘informal gatherings’ provisions in the Local Government Act, in favour of establishing a new category of meetings, such as ‘information or briefing sessions’.</td>
<td></td>
<td>The existing sections of the Act and the Regulations are confusing. Councillors worry that legitimate conversations about the business of the council, will land them in trouble. We need to find a way to promote transparency in councils without criminalising legitimate conversations. Q: Does changing ‘informal gathering’ to ‘information or briefing session’ address the issues that have been experienced and identified by councils?</td>
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<td>OLG Ref No.</td>
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<tr>
<td>4.8</td>
<td>Require councils to publish details of information sessions held, what was discussed, who attended, and whether the session was open or not.</td>
<td>☢</td>
<td>Councils and councillors take part in many ‘information sessions and other discussions caught by s90 of the Act. Requiring a report to be made of each would create a significant additional administrative burden, which would put an upward pressure on rates. Q: What are the benefits of this change and do these outweigh the further additions to councils’ regulatory ‘red tape’ burden?</td>
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<tr>
<td>Register of Interests</td>
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<tr>
<td>4.9</td>
<td>Compile all council members' registers of interest into one, simple plain English form.</td>
<td>☢</td>
<td>The local government sector is eager to work with the state government on clarifying and simplifying the register of interests and many other reporting requirements.</td>
</tr>
<tr>
<td>4.10</td>
<td>Publish council members' Register of Interests in full on the council website (with the exception of specific residential address information).</td>
<td>☢</td>
<td>Q: What are the benefits of this change and do these outweigh the further additions to councils’ regulatory ‘red tape’ burden?</td>
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<tr>
<td>Publication of Information</td>
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<tr>
<td>4.11</td>
<td>Require councils to publish any document that is currently available at a council office on its website (with the exception of the Assessment Record)</td>
<td>☢</td>
<td>This proposal should be part of a general conversation about the information a council is required to place on their website. The costs of administering these changes should be fully understood, before proceeding.</td>
</tr>
<tr>
<td>4.12</td>
<td>Remove the requirement for councils to have documents 'available for inspection', but require them to print a copy at request (for a fee).</td>
<td>☢</td>
<td>This proposal should be part of a general conversation about the information a council is required to place on their website and/or have available for inspection.</td>
</tr>
<tr>
<td>4.13</td>
<td>Include a single list of all material to be published on a council’s website in the legislation.</td>
<td>☢</td>
<td>Throughout the Act there are many individual requirements to publish material on a council’s website. A consolidated list of all these requirements could be very useful.</td>
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<tr>
<td>4.14</td>
<td>Create two categories of community land revocation proposals within the Act ('administrative' and 'significant') and require Ministerial approval only for 'significant' proposals.</td>
<td>✧</td>
<td>The local government sector agrees that the current arrangements are complex and in need of reform. Councils shouldn't need to go to the Minister every time they propose a minor change to the way they use land under their care and control. Q: Would it be preferable to create two categories of community land: 'administrative' and 'significant'?</td>
</tr>
<tr>
<td>4.15</td>
<td>Enable limited amendments to Schedule 8 to allow minor changes to the management of prescribed land.</td>
<td>✧</td>
<td>Councils should be able to make minor changes to the management of prescribed land, without embarking on a complicated approval process.</td>
</tr>
<tr>
<td>4.16</td>
<td>Clarify that councils do not need to undertake community land revocation proposal where the council's care, control and management of the land has been withdrawn under the <em>Crown Land Management Act 2009</em>.</td>
<td>✧</td>
<td>This appears to be a sensible proposal to cut red tape.</td>
</tr>
<tr>
<td>4.17</td>
<td>Enable a council to revoke the classification of land as community land where owners cannot reasonably be found.</td>
<td>✧</td>
<td>This appears to be a sensible proposal to cut unnecessary red tape.</td>
</tr>
<tr>
<td>4.18</td>
<td>Provide a mechanism to allow councils to acquire private roads where the owner consents, where the owner is deceased or where the owner cannot reasonably be found and to allow the council to retain or transfer the land to another party.</td>
<td>✧</td>
<td>This appears to be a sensible proposal to cut unnecessary red tape.</td>
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### Authorisations and Permits for Use of Council Roads
4.19 **OLG Proposal**

Review the public consultation requirements that apply to permits and authorisations, in line with a new community engagement approach.

- **Traffic Light**: 🔾
- **LGA discussion notes**: Councils support reform of community consultation arrangements, in particular, to enable councils to take advantage of new technology. Councils also need flexibility in the way they consult: not every issue requires the same approach.

4.20 **OLG Proposal**

Remove specific provisions regarding mobile food vendors, in favour of a ‘general right of appeal’ where a council has unreasonably affected a business.

- **Traffic Light**: 🔾
- **LGA discussion notes**: The approved LGA position opposes a uniform approach across the State and supports greater council discretion/flexibility in regional areas.

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

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<tr>
<th>LGA1</th>
<th>Increase the maximum penalty under a council by-law.</th>
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<td><strong>Traffic Light</strong>: 🔾</td>
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<thead>
<tr>
<th>LGA2</th>
<th>Performance Management</th>
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<thead>
<tr>
<th>LGA3</th>
<th>Prescribed format for Asset Management Plans and Long-Term Financial Plans</th>
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financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents.
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<tr>
<td>LGA4</td>
<td>Developer contributed assets</td>
<td></td>
<td>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset. Section 48 of the Local Government Act 1999 could clarify the right of council to undertake a prudential report and/or decline an asset.</td>
</tr>
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</table>
| LGA5       | Rating equity for commercial and/or industrial land uses                     |               | Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subside the cost of servicing certain land uses. These constraints include:  
  - the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and  
  - the inability to effectively categorise intensive land uses for differential rating purposes, given the limited permitted rating categories available under legislation |
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</thead>
<tbody>
<tr>
<td>LGA6</td>
<td>Regulations for section 245A of the Local Government Act 1999 (Development Bonds)</td>
<td></td>
<td>Regulations would safeguard council’s infrastructure and enable councils to recoup the cost of repairs, related to development damage.</td>
</tr>
<tr>
<td>LGA7</td>
<td>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013</td>
<td></td>
<td>The LGA requests amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member is not required. Thus, upon council consideration of a CEO recommendation a motion without notice by a member could action that recommendation at the same meeting.</td>
</tr>
<tr>
<td>LGA8</td>
<td>Management of unmade roads</td>
<td></td>
<td>The Local Government Act 1999 and the Road Traffic Act 1961 do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many ‘public roads’ laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures</td>
</tr>
<tr>
<td>LGA9</td>
<td>Community housing</td>
<td></td>
<td>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties. The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers and that this portion of rates continues to be paid for in full by the State Government.</td>
</tr>
<tr>
<td>OLG Ref No.</td>
<td>OLG Proposal</td>
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<tr>
<td>LGA10</td>
<td>Fees and charges</td>
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<tr>
<td>LGA11</td>
<td>Review the information required to be included in Annual Reports</td>
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<tr>
<td>LGA12</td>
<td>Clarify the ability of the SA Register-General to transfer the ownership of land, where there is a caveat placed over the land.</td>
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</table>

**Traffic Light**

- **Low**: The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery.
- **Medium**: A number of council reporting requirements have marginal value, at best. Cumulatively, they represent a significant impost on council resources and result in higher rates. Examples include annual reporting on:
  - council training programs;
  - HR management programs;
  - Informal gatherings (pursuant to section 90(2)).
- **High**: The Register-General does not believe that he has the requisite power. As a result, the statutory intention of s184 is frustrated and councils cannot sell land in cases of non-payment of rates.
7.2.1 EXECUTIVE SERVICES - CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.3 SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION DRAFT REPORT – INQUIRY INTO LOCAL GOVERNMENT COST AND EFFICIENCIES – COUNCIL SUBMISSION

B9273

PURPOSE
To endorse a The Barossa Council submission to the South Australian Productivity Commission draft report on the Inquiry into Local Government Costs and Efficiency in South Australia. The report is at Attachment 1.

RECOMMENDATION
That Council endorse the submission to the South Australian Productivity Commission as tabled at Attachment 2.

REPORT

Introduction
The Premier in May 2019 instigated a request of the South Australian Productivity Commission (SAPC) in inquiry into the costs and efficiencies of Local Government in South Australia. The draft report outlined the terms of reference and scope of this inquiry.

Discussion
The Council was informed of the SAPC inquiry and its methodology by email communication on 20 June after the executive team had reviewed the terms of reference and methodology at its meeting of 12 June. It was determined that due to the highly technical nature of the information sought and data at the initial stages that the work of the Local Government Association would be better suited to support that phase of the inquiry and that the executive team would focus on the outcomes of the draft report and respond in due course on the substance of the initial findings. The proposed submission to SAPC is at Attachment 2.

The SAPC draft report was released on 30 August and responses are required by 25 October. A final report to the Government is expected by 22 November.

The terms of reference are directly linked to the Minister for Transport, Infrastructure and Local Government reform elements outlined in the report presented at 7.2.1.2 of this agenda.

Summary
Reform of Local Government should be a continuous process as the environment in which we operate changes more rapidly in a modern society and the opportunity to be involved in shaping the next phase of our sector’s legislative base necessitates the proactive submission developed by the past and present Council. The SAPC report
provides opportunity to reflect on new ways of thinking about the system in which we operate and advocate for changes we see as necessary to drive the sector forward.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – SAPC Draft Report into Inquiry into Local Government Costs and Efficiency in South Australia

Attachment 2 – The Barossa Council Submission to the SA Productivity Commission Draft Report into Local Government

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

Corporate Plan

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional and State bodies.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil work undertaken to respond from internal resources.

Impact of future reform and activity falling out of the review are unknown.

**COMMUNITY CONSULTATION**

No consultation or engagement requirements under legislation and policy.
Preface

The release of this draft report gives interested parties the opportunity to comment on the Commission’s analysis in relation to its inquiry into local government costs and efficiency.

The Commission will consider comments received prior to developing and presenting its final report to government.

In preparing this draft report, the Commission invited public submissions and consulted widely with a range of individuals, businesses, organisations and government agencies.

The Commission invites further written submissions on the draft report. These submissions may address any of the issues covered by the terms of reference. The Commission will hold further consultations as necessary, to gather further evidence and hear views on the draft report.

At the conclusion of consultation on the draft report, the Commission will prepare a final report to be presented to the Government of South Australia on 22 November 2019.

The Commission looks forward to receiving feedback on the draft report.

We would like to thank all those who have participated in this inquiry to date which includes state government departments, local government associations, councils, professional bodies, academics and the public.

In addition, we would like to acknowledge and thank the Office of the South Australian Productivity Commission staff for their work in researching and preparing this draft report.

Dr Matthew Butllin
CHAIR AND CHIEF EXECUTIVE

Jeff Tate
COMMISSIONER

Prof Christopher Findlay
COMMISSIONER

Date 30 August 2019
About the South Australian Productivity Commission

The Commission provides the South Australian Government with independent advice on facilitating productivity growth, unlocking new economic opportunities, supporting job creation and removing existing regulatory barriers.

The Premier and Cabinet Circular PC046 sets out the objectives and functions of the Commission; how inquiries are referred to the Commission, undertaken and reported on; and how the Commission and public sector agencies work together.

The Commission was established to assist the government to:

i. improve the rate of economic growth and the productivity of the South Australian economy in order to achieve higher living standards for South Australians;
ii. improve the accessibility, efficiency and quality of services delivered or funded by government;
iii. improve South Australia’s competitiveness for private sector investment;
iv. reduce the cost of regulation;
v. facilitate structural economic changes while minimising the social and economic hardship that may result from those changes;
vii. take into account the interests of industries, employees, consumers and the community;
viii. increase employment;
ix. develop South Australia in a way that is ecologically sustainable.

The Commission is supported by the Office of the South Australian Productivity Commission (OSAPC). The Chair of the Commission also serves as the Chief Executive of the OSAPC.

For more information on the Commission, including Premier and Cabinet Circular PC046, visit the website at www.sapc.sa.gov.au.

Disclosure

The Commissioners have declared to the South Australian Government all personal interests that could have a bearing on current and future work. The Commissioners confirm their belief that they have no personal conflicts in regard to this inquiry.
Terms of Reference

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION INQUIRY INTO LOCAL GOVERNMENT COSTS AND EFFICIENCY

I, Steven Marshall, Premier, hereby request that the South Australian Productivity Commission (the Commission) undertake an inquiry into local government costs and efficiency.

Background

The South Australian Government is concerned that the rising cost of living has put undue pressure on South Australian households and businesses. Every level of government has a duty to ensure service delivery is as efficient and effective as possible to contain costs to taxpayers and ratepayers and ease cost of living pressures.

South Australian councils collectively manage a budget of $2 billion and maintain infrastructure and other physical assets worth almost $23 billion. Effective local government can be the mainstay of a strong community. It is responsible for aspects of everyday life from roads and infrastructure, to well-maintained libraries and community services.

Consequently, sustaining good financial and performance management practices and seeking to continually enhance productivity and efficiency are critical factors for councils as they aim to continue to improve the services they provide to their local community.

Improved performance monitoring by councils, combined with meaningful data analysis and reporting, will improve public accountability as well as provide evidence and opportunities for councils and the South Australian Government to drive and support continuous improvement. Further, effective performance reporting by councils is essential for ensuring accountability to residents and ratepayers as to how public money is being spent and the quality of services delivered.

An SAPC public inquiry process would enable full engagement with local councils and other stakeholders, as well as providing to both local and state governments some independent and objective analysis and advice on the issue of local government costs.

Terms of Reference

The Minister for Local Government has developed a 12-month plan for local government reform to improve council efficiency and effectiveness and restore confidence in council decision making. The reform elements address:

- Stronger council member capacity and better conduct
- Efficient and transparent local government representation
- Lowering costs and enhanced financial accountability in the local government sector
- Simpler regulation.

The South Australian Government is seeking independent advice on the third element regarding cost and financial accountability. This requires consideration of the key determinants of costs, or “cost drivers” of local council budgets; options to lower council costs; and how to ensure lower costs flow through to ratepayers.

Any interpretation of changes in local government costs, or comparisons between councils, would need to be able to take account of the impacts of factors likely to affect costs such as
council size/scale, quality standard and mix of services provided, size of population and geographical area served and urban versus outer metro versus rural and remote locations.

**Scope**

The Commission is asked to consider and report on the following matters regarding local government costs and efficiency:

1. Analysis of the information on local government costs and the key drivers of costs including:
   - Identify trends in local government activities and costs of local government operations
   - Identify the drivers of local government costs and assess their impacts.
2. Develop and analyse measures of local government efficiency and productivity.
3. Identify mechanisms and indicators that could be used by the local government sector to measure and improve performance over time.
4. Consider recent reforms in South Australia and other jurisdictions to policy, governance and management practices in the local government sector and their potential to improve council performance.
5. Provide advice on possible options to guide and assist councils to improve efficiency and create capacity to pass on cost reductions to rate payers.
6. Provide recommendations on actions by the South Australian Government to lower local government costs and enhance local government financial accountability.

In its consideration of the above matters, the Commission is expected to have regard to the changing service expectations of communities and the long-term financial sustainability of councils.

**Inquiry Process**

The Commission will consult local government and other key stakeholders on the methodology to be used for its analysis.

The Commission is to publish a draft report and seek submissions before presenting a final report to the Government.

The Commission will second and/or engage staff with required analytical expertise and knowledge of the local government sector for the period of the inquiry.

The inquiry will involve state-wide consultation with Councils, community groups and relevant professionals in the public, private and professional bodies as part of the public engagement process.

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<th>Event</th>
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<td>30 August 2019</td>
</tr>
<tr>
<td>Submissions on draft report</td>
<td>25 October 2019</td>
</tr>
<tr>
<td>Final report</td>
<td>22 November 2019</td>
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</tbody>
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Hon Steven Marshall MP
PREMIER OF SOUTH AUSTRALIA

13/05/2019
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Key Messages

The Commission’s task is to: analyse local government’s cost base and its drivers; analyse efficiency and productivity; provide advice to councils on improving efficiency and creating capacity to pass on cost reductions to rate payers; and provide recommendations on actions by the government to cut local government costs and enhance its financial accountability.

Local government is the level of government closest to neighbourhoods and regions and its performance is important in terms of the human and economic services it provides to their communities. There has been a long history of reforms in South Australia and in other jurisdictions that have broadened the discretionary power of councils to perform a range of functions. The Commission notes that the financial reforms initiated by the state’s local government sector, some of which were incorporated into the Local Government Act 1999, have strengthened council financial performance.

Councils have varying degrees of control over factors that influence their costs. Some costs are the result of mandates by the state government. The price paid for labour and other inputs are influenced by industrial relations arrangements at the council level and procurement practices respectively. Councils have a good deal more control over the scale, scope and quality of non-mandated services and over productivity and efficiency levels through choice of technology and business processes.

Evidence has been gathered from consultations, submissions and the Commission’s own analyses. The Commission has found a diverse range of service reviews and efficiency reform projects by various councils. Some projects have resulted in sizable and quantified improvements to council efficiency. Councils also participate in formal and informal resource sharing arrangements. That said, the evidence also indicates that few sector-wide management or work practice reforms have been undertaken.

The Commission’s analysis of the detailed cost information from the South Australian Local Government Grants Commission and other sources shows:

- while total operating expenditure for the sector grew faster than inflation over the decade to 2017-18, the experience of councils varied widely. Growth in population and property numbers, while slow, is likely to have caused some increase in the volume of services demanded (except for small and medium rural councils);
- responsibilities (such as roads and waste collection) mandated by the State accounts for nearly half (46 per cent) of overall total operating expenditure, and nearly 60 per cent for rural councils;
- while total operating expenditure has grown, the shares between mandated and non-mandated expenditure have remained relatively fixed over the decade;
- the principal areas of total council operating costs in 2017-18 were employee costs (35 per cent), materials and other costs (41 per cent) and depreciation (23 per cent);
- total unit employee costs – a proxy for a council wage rate – grew faster than average earnings in South Australia over the decade to 2017-18. The Commission heard a wide range of views from the sector about industrial relations arrangements and will look further into this matter; and
- while the four largest service categories – transport, recreation, other environment and waste management – account for more than half of total council operating expenditure, the mix of services has not changed appreciably over the last seven years.
The Commission employed several methods to understand council efficiency and productivity, drawing on estimation techniques based on all inputs and outputs, partial productivity measures, case studies from councils and submissions. No single method is sufficient; together they suggest the following conclusions:

- South Australian councils, with a small number of exceptions, appear to achieve reasonably high levels of relative efficiency when compared with each other;
- there are outliers, but in those cases, there are local circumstances which contribute to the results;
- that said, the case studies show that councils with apparently high levels of measured relative efficiency can still achieve further significant improvement;
- estimates of productivity growth have been challenged by problems in measuring outputs: the Commission is inclined to attribute an apparent reduction in productivity to technical issues of capturing changes in the scope, quality and quantity of services provided by councils in output measures. Over this period there have also been changes in mandated services although the Commission has not yet been able to capture their impact; and
- detailed benchmarking has been used successfully by some groups of councils to target cost and efficiency opportunities within selected services.

Having considered all the evidence to date, the Commission concludes that understanding council efficiency and productivity is an important starting point in improving business processes and management decisions aimed at improving efficiency across the local government sector. Access to timely, reliable and comparable information on council performance can assist or provide the basis for continuous improvement programs at the council level. However, a measurable sector-wide increase in efficiency in the short to medium term is very unlikely if it relies on voluntary initiatives alone.

The Commission’s draft recommendation to the South Australian Government contains two sets of proposed actions:

- to fill critical information gaps and promote the adoption of common approaches to performance measurement that provide the basis for comparisons to drive change, working in conjunction with the sector;
- to examine and ameliorate the impact its mandates have on council efficiency and to clarify the scope of the activities of local governments. There are short-, medium- and long-term actions.

The Commission also seeks advice on a third area of possible options for state government action to strengthen service review processes by councils. The Commission’s suggested draft advice to councils addresses three elements:

- as a sector, facilitate in depth performance benchmarking through a community of practice, assisting benchmarking among groups of councils and regularly undertaking a sector-wide analysis of efficiency measures;
- prioritise, in any systems upgrade, a focus on improving information for planning, monitoring and managing performance; and
- enhance the transparency and accountability of their operations.

The final report is due to the Premier by Friday, 22 November 2019.
Executive Summary

1. The task

The Commission’s task is to

- understand the cost base and cost drivers of councils in South Australia;
- develop and analyse measures of local government efficiency;
- identify mechanisms and indicators for use by local government over time to improve efficiency;
- provide advice on possible options to guide and assist councils to improve efficiency and create capacity to pass on cost reductions; and
- provide recommendations to the South Australian Government on actions to lower local government costs and enhance local government financial accountability.

In doing this task, the Commission is to have regard to:

- the changing service expectations of communities and the long-term financial sustainability of councils;
- recent reforms in South Australia and other jurisdictions to policy, governance and management practices in local government and their potential to improve council performance; and
- the government’s direction that the Commission’s advice will provide input to one of the four elements of the South Australian Government’s plan for reforming local government in South Australia, comprising:
  o stronger council member capacity and better conduct
  o efficient and transparent local government representation
  o lowering costs and enhanced financial accountability in the local government sector (to which this inquiry is contributing independent advice regarding determinants of costs, options to lower council costs and how to ensure lower costs flow through to ratepayers)
  o simpler regulation.

2. Framing the Commission’s approach

The Commission’s work is directed towards identifying advice and recommendations that help to frame and inform decision making over time by councils in order to:

- respond to the preferences in their communities, with respect to both current and future generations, especially regarding the scope and quality of Council services,
- capture efficiency dividends from better use of council resources, including the services from council assets; and
- demonstrate accountability, by reporting on performance and expenditure, and financial sustainability.

The Commission’s focus is on expenditure and on the opportunities to realise greater efficiency. Doing so provides a dividend that councils may at their discretion, and subject to financial sustainability, use to:

- reduce the rate of growth in local government rates; and/or
- increase the scope, volume and quality of services they provide.
Evidence from submissions is that efficiency dividends currently are mostly applied to extensions of service delivery, but it is important to consider the alternative of reducing rate increases.

The drivers of revenue, including the setting of rates, are outside the Commission’s terms of reference, except to the extent that revenue sources are tied, that is, when they carry an obligation to be spent on specific programs, services or assets.

3. **Costs: trends and drivers**

Analysis of data provided to the Commission finds that the expenditure of councils has been increasing at a rate faster than indicators of the changes in prices which are relevant to councils. Total operating expenses by all councils rose, on average, by 4.2 percent per annum between 2008-09 and 2017-18. In comparison, the consumer price index (CPI) rose by 2.1 percent and the local government price index (LGPI) by 2.6 percent per annum.

In other words, real expenditure has been rising. The Commission has considered several drivers of this outcome, including the choices that councils make about their outputs, the procurement of their inputs, and the legislative framework in which they operate. This has also led to an examination of the efficiency with which they operate and the scope for improvements in efficiency over time.

**Outputs**

**Scope, quantity and quality**

The range of service councils provide, the volume of each and their quality levels are all drivers of expenditure.

Councils are expected to identify and reflect the interests of their citizens. According to section 6 of the *Local Government Act 1999* (LG Act), councils should ‘act as a representative, informed and responsible decision-maker in the interests of its community’. Councils combine their capacity to do so with their knowledge of local conditions to solve problems of service provision. In the Commission’s view, it is efficient for councils to deliver services for which they are best placed to make decisions, for the relevant community, about scope, volume and quality. This does not always require that councils be the service provider; they may choose to act as facilitator, regulator or coordinator. The Commission considers that it is inefficient for councils to be offering services which other levels of government, the not-for-profit or private sectors would provide, including services which generate benefits at state level or which extend across council areas.

Thereby councils, as the LG act expects, play a critical role in determining the quality of life of their local community.

Section 7 of the LG Act refers to several specific activities which councils can undertake. These include activities related to local area development, the environment of a region, local infrastructure and public areas. However the Act also permits a wide scope, referring to roles to ‘provide for the welfare, well-being and interests of individuals and groups within its community’, ‘provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area’, and ‘establish or support organisations or programs that benefit people in its area or local government generally’. The act provides that a council should ‘co-ordinate
various public services and facilities and develop its community and resources in a socially just and ecologically sustainable manner’.

Given this remit in the legislation, it is not surprising to see councils providing a wide range of services. According to submissions from councils the portfolio has widened, in part due to the requirement by the state government for additional functions to be performed, discussed further below. Such a widening in the scope of activities is not evident from an initial analysis of the SALGGC expenditure data divided into fourteen service categories. The Commission is continuing to work to find more data on the extent of this phenomenon and its significance.

With respect to volumes, some of these services are directly related to the characteristics of local government areas, such as the numbers of households and businesses, and the infrastructure, such as length of roads. However, these indicators have been relatively stable over the last decade. The Commission’s assessment is that these demographic or infrastructure factors have not been the most important drivers of rising real spending, although uneven population growth across the state may have contributed to observed differences in the growth and spending patterns among councils.

It is possible that the quality of services provided has increased significantly. The timeliness or frequency of the provision of services and the quality of the experience are linked to costs. Capacity for service provision is also linked to quality, since greater capacity leads to less congestion and easier access. Indeed, there is anecdotal evidence of that in the submissions provided. However, the Commission has not been able to resolve the relative importance of quality changes, compared to other cost drivers, with the data available. It will be important to build the capability to resolve this matter.

**Mandatory and non-mandatory functions**

The act provides that councils ‘undertake other functions and activities conferred by or under an act’. Councils have emphasised the impact on their expenditure of these instances, which the Commission refers to as mandated service delivery. Examples are the Public Health Act 2011, Planning, Development and Infrastructure Act 2016 and the Local Nuisance and Litter Control Act 2016. The number of these examples has increased over time. These may be services which have wider benefits beyond the council’s own community (eg vermin control) but to which, given the capacity at its disposal, the council is an efficient contributor. In such cases, the council is the agent of the state government.

A key issue is the funding. In some cases, the mandate comes with its own funding, for example, development planning and assessment, where council fees and charges are also mandated, but argued to be set too low to enable councils to fully recover costs. Sometimes, funds are either not provided though the mandate changes, or the mandate has remained, but funding has been reduced or withdrawn. Submissions refer to these situations as ‘cost shifting’, since the higher-level government is observed to ‘shift’ costs to councils.

---

1 It is useful for the sorts of services that councils provide to distinguish between the volume and the capacity. A library for example has a certain capacity to accommodate visitors, but the volume of library services depends on the level of its utilisation. Capacity is linked to quality, since greater capacity leads to less congestion and easier access. Costs will be related to both capacity and volume. There are also other elements of quality, related to the timeliness or frequency of the provision of services, and the quality of the experience, which are linked to costs.

2 See section 7(k) of the Local Government Act 1999.
While noting there can be reasonable differences of opinion about what services a local
government "should" provide, as distinct from what it may choose to provide, the Commission
considers this to be a reasonable definition of "cost shifting". That said, the Commission
considers the usage of the term 'cost shifting' in practice can be unhelpfully imprecise,
particularly where it includes a choice by councils to accept tied funding. In such circumstances
the Commission considers 'cost sharing', rather than cost shifting, is a more accurate
description. The Commission is also persuaded that the term 'cost shifting' is entirely
appropriate as a description of the state government vacating or reducing a previously agreed
cost sharing arrangement (such as for funding libraries) and it accepts the evidence that this
has occurred.

A related issue is the quality levels at which these mandated services are provided. Generally,
the Commission finds that when a service is or becomes mandated there is generally no
description associated with this mandate of the quality to which the service is expected to be
provided. Councils then determine their own quality levels, and they may over time also decide
to raise these levels of quality. These changes may have contributed to the growth of
expenditure. Coordination of service quality levels between councils is important where the
mandated service is generating wider benefits that run beyond the area of each council.

The Commission therefore considers it is important to draw a sharp distinction between
functions and services that are

- at the sole discretion of the council (with the test being no other level of government
  has the authority to make the specific decision) – non-mandatory;
- mandated externally (including the form of the mandate) where the council has no
discretion to refuse to provide the service (but may have discretion as to the standard to
which it is delivered) - mandatory.

The Commission’s assessment is that expenditure on these two broad categories in 2017-18
was divided roughly in half (54 per cent and 46 per cent respectively) and has been stable
since 2011-12 (a period for which comparable data are available).

The Commission sees this distinction as central to the task of framing draft advice and draft
recommendations to local government and the South Australian Government respectively with
the purpose of enabling ‘sound decision making’, both in focusing on improving efficiency and
on how the dividends are spent. It also notes that potential actions by the state government
may assist councils to exercise their discretionary authority more effectively.

In saying this, the Commission accepts as a practical reality in some circumstances where
councils are the decision maker, it may be very difficult to exercise the discretion to amend,
reduce or remove services based upon historical decisions that some parts of the community
value. Nonetheless, the fact remains this is a decision that only the council can make.

While councils have emphasised that this has been a major cost driver, the Commission has not
been able to quantify the impact of cost shifting on expenditure to this point in the inquiry.
Evidence from councils suggests that while it has some impact it is not the major driver of
costs.

Several councils have argued that regulations set by other levels of government with which
they must comply have added to their costs. Again, while it has not been possible to quantify
this impact the Commission has formed the view, based on submissions from councils to date, that compliance costs have not been a significant cost driver.

**Inputs**

Councils manage their workforce and capital assets in various forms to produce services. They also buy various goods and services from other providers. The prices paid for these inputs and the levels at which they are employed will be important drivers of costs. Expenditure on the major categories of input has grown at similar rates over the last decade.

**Labour costs**

Expenditure on employee costs account for almost half of council operating costs and has risen on average by 4.5 per cent a year from 2008-09-2017-18. This is despite employment in the local government sector rising on average by only 0.8 per cent a year over this period. Advice from councils indicates that a significant contributor to this cost rise appears to be wage growth through industrial arrangements particularly during the early part of this period. The Commission observes that the average increase in council wages has exceeded the rate of growth of wages elsewhere in the South Australian economy over the last decade.

**Materials**

Materials, contracts and other costs have similarly risen on average by 4 per cent a year over the last decade. This expenditure growth has been driven more by increases in the volume of inputs purchased than increases in the prices paid for them by councils. The growth may be explained in part by greater use of shared service arrangements, outsourcing or contracting out by councils. The Commission will examine this further.

**Capital costs**

Depreciation expense has grown on average by 4.5 per cent a year over the last decade – equaling the percentage rise in employee costs. This growth is largely explained by growth in the value of depreciable assets held by councils. The cost of financing capital expenditure has declined to a low level, reflecting councils low use of debt to finance capital expenditure.

4. **Assessing efficiency**

The way the various inputs are combined and coordinated determines the efficiency of service provision, and variations in efficiency will be an important driver of costs. For example, if it is possible to produce the same level of capacity and volume of a service but using few inputs, then efficiency improves, and costs fall.

Assessing efficiency is a difficult task. Estimates and conclusions depend on:

- data – quality, coverage and relevance;
- methodology, using approaches generally accepted;
- benchmarking;
- practical reality; and
- (ultimately) judgement.

The Commission aims for robustness through a balanced approach, taking care to assess the reliability and implications of evidence from every stream of analysis and evidence. Part of the
balance is to use the power of generalisation to draw out implications while using enough detail and context to confirm the validity of those conclusions.

While councils are diverse, they also form groups with common features, making cross-council comparisons useful both within and between those groups. The purpose of these comparisons is to:

- assist council staff and elected members to prioritise improvement, for which highly detailed benchmarking information is required;
- better inform the local community and assist councils to understand and balance the preferences of local communities with sustainability and other considerations, for which higher level information is more appropriate.  

Success in the application of a technique for assessing efficiency while making assessments across councils and across time depends on the available data. A method applied here is to use ‘proxies’ of council output levels (including the number of properties and the kilometres of roads) and to examine their relationship with expenditure. The experience of the top performers provides a level of relative potential against which others can be compared. This method does provide some conclusions, although with a low degree of confidence:

- a large number of councils have recorded a similar level of measured relative efficiency;
- comparisons can be made despite their diversity in geographical size, population density and other differences in possible cost drivers;
- the apparent outliers are explicable in terms of the unique circumstances of some council areas;
- an estimated fall in measured productivity in the local government sector over the last 10 years appears to be more likely the result of an expansion in the volume, scope and quality of services than a general decline in efficiency, although significant data and measurement issues make it difficult for the Commission to be definitive.

The method raises some important conundrums for further investigation. The available data do not capture important discretionary decisions by councils in the scope, volume and quality of services, either at its own discretion or for those that the state mandates (e.g. rubbish - 1 – 3 bins and frequency of collection). Given this data constraint, the risk in the method is that as councils raise their scope, volume or quality of services to meet rising community expectations, then these changes will not be captured in the simple output measures which have been applied. The efficiency measurement method will then flag a fall in productivity, since what it sees is rising inputs without a growth of output. This is apparent in the results to date, for all councils. The report therefore asks further questions of respondents to clarify the drivers of this outcome.

The Commission has reached the following preliminary conclusions regarding the drivers of growth in local government operating expenditure over the last decade:

Input costs:
- labour costs have been the main cost driver, followed closely by materials, contracts and other costs;

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3 The distinction between the two types of information is exemplified by the detail required for benchmarking work between Marion, Charles Sturt and Port Adelaide Enfield Councils on the one hand (see appendix 8) and the Victorian Government, Know your Council website.
• Depreciation expense has grown as rapidly in percentage terms as labour expense but from a much lower base;
• cost shifting and compliance costs have contributed to expenditure growth, but to a lesser extent.

Output costs:
• the most significant cost driver is likely to be changes in the volume, scope and quality of services provided by councils;
• growth in demand arising from growth in the number of ratepayers and properties is expected to explain, in part, growth in the volume of services.

Efficiency:
• relative to the experience of all South Australian councils, most councils achieved high levels of measured relative efficiency, but case studies show that more efficiency gains can be made by top performers.

5. Improvement activity

Councils are very diverse. All of those responding considered efficiency improvement was firmly on their agenda. The Commission heard about a range of approaches and experience among councils regarding efficiency measurement and improvement, from individual councils benchmarking their performance over time to small groups of councils working together to compare their performance with other councils. However, the lack of a state-wide framework for performance reporting limits the comparability of data and limits the ability of councils, residents and ratepayers to make meaningful comparisons of performance.

Based on a review of local government performance monitoring nationally, the Commission regards best practice in performance monitoring as including: standardised comparator groups to enable meaningful comparisons across councils and consistency in the definition and recording of data as well as consistent reporting over time. Any estimate of council efficiency should also acknowledge the context influencing this efficiency estimate, including measures of quality and effectiveness as well as council targets or service standards. This can be further improved by allowing councils the opportunity to share their results and to comment publicly on their performance, prior to any estimates being publicly released. Any measurement and reporting framework should balance the costs against the benefits of collecting and reporting information, with every effort made to streamline reporting and reduce duplication. Council input into the design of the framework and choice of indicators is critical to its success.

The Commission has found limited evidence to date to demonstrate that the use of performance benchmarking by the local government sector in Australia has led to improvements in performance. A local example of successful benchmarking provided by a group of three councils in Adelaide, showed that reviews of 10 per cent of the cost base of these councils enabled a 11 - 22 per cent improvement in costs.

Councils are also examining options for economising on expenditure through various resource sharing arrangements in the provision of services. The Commission notes that one of the principles that councils should observe, according to section 8 of the Local Government Act 1999 is to:
seek to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit.\(^4\)

This occurs at various levels. At the simplest level, a staff member's time may be shared by a number of councils, for example, a planning officer. At the other extreme, councils may agree to form a separate subsidiary authority to deliver services across a number of council areas, for example waste management. The costs and benefits of these models are worth further attention, as are any impediments to their implementation.

Economies might also be found by contracting out the provision of a service. All these forms of sharing (with other councils and with the private sector) can be assessed against the alternative of provision in-house; a key consideration will be the costs of reaching agreement on what is to be provided, monitoring the outcome, and responding to issues or complaints as they arise. As noted above, councils may also withdraw completely from direct provision, instead working with other local bodies to provide services cooperatively.

6. **Sound decision making**

The materials examined by the Commission demonstrate the complexity of the environment in which councils operate and some of the challenges they face. As elected officials, council members are expected to make decisions around a portfolio of services in terms of what to provide, how much to provide and at what quality. A more fundamental decision for councils is whether they should be a direct service provider at all, or whether they perform their remit of functions by adopting alternative roles such as facilitator, coordinator, or regulator. They have an important mission with respect to the lives of their constituents. Success will depend on what the Commission refers to as ‘sound decision making’.

In the Commission’s view sound decision making is underpinned by at least six conditions:

1. capable decisionmakers particularly in terms of skills and experience;
2. fit-for-purpose information and evidence on which to base decisions and assess trade-offs in key elements;
3. practical tools for considering and assessing, from the point of view of the whole community, alternative roles to provider including informing, advocating, facilitating, funding or regulating;
4. having made the decision to provide a service, analysis of the alternatives of supplying in-house or through contracting out, or some shared service arrangement;
5. the clear authority and accountability to make decisions;
6. not only assessment of costs and benefits before decisions are made but also reporting on outcomes, including performance relative to expectations as well as financial results and sustainability.

The first point is outside the Commission’s terms of reference. It is addressed elsewhere in the South Australian Government’s reform plan.

The Commission considers the second and third points are clearly within its terms of reference, as evident in previous section. The fourth point relates to the matter of mandated and

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\(^4\) See section 8(ea) of the *Local Government Act 1999*, p.2.
discretionary services. The fifth point is taken up in the draft advice to councils and the draft recommendations to the South Australian Government, which are now summarised, and which are designed to build the capacity in councils for sound decision making.

7. **Draft recommendations and advice**

The Commission notes that managing and containing expenditure growth requires improved data on council inputs and outputs and the development of analytical tools to deepen understanding of cost drivers and manage their impacts. Council decisions on whether to be a provider of a service and related decisions on volume, scope and standard of services, if based on quality data and robust analytical techniques, will help to clarify, to both elected members and ratepayers, the trade-offs between more or better services and higher expenditures and improve transparency and accountability. The Commission therefore encourages councils to work collectively to improve the quality of data and decision-making tools at their disposal.

The Commission has formed the view that the functions undertaken by councils should, in general, be guided by the principle of subsidiarity which holds that lead responsibility should be devolved to the lowest level of government practicable, allowing for the significant diversity of the state’s 68 councils.

A clear and consistent division of responsibilities between state and local governments is fundamental to the efficient allocation of resources between them. This, and legislative clarity regarding mandatory service provision by councils, would assist council understanding of the boundaries around their autonomy and would provide a stronger foundation for council decision making and resource management. The Commission recommends legislative change to clarify the respective responsibilities of the two levels of government and reduce the burden of state government regulation on the local government sector.

This clarification of roles will also provide a basis for resolving any debates about cost-shifting. Councils should then have a solid basis on which to engage more effectively with their communities regarding their plans and performance with respect to the scope and quality of facilities and services and the use of any dividends from efficiency improvements.

All councils can benefit from benchmarking activity. Good data alone, however, will not drive better outcomes. Any measurable sector-wide improvement in efficiency in the short to medium term is highly unlikely to succeed if it relies on optional or voluntary initiatives alone. Individual councils are unlikely to consider the benefits for the sector as a whole that will arise from their individual efforts. The Commission believes that this strengthens the case for state government support for the development of a sector-wide benchmarking program and recommends that the South Australian Government assist councils to establish a sector-wide performance measurement system.

State government action would likely contribute to addressing critical information gaps and ensure the adoption of standardised approaches, which provide the basis for performance comparisons to drive change. Leadership, collaboration and a culture that supports innovation are also important. The Commission also recognises the importance of minimising increases in costs to councils associated with any increase in reporting requirements.

Lastly, the Commission is of the view that the local government sector cement the use of sound decision-making and performance monitoring practices through increased use of independent or external reviews and audits to demonstrate greater accountability to their communities.
Draft recommendations to the South Australian Government

To lower local government costs and enhance local government financial accountability, the Commission proposes that the South Australian Government:

1. Lift the capacity of local councils to identify and address opportunities to reduce their cost base and improve their operations by:
   - In conjunction with local government, defining and establishing a sector wide performance monitoring framework that would enable comparisons between councils and over time to assist decision making by council leaders and to inform communities, including by:
     i. Establishing common key performance indicators (KPIs) for inputs, outputs, service standards and financial indicators;
     ii. Optimising existing information held by the South Australian Government, especially that gathered by the South Australian Local Government Grants Commission;
     iii. Filling the gaps in the current information;
     iv. Publishing information in a contextualised form designed to assist individual councils.

2. Facilitating benchmarking by clusters of councils through an appropriate mix of incentives for councils to participate and expectations that they will report information publicly in a format consistent with the framework.

3. Further lower council costs by addressing aspects of the relationship between the South Australian Government and local government by:

   **In the short term**
   - i. Identifying and addressing inefficiency and red tape from the South Australian Government mandated services and other legislated requirements on:
      a) councils
      b) communities.
   - ii. Adopting a strong South Australian Government review process for any measures affecting local government;
   - iii. Clarifying local government responsibilities, including service standards, for mandated services.

   **In the medium term**
   - iv. Clarifying the respective responsibilities of the South Australian and local governments to remove unnecessary overlaps, or duplication and reduce uncertainty between governments.

   **In the long term**
   - v. Clarifying relevant aspects of s6, s7 and s8 of the Local Government Act 1999 to reflect an appropriate division between the levels of government and to make clearer the range of options available to councils in the performance of legislated functions.
Draft advice to South Australian councils

To guide and assist councils to improve efficiency and to create capacity to pass on cost reductions to rate payers, the Commission suggests that local government:

1. As a body, facilitate in depth benchmarking between councils by:
   i. Establishing a Community of Practice sponsored by the Local Government Association, to share among other elements:
      a) Methods, tools and approaches;
      b) Skilling of council staff;
      c) Panel of competent providers; and
      d) Lessons learned and examples of success.
   ii. Assisting in "matchmaking" South Australian councils that seek deep benchmarking opportunities (noting value of groups of councils at different levels) with other councils, including interstate comparisons;
   iii. Collectively undertaking a regular sector-wide analysis of efficiency measures.

2. Prioritise, in any systems upgrades, focus on improving collection, retrieval, analysis and presentation of information for planning, decision making, monitoring and managing performance.

3. Enhance the transparency and accountability of their operations by councils:
   i. When considering new, or material changes to, council services, undertaking an independent review that includes consideration and analysis of alternatives to councils providing the service directly, community consultation; and publishing a report;
   ii. Including in their external audits an examination of service reviews and program evaluations; and
   iii. Incorporating in their published long-term asset and financial plans and draft annual budgets advice on whether changes to the scope or level of services are planned and their implications for council expenditure.
Information requests

Chapter 2

Information request 2.1: Funding
How does the untied nature of FAG funding affect council decisions to provide non-mandatory services?
How does other Australian Government program or project funding to councils, of a more ad hoc nature, affect council expenditure?

Information request 2.2: Competitive neutrality policy
How, if at all, do the requirements of competitive neutrality policy affect councils’ decision making on whether, and how, to provide services to their communities?
This may include direct provision of services or contracting the services from private sector providers.

Information request 2.3: Financial management
How have the financial management program reforms affected councils’ ability and incentives to manage costs?
What changes to the type or quality of financial management information would assist councils to improve their decision making and contribute to better performance?
Is there a need for a stronger external auditing process to increase councils’ compliance with their legislated responsibility to produce long-term asset and financial management plans and lift the quality of these plans? If so, what form should it take?

Information request 2.4: Workforce planning
Have councils experienced any issues with attracting and retaining workers or securing workers with specific skills?
Are these issues unique to individual councils?
Is there value in a sector-wide or region-wide approach to workforce planning and the development of specific skills to support councils?

Information request 2.5: Resource sharing
What is the potential for additional use of resource sharing to deliver efficiencies and other benefits to participating councils?
In councils’ experiences of resource sharing, what works and what does not? Why?
Councils are asked to provide further examples of resource sharing.
Are there any impediments to the greater uptake of various forms of collaboration or resource sharing?
What challenges, if any, do councils face in making use of the provisions contained in sections 42 and 43 and Schedule 2 of the *Local Government Act 1999* to deliver effective and efficient services to their communities?

**Chapter 3**

**Information request 3.1: Materials, contracts and other costs**

What are the main drivers of materials, contracts and other costs for rural small and medium councils?

In what ways do current council procurement practices affect expenditure on materials, contracts and other costs?

**Information request 3.2: Population density**

How does increasing population density and urban infill impact on council service costs?

**Information request 3.3: Sector wide service standards**

How do councils currently define and measure standards of service delivery?

What measures could be developed on a sector wide basis to measure quality standards for either mandated or non-mandated services?

**Information request 3.4: Cost shifting**

To what extent do councils receive external funding or an ability to charge fees for delivery of mandatory services?

To what extent are councils able to fully recover costs for the mandatory services listed in appendix 4?

How are service scope and standards determined for mandatory services?

Councils are asked to provide further information on instances of cost shifting and quantify how they have impacted on councils’ costs.

**Information request 3.5: Compliance costs**

Councils are asked to provide further examples of compliance costs and quantify how they have impacted on councils’ costs.

**Information request 3.6: Cost pressures**

What are the most significant cost pressures (and their impact on costs) which councils expect to face over the next 5 years?
Chapter 4

Information request 4.1: Performance reporting

How can these lessons from state-wide performance reporting frameworks in other jurisdictions be applied to South Australia?

Which indicators used in other jurisdictions would be appropriate for South Australian councils?

Information request 4.2: Partial productivity estimates

What do these partial productivity estimates tell us about local government efficiency?

What other partial productivity estimates can be used with currently available data?

What additional data would councils be able to report on for minimal additional cost which would improve our understanding of council efficiency?

Is there any other evidence of an expansion in the scope of council services, or improvement in quality over this time period?

Is the current reporting to the SALG GC an appropriate process for any additional reporting by councils? Is there value in making any changes to this reporting?

Information request 4.3: Service-specific efficiency

Acknowledging the gaps in data currently available, how can data quality be improved in order to measure service-specific efficiency across councils?

Information request 4.4: Efficiency changes through time

How can the change in volume, scope or quality of services be quantified or otherwise incorporated into an evaluation of local government efficiency?

Information request 4.5: Factors that influence estimated council efficiency

What other factors can explain the estimated efficiency differences between councils or over time?

What factors can explain the estimated productivity differences between councils over time?

What other possible data sources can improve this analysis?

What further information could be considered to analyse and interpret estimated partial and global efficiency scores?
Chapter 5

Information request 5.1: Employee costs
Are there any benefits from streamlining the current industrial relations arrangements by moving to sector-wide enterprise bargaining?

Information request 5.2: Quality and quantity of data
How can councils be assisted to work collectively to improve the quantity and quality of the available data on inputs, outputs and outcomes for services?

Information request 5.3: Strengthening councils’ accountability and transparency
How can the South Australian Government strengthen the accountability and transparency of councils? Possible instruments include:

- funding;
- legislation and monitoring of implementation through audits of the processes of local government decision making; and
- an agreement with councils and regular dialogue to reinforce the expectation that councils will conduct audits of the processes of local government decision making.

Should councils be required to undertake an independent external audit of their expenditure and efficiency in the event that they record relatively high operating expenditure growth in a given period?

Would growth in operating expenditure over any three-year period (normalised for population growth) which exceeds the rise in the Local Government Price Index for that period be an appropriate trigger for such an audit?
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>ABS</td>
<td>Australian Bureau of Statistics</td>
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<tr>
<td>ATSI</td>
<td>Aboriginal and Torres Strait Islander</td>
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<td>ACLG</td>
<td>Australian Classification of Local Governments</td>
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<td>ALGA</td>
<td>Australian Local Government Association</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CNP</td>
<td>Competitive Neutrality Policy</td>
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<td>CPA</td>
<td>Competition Principles Agreement</td>
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<td>CPI</td>
<td>Consumer Price Index</td>
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<td>CRS</td>
<td>Constant Returns to Scale</td>
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<td>CWMS</td>
<td>Community wastewater management services</td>
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<td>DEA</td>
<td>Data Envelopment Analysis</td>
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<td>DRS</td>
<td>Decreasing Returns to Scale</td>
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<td>EBA</td>
<td>Enterprise Bargaining Agreement</td>
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<td>EHA</td>
<td>Eastern Health Authority</td>
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<td>ESC</td>
<td>Essential Services Commission</td>
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<td>FAGs</td>
<td>Financial Assistance Grants</td>
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<td>FRSB</td>
<td>Financial Review Sustainability Board</td>
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<td>FSP</td>
<td>Financial Sustainability Program</td>
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<td>FTE</td>
<td>Full-time equivalent</td>
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<td>GAROC</td>
<td>Greater Adelaide Regional Organisation of Councils</td>
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<td>IRS</td>
<td>Increasing Returns to Scale</td>
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<td>LG Act</td>
<td>Local Government Act</td>
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<td>Local Government Association Procurement</td>
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<td>Local Government Association Mutual Liability Scheme</td>
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<td>Local Government Association of South Australia</td>
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<td>LGAQ</td>
<td>Local Government Association Queensland</td>
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<td>Local Government Workers Compensation Scheme</td>
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<td>Local Government Finance Authority</td>
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<td>LGPI</td>
<td>Local Government Price Index</td>
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<td>LGPRF</td>
<td>Local Government Performance Reporting Framework</td>
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<td>Local Government Workforce Development Group</td>
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<td>MFP</td>
<td>Multi-factor Productivity</td>
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<td>NESB</td>
<td>Non-English-Speaking Background</td>
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<td>Acronym</td>
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<td>OCA</td>
<td>Outback Communities Authority</td>
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<td>Regional Local Government Association</td>
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<td>Stochastic Frontier Analysis</td>
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<td>Variable Returns to Scale</td>
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<td>WPI</td>
<td>Wage Price Index</td>
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1. Introduction

1.1 Context

The South Australian Government has directed the South Australian Productivity Commission (the Commission) to consider and report on a number of matters regarding costs and efficiency of local government services.

Local government is the level of government closest to individual communities. Local government’s performance is important in terms of the human and economic services it provides to meet those individual communities’ needs.

South Australia’s sixty-eight councils collectively manage an annual operating budget of $2.2 billion and maintain infrastructure and other physical assets worth almost $24 billion. Effective local government can be the mainstay of a strong community. Councils provide a range of services from roads and infrastructure, to well-maintained libraries and community services. Councils are not only direct providers of services but also act as advocates, planners, coordinators, facilitators and regulators. Councils perform specific functions mandated by the South Australian Government and deliver a range of non-mandatory services.

There are long standing and common challenges that councils have been reviewing and debating across the country for many years¹, several of which have focussed on the intersection of service expansion and long-term financial sustainability, including:

- the expansion in the scope, quantity and quality of services provided by councils in response to changing expectations of ratepayers;
- insufficient expenditure on infrastructure maintenance and renewal;
- capacity for effective asset and financial management arrangements; and
- the ability to achieve economies of scale for smaller councils, particularly in regional or remote areas.

Councils vary in geographical size and topography; population numbers and density; socio-economic characteristics of their residents; and the range of services provided to residents and businesses. The Commission’s task includes identifying the systemic cost issues and understanding the unique features of councils and their rate payers, which affect their cost and efficiency levels.

The inquiry is examining trends in local government costs and the drivers of these costs as well as developing and analysing measures of efficiency. Mechanisms and indicators that might be used by local government to measure, analyse and improve performance will also be identified.

The Commission is also taking into consideration recent reforms in South Australia and other jurisdictions to policy, governance and management practices in the local government sector and their potential to afford cost savings and improve council efficiency.

Victorian Auditor-General’s Office, Reporting on Local Government Performance, May 2019
1.2 Terms of Reference

The Minister for Local Government is developing a plan for local government reform to improve council efficiency and effectiveness and restore confidence in council decision making. The reform elements address:

- stronger council member capacity and better conduct;
- lower costs and enhanced financial accountability;
- efficient and transparent local government representation;
- simpler regulation.

The Minister released the *Reforming Local Government in South Australia* discussion paper on Monday, 5 August 2019, proposing reforms that aim to achieve these key reform elements and give each community certainty that their council is operating efficiently and sustainably.

The South Australian Government is seeking independent advice on the second element regarding cost and financial accountability from the Commission. This requires consideration of the key determinants of costs, or "cost drivers" of local council budgets; options to lower council costs; and how to ensure lower costs flow through to ratepayers. Any interpretation of changes in local government costs, or comparisons between councils, needs to be able to take account of the impacts of factors likely to affect costs such as council size/scale, quality standard and mix of services provided, population size and density and geographical area served and whether it is urban, semi-urban, rural or remote.

The terms of reference for the inquiry (see p5-6) require the Commission to consult local government and other key stakeholders on the methodology to be used for its analysis and consult state-wide with councils, community groups and relevant professional bodies.

1.3 The Commission’s approach

The Commission is required to take a broad perspective in developing advice for the South Australian Government. It must consider the broad interests of industry, business, consumers and the community, regional South Australia, social-economic implications and ecological sustainability.

Consultation and respectful engagement with stakeholders are an essential part of our work and, together with robust research and analysis, is the foundation for quality advice and recommendations to Government. Transparency, including publication of the submissions received by the Commission, is an important part of this process.

The Commission published a methodology paper on Friday, 31 May 2019 after significant consultation with the Local Government Association of South Australia, the Office of Local Government, the South Australian Local Government Grants Commission, academics and other stakeholders. The paper sought input from stakeholders to assist the Commission to develop robust, evidenced based conclusions to direct reform initiatives.

The Commission invited submissions on the methodology paper that addressed any of the issues covered in the paper, and any other matters relevant to the terms of reference where

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the Commission’s understanding was imperfect. Twenty-three submissions were received in response to the methodology paper which greatly assisted the Commission’s understanding of all aspects of its task. The full list of submissions is in Appendix 1. In addition, the Commission undertook a wide consultation approach including eighteen meetings of Commissioners with various stakeholders and councils throughout the state.

Economic Insights Pty Ltd was engaged to calculate some estimates of relative efficiency and explore potential determinants of efficiency. The Commission also conducted its own data analysis, as part of a robust methodology strategy, to provide a basis for more substantiated conclusions.

As part of the inquiry and systematic approach to engagement, the Commission established a reference group of key stakeholders who are providing expert advice, insights and understanding about what are driving the productivity and efficiency trends across the South Australian local government sector. It was also asked to provide feedback on of the veracity of the commission’s analysis and merits of reform options. The terms of reference and members of the reference group are included in Appendix 2.

The Commission acknowledges with thanks the assistance from state government departments, local government associations, councils, professional bodies, academics and the public.

This draft report seeks a further round of consultation with stakeholders to identify opportunities and initiatives that could be implemented across councils to reduce costs and improve productivity.

1.4 Report structure

The report is structured as follows:

- Chapter 2 presents historical information on the development of the local government sector in South Australia. It provides context to understand the South Australian Government mandated aspects of local government functions. It also examines key reforms to the local government sector in South Australia and other jurisdictions, and their implications for costs and efficiency;

- Chapter 3 considers recent trends in local government costs and aims to identify some of the key drivers of costs;

- Chapter 4 presents partial and global measures of local government efficiency in South Australia and an analysis of possible determinants. It also discusses mechanisms and indicators that could be used to measure and improve local government performance over time;

- Chapter 5 draws elements of analysis together and suggests preliminary options and draft recommendations for cost and efficiency improvements to assist decision making by councils and the South Australian Government.
2. Structure, development and reform

2.1 Introduction

The inquiry’s terms of reference require the Commission to address the following matter regarding local government costs and efficiency:

- Consider recent reforms in South Australia and other jurisdictions to policy, governance and management practices in the local government sector and their potential to improve council performance.

The chapter examines the history, structure and evolution of the local government sector, particularly the legislative and governance environments which affect councils’ decisions on the services delivered to their communities. It also considers the influence of the Australian Government on the capacity of councils to deliver services.

Finally, the chapter briefly examines some key local government reforms aimed at either efficiency improvement or cost reduction in other jurisdictions.

2.2 Structure of local government

2.2.1 Legislative framework in South Australia

In South Australia, councils operate within a legislative environment established by the state parliament. The current local government legal framework is constituted by the interaction of three acts: the *Local Government Act 1999* (LG Act); the *Local Government (Elections) Act 1999*; and the *Constitution Act 1934*. While other pieces of legislation, at both the state and national levels, influence local government, these three Acts together create the basic framework within which councils provide services for, and are held accountable to, their local communities.

South Australia’s legislation defines the purpose of local government. According to section 6 of the LG Act, a council is established to act in the interests of its community, as well as to represent its interests. Councils provide services but they are also expected to promote initiatives within the community that improve quality of life.

The LG Act also provides the authority for local government to perform a range of functions. These are predominantly set out section 7, which says that the functions of a council include:

- plan at the local and regional level for the development and future requirements of its area;
- provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- provide for the welfare, well-being and interests of individuals and groups within its community;
- take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner, and improve amenity;
- provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- promote its area and provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- establish or support organisations or programs that benefit people in its area or local government generally;
- manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- manage, improve and develop resources available to the council; and
- undertake other functions and activities conferred by or under an act.¹

Section 8 enumerates the principles that councils must uphold in carrying out their broadly defined functions. As the City of Salisbury observes in its submission, section 8 requires councils to observe a total of 12 principles in their decision making, including, for instance, ensuring that “council resources are used fairly, effectively and efficiently” and ensuring “the sustainability of the council’s long-term financial performance and position”.

This legislative approach, in which councils’ functions are broadly defined, is consistent with reforms in other jurisdictions throughout the 1990s.² These coalesced around a broadly common approach to statutory frameworks that gave local government a range of ‘general competence powers’.³ As Wensing observes:

In most cases the states have granted councils more autonomy and responsibility for planning and managing their local areas...In most states the changes to Local Government Acts have given councils general competence powers that enable them to do what is necessary to better meet local community needs and aspirations.⁴

In contrast to a statutory framework that limits local government to undertaking activities expressly included in legislation, general competence powers provide councils with the authority to carry out those activities necessary to fulfil the functions assigned to them.⁵ These functions, in turn, are defined in general terms in contemporary local government legislation, including in South Australia.⁶

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¹ For the full list of councils’ functions under section 7 of the LG Act, as well as its relationship with sections 6 and 8, see [https://www.legislation.sa.gov.au/LZ/C/A/Local%20Government%20Act%201999.aspx](https://www.legislation.sa.gov.au/LZ/C/A/Local%20Government%20Act%201999.aspx)
The legislative environment in which local government operates is marked by the absence of a strictly prescriptive approach to defining councils’ functions. Queensland’s local government legislation exemplifies the current approach to defining councils’ sphere of legitimate activity:

A local government has the power to do anything that is necessary or convenient for the good rule and local government of its local government area.\(^7\)

The Commission has found it useful to distinguish between mandatory and non-mandatory functions. Mandatory functions are those listed in both the LG Act and in other legislation. Some of the most significant acts include, but are not limited to, the *Dog and Cat Management Act 1995*, the *Public Health Act 2011*, the *Planning, Development and Infrastructure Act 2016*, the *Disability Inclusion Act 2018*, the *Emergency Management Act 2004* and the *Local Nuisance and Litter Control Act 2016*.\(^8\)

Consequently, the legislative reforms of the 1990s had the effect of increasing the scope for councils to provide a range of non-mandatory services.\(^9\) Given the broad definition of councils’ functions outlined in South Australia’s LG Act, the total number of mandatory services and functions is comparatively low.\(^10\) The majority do not arise from the LG Act itself, but flow from other state legislation. Mandatory functions include responsibilities:

- in relation to the state’s planning system;
- for some road construction and maintenance;
- for some environmental health services, including the monitoring of cooling towers for potential outbreaks of legionnaire’s disease;
- for fire prevention, both in relation to building inspections and some bushfire prevention;
- for dog and cat management; and
- for a range of administrative requirements, including preparing strategic plans for the local area, which are contained in the LG Act.\(^11\)

Non-mandatory functions are those adopted, consistent with the role of a council in the LG Act, but at their own discretion. Based on advice from LGASA, Appendix 4 includes a full list of council activities, showing the division of mandatory and non-mandatory.

The 1960s, in particular, witnessed a significant expansion of functions undertaken by the local government sector.\(^12\) The Commission notes that the shift away from a focus on ‘roads, rates and rubbish’ and towards a broader range of services possesses a long history in South Australia, and predates the legislative reforms of the 1990s. In effect, therefore, the LG Act

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\(^8\) The Commission has not been able to determine the total number of acts that impose some responsibilities on local government, but the South Australian Local Government Association has estimated the total to be approximately 200. However, not all of these acts are likely to be equally decisive for all councils.


\(^10\) For the purposes of this report, the Commission defines mandatory services as services or activities that are specifically required by statute and those that re at the full discretion of councils as non-mandatory.


\(^12\) See, for example, House of Representatives Standing Committee on Economics, Finance and Public Administration (2003), *Rates and Taxes: A Fair Share for Responsible Local Government [the Hawker Review]*, Commonwealth of Australia, Canberra.
codified, but did not cause, the enlarged service mix that councils provide within their communities. The LG Act only enables, but does not require, councils to expand the number, scope and quality of services that they provide for their communities.

For the purpose of the report, the Commission found it useful, where possible, to define and distinguish between the terms functions, services and activities. Functions describe the broad areas where councils have the delegated authority (under the LG Act and other legislation) to make decisions and take actions in the best interests of their communities (both in relation to mandatory and non-mandatory functions). Services are councils’ outputs that deliver mandatory and non-mandatory functions. Activities describe the actions taken by councils to deliver services, including regulatory services.

2.2.2 State and local government relations

In South Australia, local government has had a greater degree of autonomy from state government than in other jurisdictions, with the relationship described as a partnership model, rather than a ‘top-down’ and prescriptive relationship. The influence of the ‘partnership model’ in South Australia, especially the greater emphasis on councils’ autonomy and accountability to their communities, is also reflected in the LG Act.

This broadly cooperative model of state and local government interaction is underpinned by a 1990 memorandum of understanding between the two levels of government. As Aulich observes:

The early 1990s saw the introduction of two key changes that continue to influence local government in South Australia; the adoption of a partnership model to guide state-local government relations and the implementation of a voluntary approach to council amalgamations.

This does not imply that the relationship between state and local government has been free from policy disagreement. Tensions over policy direction have arisen over time in response to a variety of issues, particularly on the demarcation between the respective responsibilities of the two levels of government. Nonetheless, as Procter observes, South Australia has differed from other jurisdictions by giving greater expression to the principle that local government is a separate sphere in its own right.

This broad understanding was reaffirmed in 2015 when the two levels of government, signed the State-Local Government Relations Agreement. The agreement explicitly recognised that each level of government has its own separate mandate, and that closer strategic alignment is necessary to achieve positive public policy outcomes.

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The partnership approach has also influenced the state government’s oversight role in relation to councils’ functions. This is reflected in the relevant legislation which is discussed in the previous section.

The general commitment to greater council autonomy also influenced major sector-wide reforms, including the last round of amalgamations, between 1997 and 1998. Rather than a policy of forced amalgamations, which had been adopted in 1994 by the Victorian Government, the South Australian government appointed a Local Boundary Reform Board in 1995, which was tasked with managing a strategy of encouraging voluntary amalgamations.

Councillors and their communities had the final say over whether amalgamations would proceed. The process, while not devoid of tensions, eventually led to the number of councils being reduced from 118 to 68. Amalgamations were seen at the time as a mechanism to reduce costs. In practice, the savings achieved appear to have been mostly directed towards equalising service standards within the merged councils. The Commission notes, however, that only limited evidence is available with which to quantify the impact of amalgamations on councils’ costs and efficiency.

The Local Government (Boundary Adjustment) Amendment Act 2017 commenced on 1 January 2019, and significantly reformed the processes within the LG Act that govern changes to council boundaries.

2.3 Features of local government

The number of councils in South Australia is 68, 21 councils that cover the metropolitan area, with a further 47 in regional areas (for a map of council areas, see appendix 3). In addition, five Aboriginal communities are also recognised as local government authorities. The Outback Communities Authority (OCA) was established on a statutory basis in 2009 to provide a range of services to outback communities in the state not incorporated into councils. The OCA functions, in effect, as a hybrid between a traditional council and a self-managed community.

The state’s 68 councils encompass more than 880,000 rateable properties and are responsible for a total road network of approximately 74,000 kilometres. Councils are responsible for a comparatively small proportion of government revenue raising and expenditure. The sector manages approximately $24 billion in community infrastructure and other assets, with operating expenditure across the sector amounting to around $2.2 billion per annum.

Between 2008-09 and 2017-18 the total number of employees in the state’s 68 councils, has increased by 7.4 per cent which represents an annual growth rate of 0.8 per cent, identical to the state-wide increase over the same period. As at 30th June 2018, the total number of FTE positions in the sector was 8,867.

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22 For further details see https://www.dpti.sa.gov.au/local_govt
23 For further information on the structure of, and services provided by, the Outback Communities Authority, see https://www.oca.sa.gov.au/home
South Australia’s councils vary in geography, population size and demographic composition, ranging from larger metropolitan councils like Onkaparinga, with a resident population of around 171,000, to Orroroo Carrieton, with only around 850 residents. Regardless of their size or location, all councils have the same powers and statutory functions. In South Australia, as in other jurisdictions, councils have progressively taken a more active role in various areas of public policy, including economic development initiatives and the provision of some social services (such as aged care services).^{24}

The Local Government Association of South Australia (LGASA) which is constituted as a public authority under the LG Act with the specific purpose of promoting the interests of the sector, provides support, leadership and a range of services to the state’s councils. In its legislated capacity as a peak body, the LGASA undertakes activities that range from policy formulation, including advice on councils’ statutory responsibilities, to taking a leading role in the development and implementation of sector-wide initiatives.

In addition to the LGASA, non-metropolitan councils have formed regional local government associations (RLGAs). These predominantly seek to achieve better outcomes for their respective communities through collaboration. The six RLGAs, which are subsidiaries pursuant to section 43 of the LG Act, collectively form the South Australian Regional Organisation of Councils (SAROC). SAROC’s Board comprises two members elected from each of the member RLGAs.^{25} SAROC is mirrored on a metropolitan level by the Greater Adelaide Region Organisation of Councils (GAROC), which is made up of eight elected members from councils in the metropolitan region.^{26}

2.4 Role of the Australian Government

Councils’ functions and decision making processes are also influenced by funding and policy decisions taken by the Australian Government (often as a result of agreements with the states and territories). Importantly, the drive for some key local government reforms has been national. This is particularly marked in the areas of financial assistance provided by the Australian Government and national competition policy.

2.4.1 Funding

In the mid-1970s, partially as a response to the expansion of local government functions throughout the preceding decade, the Australian Government began to provide direct untied funding to the local government sector. The current Financial Assistance Grants (FAGs) program is provided on the basis of grants to the states and territories. These, in turn, are distributed to councils by state and territory jurisdictions.

FAGs are distributed to councils within each state to support an average level of service, irrespective of their location. The South Australian Local Government Grants Commission (SALGGC) assesses councils’ share of funding on the basis of the difference in the costs associated with providing services and councils’ revenue-raising capacity (compared to the

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^{25} The Commission notes that both SAROC and GAROC were established on the basis of clause 19 of the LGASA’s constitution.

average in South Australia).27 Grants are only provided to councils that have been established under the LG Act or are defined as prescribed bodies for the purposes of the South Australian Local Government Grants Commission Act 1992. FAGs funding is untied once distributed to the local government sector. From time to time the Australian Government also provides specific purpose grants to councils of either a capital (e.g. GFC School grants scheme) or operating nature (e.g. Adelaide Hills Council case study, Chapter 3) to achieve its particular policy objectives. Councils are generally expected to contribute funds to these programs. Council participation in these programs has impacts on their operating expenditure.28

### Information request 2.1: Funding

How does the untied nature of FAG funding affect council decisions to provide non-mandatory services?

How does other Australian Government program or project funding to councils, of a more ad hoc nature, affect council expenditure?

#### 2.4.2 Competitive neutrality

Competitive neutrality policy (CNP) is based on the principle that significant government businesses should not enjoy, as a result of their public sector ownership, any net competitive advantages over private businesses operating in the same market. Part of a wider reform process that resulted in the introduction of the Competition Principles Agreement (CPA), the principles of competitive neutrality apply to local government.29

The principle of competitive neutrality is given legislative expression in South Australia through the Government Business Enterprises (Competition) Act 1996 and applies to the business activities of publicly-owned entities whose activities include “producing goods and/or services for sale in the market place with the intention of making a profit and providing financial returns to their owners”.30 Local government business activities must also comply with the CPA. Examples of such activities could include, but are not necessarily limited to, subsidiaries established under sections 42 or 43 of the LG Act to provide community services.

### Information request 2.2: Competitive neutrality policy

How, if at all, do the requirements of competitive neutrality policy affect councils’ decision making on whether, and how, to provide non-mandatory services to their communities?

This may include direct provision of services or contracting the services from private sector providers.

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27 For additional information on the principles and methodology that guide the distribution of FAGs funding in South Australia, see [https://www.dpti.sa.gov.au/local_govt/LGGC](https://www.dpti.sa.gov.au/local_govt/LGGC).
28 For additional information on infrastructure funding programs see [https://investment.infrastructure.gov.au](https://investment.infrastructure.gov.au)
30 Ibid., p. 6.
2.5 Local government-initiated reforms

The Commission has reviewed key past and current efficiency and cost related reforms initiated by local government in South Australia. The Commission’s literature review and consultation process revealed a diverse range of reviews, evidence and reform projects that have been undertaken by councils in the last 20 years.

Sector wide reforms which aim to deliver efficiency gains and reduce costs have included changes to:

- financial circumstances of local government, including changes to revenue and financial management practices;
- workplace and management processes of local government; and
- number or types of functions or services performed by local government, including the collaboration of functions between local government.  

The following section addresses these initiatives in more detail.

2.5.1 Financial management

As previously discussed, the local government reform process of the 1990s consisted of legislative changes and other structural reforms. Subsequently there was a new focus on financial management reforms.

In 2005 the LGASA established an independent Financial Review Sustainability Board (FRSB) to assess the financial capacity and sustainability of councils throughout the state. Many of the measures developed or adopted by the LGASA – and subsequently supported legislatively by the state government – flowed from the findings and recommendations of the Independent inquiry into Financial Sustainability of Local Government 2005. The Inquiry noted that at the time the balance sheets of councils appeared strong because of their low levels of debt, but the problem was the predominant pattern of deficits, and the likelihood that they would increase, as well as 'substantial infrastructure renewal/replacement backlogs'.

The FSRB put forward 62 recommendations, a substantial number of which have since been implemented through cooperation between the LGASA and the state government. The LGASA’s Financial Sustainability Program (FSP) produced resources to assist councils to achieve and maintain financial sustainability.

Under the Financial Sustainability Program, the LGASA and councils:

- prepared and updated a series of information papers;
- implemented projects to assist councils with financial and asset management reforms;

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31 A. Goody, Davis (2013), Review of current local government reform in Australia and New Zealand, Australian Centre of Excellence for Local Government, University of Technology, Sydney; Local Government Association of South Australia, Adelaide p.3.


undertook training and briefing programs to further assist councils;
received Australian Government funding to further the financial sustainability reforms that were undertaken by South Australian councils; and
worked with other governments on intergovernmental issues35.

In submissions to the Commission’s methodology paper, several councils36 identified the FSP as an example of an efficiency monitoring program that resulted in improved financial performance. As noted by the Town of Gawler in its submission:

> With myriad financial accountability measures already in place, Local Government is the most financially accountable tier of Government. Examples of financial accountability measures include the establishment of Audit Committees, legislative financial reporting requirements, consultations on draft Budget / Business Plans, Budget / Business Plan summary provided with annual Rate notices in July, financial performance indicators (and associated performance targets) (Town of Gawler Submission, p.13)

While the FSRB’s recommendations were largely aimed at the local government sector, the state government, working with the LGASA, introduced amendments to the LG Act to give legislative expression to some of the FSRB’s recommendations. Amendments to the LG Act, which commenced in 2007, sought to enhance the accountability of councils and strengthen their financial governance, asset management, auditing arrangements and rate setting methodologies.

These improvements included requirements for councils to:

- establish audit committees;
- prepare and adopt infrastructure and asset management plans;
- prepare and adopt a long-term financial plan;
- adopt several measures to strengthen the independence of external auditors; and
- adopt a consistent and improved reporting format for annual financial statements.37

In addition, further legislative amendments, principally in the form of the *Local Government (Accountability Framework) Amendment Act 2009*, were introduced to strengthen the legislative framework for the internal and external review of councils’ administration and financial management.

Since 2007 South Australia’s councils must develop and adopt long-term financial, and asset management plans, each covering a period of at least 10 years. The approach adopted in South Australia became a model for similar reforms in several other states.38

The LGASA submission reports the improvement in the financial performance of councils:

> The aggregate level of local government’s annual operating deficit reduced steadily from 2000-01 (when expenses exceeded income by $75 million) until 2007-08 (when the operating deficit was eliminated). Subsequently, an

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36 See LGASA, Playford Council and City of Charles Sturt Submissions.


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approximate ‘break-even’ operating result was recorded for five years up until 2012-13. Since then, there has been a significant improvement in the financial performance of councils, culminating in an operating surplus of $98 million in 2017-18. A total of 56 councils recorded an operating surplus in 2017-18 compared with only 16 councils in 2000-01. (LGASA Submission, p. 5)

The Commission notes that while some councils are recording deficits, the sector as a whole has moved from deficit to surplus. This has been achieved through increases in revenue rather than reductions in expenditure. The Commission seeks information on any other financial reforms undertaken by councils which have improved their efficiency.

**Information request 2.3: Financial management**

How have the financial management program reforms affected councils’ ability and incentives to manage costs?

What changes to the type or quality of financial management information would assist councils to improve their decision making and contribute to better performance?

Is there a need for a stronger external auditing process to increase councils’ compliance with their legislated responsibility to produce long-term asset and financial management plans and lift the quality of these plans? If so, what form should it take?

**2.5.2 Workplace and management initiatives**

The LGASA offers specific training programs to local government sector employees in South Australia. Training and upskilling can lift labour productivity and the efficiency of local councils. The literature suggests there is considerable variation in the workforce capabilities of councils.

A 2018 national review, commissioned by the Local Government Workforce Development Group (LGWDG) for the Australian Local Government Association (ALGA), based on ABS data and a skills shortage survey completed by councils, identified that:

> Local government professionals across Australia are facing a major skills shortage across key occupations and are not well positioned in new and emerging skills.

Staff training was also found to be lacking, with almost one third of councils reporting having unmet training needs as a result of the high cost of training and lack of availability.
Councils that participated in the survey identified a lack of qualified individuals locally, the remoteness of some councils, inability of councils to compete with the private sector, and the lack of opportunity for career progression were among the forces driving the skills shortage.\textsuperscript{43}

Recruitment and retention of staff can be very difficult for regional councils. Some, where possible, have responded by sharing professional and technical staff between councils, providing a means for attracting locally based resources in regional areas.

However, other than joint provision and resource sharing among councils, especially smaller ones, the Commission’s initial literature review has found little evidence of reform in increasing the capability for staff members.

\textbf{Information request 2.4: Workforce planning}

Have councils experienced any issues with attracting and retaining workers or securing workers with specific skills?

Are these issues unique to individual councils?

Is there value in a sector-wide or region-wide approach to workforce planning and the development of specific skills to support councils?

With respect to management matters, the LGASA released a discussion paper, ‘Sensible Change’, in 2017 on further reform ideas and options. As noted in its submission to the methodology paper, the LGASA’s proposed reforms concentrate on several areas of local government operations that can be strengthened without the need for legislative intervention. Reforms listed in the LGASA paper that offer potential for efficiency improvement or potential cost savings include:

- industry-wide industrial relations framework
- sector-wide benchmarking program;
- best practice audit committees;
- standardising external audits;
- best practice service reviews\textsuperscript{44}.

The Commission seeks additional evidence and views from councils on these and other possible sector-wide reform initiatives that could deliver efficiency gains in South Australia.

\textbf{2.5.3 Resource sharing}

Within the local government sector, resource sharing currently occurs in a variety of forms and at different levels of legal and administrative formality, ranging from the highly informal, such as information sharing arrangements between councils, to formal legal structures, including subsidiaries established under sections 42 or 43 of the LG Act.

\textsuperscript{43} For further details, see Australian Local Government Association (2018) \textit{Local Government Workforce and Future Skills Report Australia}, September, p.72.

\textsuperscript{44} LGASA, Part 2 Submission on methodology paper, p 16.
The Independent Inquiry into the Financial Sustainability of Local Government in 2005 recommended "that in canvassing alternative methods of delivery, councils consider further resource-sharing initiatives, especially involving the smaller councils, ranging from working together more effectively to more formalised regional groups, area integration and whole-of-sector initiatives".45

Various forms of collaboration, which broadly fit under the definition of resource sharing, have been identified as an important example of local government-initiated reform aimed at reducing service cost and improving efficiency.

The LGASA has established several entities and activities to provide services to member councils across South Australia. Examples of sector wide services that the LGASA advised have led to significant cost savings include:

- **LGA Mutual Liability Scheme (LGAMLS):** the LGAMLS will deliver $4.05 million in bonuses back to the sector in 2018-19, with a contribution rate lower than 10 years ago.46
- **LGA Workers Compensation Scheme (LGAWCS):** LGAWCS will deliver $11.8 million in performance rebates back to the sector in 2018-19. Self-insurance has delivered over $250m in savings to the sector since 1986. The number of new LGAWCS claims received in 2018-19 (509), was 3.4 per cent lower than the previous financial year.47
- **LGA Procurement (LGAP),** a company wholly-owned by the LGASA, undertakes procurement for member councils. This has enabled electricity cost savings via LGA’s ability to aggregate the load profile and approach the market. Savings have been realised by participating councils of over $8.2 million over three years.48

Councils also may, pursuant to section 43 of the LG Act, establish a variety of regional subsidiaries to enable more effective service delivery. The Eastern Health Authority (EHA), jointly established by five eastern and north-eastern metropolitan councils, is generally seen as a significant example of service delivery through a regional subsidiary. EHA provides a range of health services to the community, by means of a shared services model in which one entity provides services on behalf of the constituent councils. While subsidiaries have been established for various purposes, the Commission understands waste management remains a common area in which councils have used such arrangements.

The Commission’s Local Government Inquiry Reference Group, noted that there has been an increase in the use of resource sharing, and it has become more necessary in a contemporary context. They also noted, that there is comparatively little data on resource sharing initiatives, making it difficult to assess their impact on council performance. In addition, resource sharing schemes, such as shared services arrangements, can be complicated to arrange and manage effectively, cost savings are not always realised, and the resulting services can become more expensive.49

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46 LGASA, Part 2 Submission on methodology paper, p 40.
49 Minutes of Local Government Reference Group, 31 July 2019.
Despite these qualifications, the Commission has also received information on resource sharing initiatives that have produced savings:

City of Salisbury is a major constituent council of the Northern Adelaide Waste Management Authority who are widely recognised for the great work they do in managing waste and reducing costs for the member councils.  

Many councils also participate in other localised arrangements based on a common interest such as:

- sharing information about activities or services between councils;
- common specifications used by multiple councils for procurement of a service; and
- sharing of resources such as specialist staff and equipment.

The common cost and efficiency gain drivers for considering collaboration between councils identified by the Commission can be summarised as:

- cost savings, efficiencies in service delivery, affordability, economies of scale, helping to improve financial sustainability and reduced duplication of effort and resources;
- increased capacity and value for money, capacity to provide additional services, and capacity to address gaps not otherwise provided for by the market; and
- better risk management due to sharing of risks and improved ability to comply with legislation due to increased capacity and resources.

The Commission’s literature review has also identified common difficulties and challenges faced by councils in instigating and undertaking resource sharing arrangements.

For example, in its 2017–18 performance audit of shared services, the Audit Office of NSW found that most NSW councils surveyed were not efficiently and effectively sharing services:

- councils don’t always assess current service performance before deciding on the best delivery model and build a business case to outline the costs, benefits and risks of a proposed shared service arrangement before entering it.

The LGASA case studies of local government shared services in South Australia found:

- one of the key lessons from its analysis is that quantifying the cost efficiencies and the measurement of outcomes provided by certain shared services remains a challenging task.

The Commission’s literature review also identified commitment, equity across councils, quality of business cases and governance models as further challenges to collaboration that councils face. Consultations suggest that many councils are of the view that there is more scope for use of shared services. The Commission seeks additional information regarding council experiences with resource sharing.

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50 City of Salisbury, Submission, p.2
Information request 2.5: Resource sharing

What is the potential for additional use of resource sharing to deliver efficiencies and other benefits to participating councils?

In councils’ experiences of resource sharing, what works and what does not? Why?

Councils are asked to provide further examples of resource sharing.

Are there any impediments to the greater uptake of various forms of collaboration or resource sharing?

What challenges, if any, do councils face in making use of the provisions contained in sections 42 and 43 and Schedule 2 of the Local Government Act 1999 to deliver effective and efficient services to their communities?

2.6 Reforms in other jurisdictions

The Commission’s review of the reforms in other jurisdictions suggests that, at least to date, comprehensive evaluations of initiatives aimed at enhancing council efficiency and lowering costs have been limited. This makes it difficult to judge the overall effectiveness of different jurisdictions’ responses to significant issues in the sector on an interjurisdictional level.

It is also a notable feature of recent local government reforms that, with the exception of South Australia, the majority of initiatives have originated with state governments, not as result of collective action from within the local government sector itself.53

Reforms aimed at improving councils’ capacity for long term strategic planning, particularly in relation to financial and asset management plans, have become a predominant focus of reform efforts in most jurisdictions. In NSW, all councils are now required to use an integrated planning and reporting framework that is designed to improve council capacity for strategic community planning, especially for financial and asset management planning.54

The Commission also notes that, as part of a wider strategy to improve councils’ capacity to monitor and enhance their own performance, the NSW Office of Local Government is developing a Performance Management Framework to provide councils and the community with a consistent set of performance indicators, including costs and asset management.

In Victoria, the need to build councils’ capacity for long term planning was recently addressed through the Local Government (Planning and Reporting) Regulations 2014. These reforms aimed to standardise the way councils report on their long term financial and asset management plans, with a range of documents, including statutory financial statements, now required to conform to the Local Government Model Financial Report.55 In support of this regulatory requirement, Local Government Victoria issued its revised Best practice guide in asset management guidelines in 2015.

55 Ibid, p. 35.
In addition to reforms to the way in which councils undertake strategic planning, the Victorian Local Government Reporting Framework, introduced by the Victorian Government as a mandatory performance reporting system, is designed to address the need for a consistent framework for performance management and reporting. The resultant performance data is presented to the community through the 'Know Your Council' website and represents one of the most developed sector-wide approaches to benchmarking and efficiency comparison.\(^\text{56}\)

The Tasmanian government mandated similar strategic planning requirements in 2013. The Commission notes that the Tasmanian legislation assigns responsibility for monitoring compliance to the Auditor-General. Recent audits of compliance with the new reporting regime suggest that councils’ financial and asset management performance has undergone a noticeable improvement.\(^\text{57}\)

The Commission notes that the Tasmanian Government, is also currently developing the Local Government Data, Analysis, Transparency and Accountability (LG DATA) project. The initiative aims to enhance transparency in the way that local government performance is reported and provide councils with a tool to identify opportunities for performance enhancement.\(^\text{58}\)

### 2.7 Conclusion

The Commission has been asked to consider recent reforms in South Australia and other jurisdictions to policy and management practices in the local government sector and their potential to improve council performance.

The move away from prescribing specific functions to broadening the discretionary power of councils to perform a range of functions in SA also occurred in other jurisdictions. The LG Act, in common with local government legislation in other jurisdictions, defines councils’ functions and powers broadly, which has enabled councils to undertake a significant number of non-mandatory functions. However, the South Australian local government sector has arguably a greater level of autonomy than other jurisdictions, with the South Australian Government taking a less prescriptive approach.

Initial research and consultation with councils and other stakeholders has revealed a diverse range of reviews and reform projects that have been undertaken by councils. The Commission has noted some evidence linking these changes or reforms to council performance. Some observations can be made.

The literature suggests that sector-wide improvement or reform is more likely to be fully implemented if it is mandated by state governments.\(^\text{59}\)

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Regarding sector wide improvement, financial management reforms initiated by the local government sector, some of which were subsequently incorporated into the LG Act, have strengthened council financial performance. However, the Commission’s initial assessment of the evidence suggests that few management or work practice reforms have been undertaken in recent years by the sector.

Councils also participate in a large number of collaborative resource sharing arrangements, ranging from relatively informal arrangements to formal legal structures, with varying degrees of success. Again, however, it is difficult to locate information that enables a quantification of the cost, efficiency or other outcomes of these initiatives.
3. Local government costs

3.1 Introduction

The Inquiry’s terms of reference require the Commission to address the following matters regarding local government costs and efficiency:

Analysis of the information on local government costs and the key drivers of costs including:

- identify trends in local government activities and costs of local government operations; and
- identify the drivers of local government costs and assess their impacts.¹

Between 2008-09 and 2017-18, total operating expenditure of all South Australian councils increased from $1.6 billion to $2.2 billion at an average annual rate of 4.2 per cent. Adjusting for the change in the number of properties over time, the average annual increase in operating expenditure was 3.3 per cent per annum per property.

In comparison, the two popular measures of price inflation generally used by councils — movements in the consumer price index (CPI) and the local government price index (LGPI) — reflected increases of 2.1 per cent and 2.6 per cent per annum, respectively (refer to Figure 3.1).²

This chapter examines trends and changes in council operating expenditure and likely explanations for these changes. To understand the cost drivers, the Commission examined councils’ costs for the period from 2008-09 to 2017-18 on both a resource (or input) basis and a function or service (output) basis.

Figure 3.1: Index of the change in operating expenditure per property across all councils and price indices

![Index of the change in operating expenditure per property across all councils and price indices](image)


¹ For a complete text of the Terms of Reference refer to Appendix 2.
### 3.2 Data sources and council groupings

#### 3.2.1 Data sources

In undertaking this inquiry, the Commission has drawn upon a range of data sources. It acknowledges the support of the South Australian Local Government Grants Commission (SALGGC) in providing information from councils’ annual returns, supplementary surveys and general information returns.\(^3\) In addition, the Local Government Association of South Australia (LGASA) provided information and data collated from its member councils. Several councils provided additional information in their submissions that has assisted in understanding underlying trends.

The SALGGC provided a database of information and cost data covering the 10-year period from 2008-09 to 2017-18 for all 68 councils. This database included, but was not limited to, the following indicators:

- general and statistical information;
- operating income;
- operating expenditure;
- physical asset and associated capital expenditure;
- statutory accounting statement of financial position and net financial liabilities; and
- financial ratios.

All councils in South Australia must prepare annual financial statements in accordance with the “Model Financial Statements” as published by the LGA.\(^4\) These statements include guidance on the allocation of costs to activities.

The financial information submitted by councils and collected by the SALGGC is based on these model financial statements. The SALGGC reports the consolidated information collected from councils on their website.\(^5\) The SALGGC notes:

> ...these reports may include differences from council financial statements and amounts shown in supplementary returns as to enhance data consistency and comparability.\(^6\)

The inquiry has relied on the information contained in these database reports.

#### 3.2.2 Council groupings

The Commission grouped councils, using the Australian Classification of Local Governments (ACLG) Scheme, as detailed in Appendix 6, to enable meaningful comparisons and conclusions to be drawn.\(^7\) This is consistent with the SALGGC’s interpretation.

---

\(^3\) Refer to Appendix 5 for an outline of the extent of the information provided by SALGGC.

\(^4\) Refer to the Local Government Act 1999 (Section 127) and Regulation 4(3) and Regulation 13 of the Local Government (Financial Management) Regulations 2011.


\(^7\) As outlined in Appendix 6, the ACLG scheme is based on a three-step hierarchy system. Each step allocates a prefix made up of three letters to produce a unique identifier for each type of local government area. The system’s full classification structure contains 22 separate categories. By way of example, a medium-sized (populated) council in a rural agricultural area would be classified as RAM – Rural, Agricultural, Medium.
The Commission allocated the 68 councils, using this scheme, into one of four groups depending on location and population, broadly as follows:

- **Urban:**
  - Urban – metropolitan and fringe — which includes the capital city, developed (suburban) and fringe (suburban) metropolitan councils;
  - Urban – regional — non-metropolitan councils with urban centres in regional areas;

- **Rural:**
  - Rural agricultural – large and very large populated councils in rural or agricultural areas; and
  - Rural agricultural – small and medium populated councils.

Table 3.1 shows the differences between urban, rural and the four council groupings.

Table 3.1: Selected statistics by urban and rural type 2017-18

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Council group</th>
<th>All urban councils</th>
<th>All rural councils</th>
<th>State-wide total</th>
<th>Urban-Metro &amp; Fringe</th>
<th>Urban-Regional</th>
<th>Rural-Small and medium</th>
<th>Rural-Large and very large</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of councils</td>
<td>Total</td>
<td>30</td>
<td>38</td>
<td>68</td>
<td>21</td>
<td>9</td>
<td>20</td>
<td>18</td>
</tr>
<tr>
<td>Area</td>
<td>Total (square kilometres)</td>
<td>10,600</td>
<td>146,230</td>
<td>156,830</td>
<td>5,139</td>
<td>5,461</td>
<td>82,780</td>
<td>63,450</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>353</td>
<td>3,848</td>
<td>2,306</td>
<td>245</td>
<td>607</td>
<td>4,139</td>
<td>3,525</td>
</tr>
<tr>
<td>Population</td>
<td>Total</td>
<td>1,506,515</td>
<td>223,765</td>
<td>1,730,280</td>
<td>1,350,028</td>
<td>156,487</td>
<td>45,342</td>
<td>178,423</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>50,217</td>
<td>5,889</td>
<td>25,445</td>
<td>64,287</td>
<td>17,387</td>
<td>2,267</td>
<td>9,912</td>
</tr>
<tr>
<td>Employees</td>
<td>Total (FTE)</td>
<td>7,029</td>
<td>1,838</td>
<td>8,867</td>
<td>6,036</td>
<td>993</td>
<td>546</td>
<td>1,292</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>234</td>
<td>48</td>
<td>130</td>
<td>287</td>
<td>110</td>
<td>27</td>
<td>72</td>
</tr>
<tr>
<td>Sealed roads</td>
<td>Total (km)</td>
<td>10,768</td>
<td>8,031</td>
<td>18,799</td>
<td>8,813</td>
<td>1,955</td>
<td>2,030</td>
<td>6,001</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>359</td>
<td>211</td>
<td>276</td>
<td>420</td>
<td>217</td>
<td>101</td>
<td>333</td>
</tr>
<tr>
<td>Unsealed roads</td>
<td>Total (km)</td>
<td>3,945</td>
<td>52,249</td>
<td>56,194</td>
<td>2,192</td>
<td>1,753</td>
<td>27,152</td>
<td>25,097</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>132</td>
<td>1,375</td>
<td>826</td>
<td>104</td>
<td>195</td>
<td>1,358</td>
<td>1,394</td>
</tr>
<tr>
<td>Roads (including laneways)</td>
<td>Total (km)</td>
<td>14,873</td>
<td>60,307</td>
<td>75,180</td>
<td>11,091</td>
<td>3,782</td>
<td>29,184</td>
<td>31,123</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>496</td>
<td>1,587</td>
<td>1,106</td>
<td>528</td>
<td>420</td>
<td>1,459</td>
<td>1,729</td>
</tr>
<tr>
<td>Number of properties</td>
<td>Total</td>
<td>716,175</td>
<td>190,258</td>
<td>906,433</td>
<td>630,838</td>
<td>85,337</td>
<td>51,744</td>
<td>138,514</td>
</tr>
<tr>
<td></td>
<td>Average per council</td>
<td>23,873</td>
<td>5,007</td>
<td>13,330</td>
<td>30,040</td>
<td>4,292</td>
<td>2,587</td>
<td>7,695</td>
</tr>
<tr>
<td>Capital value of properties</td>
<td>Total (£billion) at 1 Jan-19</td>
<td>$337.9</td>
<td>$58.6</td>
<td>$396.5</td>
<td>$313.3</td>
<td>$24.5</td>
<td>$14.5</td>
<td>$44.1</td>
</tr>
<tr>
<td></td>
<td>Average per property (£000)</td>
<td>$471.8</td>
<td>$308.0</td>
<td>$437.4</td>
<td>$496.7</td>
<td>$287.5</td>
<td>$280.0</td>
<td>$318.5</td>
</tr>
</tbody>
</table>

Expenditure by council will vary according to a range of factors including population, area, properties and road length amongst other things. Accordingly, where appropriate, the Commission has also undertaken analyses using the following classifications:

- Urban metropolitan and fringe councils were classified to reflect their level of development — suburban (otherwise referred to as developed) or fringe (or developing), and
- rural councils were classified to reflect similar regional areas or geographies, such as:
  - Eyre Peninsula;
  - Legatus Group of councils (includes various Yorke Peninsula, mid-north and other similar regional councils);
  - Limestone Coast;
  - Murraylands and Riverlands; and
  - Southern and Hills.

Submissions provided broad support for the use of the ACLG classification scheme; for example, the Town of Gawler:

As acknowledged in the Paper, it is inherently difficult to compare Councils, given each Council has distinct and diverse characteristics. Utilisation of the ACLG is deemed appropriate. (Town of Gawler Submission, p.1)

In contrast, the City of Playford’s submission raised the following concern:

The issue with the ACLG grouping is some Councils can be considered in multiple groupings given their diversity. Therefore, groupings are not relevant for all services. (City of Playford Submission, p.1)

The Commission notes the concerns raised in submissions. Its analysis focuses on the underlying drivers of costs and not in making comparisons between individual councils.

3.3 Analysis of operating expenditure by resource type

This section discusses the issues that the Commission and various submissions have put forward as drivers of council costs. It examines expenditure by the type of resources, or inputs, employed — these comprises employee costs, materials and contracts costs, depreciation charges and finance costs.

3.3.1 Total operating expenditure

As noted, total operating expenditure by councils has grown more rapidly than inflation between 2008-09 and 2017-18.

Figure 3.2 shows the individual cost components of total operating expenditure as well as the rate of change in total annual costs from the previous year.
Figure 3.2 shows that the annual growth in operating costs between 2008-09 and 2012-13 ranged between 4.9 per cent and 6.1 per cent, falling to 2.4 per cent in 2014-15. The rate of change has trended upwards in recent years and it slowed to 3 per cent in 2017-18.

Table 3.2 compares the average annual increases in total operating expenditure for all council groups over three different time periods. The table shows that growth in operating costs for the urban metropolitan and fringe group of councils has been highest, and remains high, whereas for the urban regional group expenditure slowed (and fell in 2017-18). In addition, the rate of growth in operating expenditure of the rural small and medium group was the smallest among the council groups over the decade and the past seven years.
Table 3.2: Average annual increase in total operating expenditure by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>4.3</td>
<td>3.7</td>
<td>4.0</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>4.0</td>
<td>3.0</td>
<td>-0.1</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>3.3</td>
<td>2.2</td>
<td>0.5</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>4.3</td>
<td>3.3</td>
<td>2.0</td>
</tr>
<tr>
<td>All Groups</td>
<td>3.9</td>
<td>3.5</td>
<td>3.0</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

The two urban and rural council groups experienced similar annual average increases over the 10 years (4.2 per cent and 4.0 per cent per annum, respectively).\(^{11}\) The capital city and urban fringe councils experienced average annual growth increases of 5.8 per cent and 5.1 per cent, respectively.

The greatest average annual growth in total operating expenditure among the rural councils was experienced by the rural councils of the Murraylands and Riverlands (4.9 per cent).

Figure 3.2 shows that overall spending increased by approximately 45 per cent (or $693 million) over the ten years to 2017-18 and that the relative proportions of the individual components have changed little in that time. In 2017-18, the major components of councils’ expenditure were:

- materials, contracts and other costs ($912 million or 41 per cent of total operating expenditure);
- employee costs ($789 million or 35 per cent); and
- depreciation charges ($511 million or 23 per cent).

Finance costs represented only 1.4 per cent (or $31 million) of total operating expenditure in 2017-18. The only other operating charge reported by councils is the loss incurred on their ownership in joint ventures and other businesses.\(^{12}\)

Each of these cost components is discussed in the following sections.

---

\(^{11}\) Similarly, over the last seven years since 2011-12, the average annual rate of increase in total costs has been higher for urban councils, at 3.6 per cent, compared to 3.0 per cent for rural councils.

\(^{12}\) In 2017-18, this item represented approximately 0.1 per cent of total operating expenditure (or less than $1.5 million) and is not separately examined. The corresponding profit on these ventures is reported as income in the revenue section of the Income Statement.
3.3.2 Materials, contracts and other costs

Materials, contracts and other costs is the most substantial category of expenditure for councils making up approximately 41 per cent of total operating expenditure and, in 2017-18, expenditure in this area reached $912 million.\(^{13}\) The average rate of increase for materials and contract expenditure, over the last 10 years, was 4.0 per cent annually and this was similar across both urban and rural councils. The LGPI increased by 2.6 per cent annually and, assuming this represents the changes in materials prices, the real increase or the volume growth of materials (and other costs) spending is approximately 1.4 per cent annually.

Figure 3 shows the total operating expenditure by group as well as the annual rate of change in the overall materials and contracts cost.

Urban metropolitan and fringe councils represent 67 per cent of materials and contract costs in 2017-18 and, in comparison:

- large and very large rural councils represent 13 per cent;
- small and medium councils’ rural councils represent 12 per cent; and
- urban regionals represent less than 6 per cent.

These relative proportions have changed negligibly over time as shown in Figure 3.3.

---

\(^{13}\) The materials, contracts and other category includes expenditure on a range of items including consultants, contractors, energy, water, waste services, maintenance, legal, levies to state government, advertising, catering, cleaning, communications, entertainment, various project related costs, sponsorships, subscriptions, insurance, security, information technology and other items.
Despite the similar increase in expenditure across both urban and rural councils over the last 10 years, Table 3.3 shows that there are significant compositional differences in the rate of increase in materials costs amongst the various council groupings:

- the urban metropolitan and fringe council group costs increased by 4.2 per cent per annum on average over the past 10 years. There has been a slight downward trend in the rate of increase (3.9 per cent) over the last seven years but 2017-18 recorded an increase of 5.1 per cent.
- the urban regional group costs increased by 3.0 per cent per annum on average over the 10 years and are moderating — in 2017-18 the increase was 1.8 per cent;
- rural small and medium council group costs increased by 3.1 per cent per annum on average and in 2017-18 costs fell by 1.2 per cent (it is noted that in 2016-17 there was an increase in costs of 7.8 per cent); and
- rural large and very large group costs grew by 4.4 per cent per annum and appear to be falling below the long-term average. In 2016-17, there was an increase of over 13 per cent.

Table 3.3: Average annual increase in materials, contracts and other costs by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>4.2</td>
<td>3.9</td>
<td>5.1</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>3.0</td>
<td>2.2</td>
<td>1.8</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>3.1</td>
<td>1.5</td>
<td>-1.2</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>4.4</td>
<td>3.7</td>
<td>0.8</td>
</tr>
<tr>
<td>All Groups</td>
<td>4.0</td>
<td>3.5</td>
<td>3.7</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

The City of Adelaide experienced a 6.4 per cent average annual increase over the 10 year period. In contrast, the metropolitan and fringe councils, experienced average increases of 3.5 per cent and 4.5 per cent per annum, respectively.

In respect of the other regions, the largest average annual increases over the 10 years to 2017-18 related to:

- the rural councils of the Murraylands and Riverlands regions which experienced an average increase of 6.7 per cent;
- the rural councils of the Southern and Hills regions: 5.4 per cent; and
- the metropolitan fringe councils: 4.5 per cent.

The increases for the metropolitan fringe and southern and hills councils may be in part attributed to the growth in population and the demand for greater services in these areas. In contrast, the rural councils of the Murraylands and Riverlands experienced an overall decline in numbers over the last 10 years — although there has been an increase in population in the last two years.
Information request 3.1: Materials, contracts and other costs

What are the main drivers of materials, contracts and other costs for rural small and medium councils?

In what ways do current council procurement practices affect expenditure on materials, contracts and other costs?

3.3.3 Employee costs

Employee costs is the next most substantial expenditure for councils representing approximately 35 per cent (or $789 million) of total operating expenditure in 2017-18. Employee costs incorporate:

- total number of employees; and
- costs per employee, including wages, salaries and supplements.

The average annual increase in total employee costs across the local government sector was 4.5 per cent over the last 10 years, with no major difference between urban and rural councils.

Total employee costs across the four council groups since 2008-09 are shown in Figure 3.4. It is noted that there may be some variation in employee costs from year to year due to the rate of capitalisation of labour that occurs — the Commission does not have access to the labour capitalisation rate for each council.

Urban metropolitan and fringe councils represent 71 per cent of total employee costs in 2017-18 and, in comparison:

- large and very large rural councils represent 13 per cent;
- small and medium rural councils represent 11 per cent; and
- urban regional councils represent 5 per cent.

These relative proportions have changed negligibly over time as may be inferred from Figure 3.4.

*Figure 3.4: Employee costs in total and by council group ($million) and annual change (per cent)*

Source: SALGGC (2019)
Table 3.4 shows the slowing growth in total employee costs over the last 10 years was experienced across both urban and rural councils. The table also shows that the changes in employee costs tended to diverge more between the various council groupings over time:

- urban metropolitan and fringe councils’ employee costs grew by 4.4 per cent per annum on average over the past 10 years, although there has been a downward trend in the rate of increase (to 3.7 per cent) over the last seven years and the rate of increase slowed to 2.8 per cent during 2017-18;
- urban regional councils’ employee costs grew by 5.1 per cent per annum over the past 10 years and 4.6 per cent over the last seven years. However, 2017-18 experienced a decrease of 1.5 per cent;
- rural - small and medium councils’ costs grew by 4.4 per cent per annum over the 10 years and appear to be slowing, experiencing a 1.2 per cent increase during 2017-18; and
- rural - large and very large councils’ costs grew by 4.6 per cent per annum over the 10 years but over the past seven years experienced the smallest rise of all groups (3.5 per cent) and in 2017-18 the rise was 2.6 per cent.

Overall annual growth in employee costs for the entire sector (across all groups) has declined to 2.2 per cent in 2017-18 as shown in Table 3.4.

Table 3.4: Average annual increase in employee costs by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>4.4</td>
<td>3.7</td>
<td>2.8</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>5.1</td>
<td>4.6</td>
<td>-1.5</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>4.4</td>
<td>3.8</td>
<td>1.2</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>4.6</td>
<td>3.5</td>
<td>2.6</td>
</tr>
<tr>
<td>All Groups</td>
<td>4.5</td>
<td>3.8</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

As shown in Table 3.5, over 10 years, the urban fringe councils (of all the groups) experienced the greatest increase in employee costs at 5.8 per cent per annum and 5.4 per cent per annum over the last seven years. Growth during 2017-18 also remained high at 4.6 per cent.

Similarly, the rural regional groups of Eyre Peninsula and the Legatus Group, and the urban regional council group all experienced increases of 5.1 per cent per annum over the 10 years and increases of between 4.1 per cent and 4.6 per cent per annum over the last seven years.

In contrast, the total employee cost increases of the group of rural councils of the Murraylands and Riverlands averaged approximately 3.5 per cent per annum over the 10 years and 2.3 per cent over the last seven years. In 2017-18, these councils’ employee costs grew by 1.0 per cent and the southern and hills councils experienced a growth of 0.7 per cent.
Table 3.5: Average annual change in employee costs by regional council grouping (per cent)

<table>
<thead>
<tr>
<th>Council type and region</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban capital city</td>
<td>3.9</td>
<td>4.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Urban metropolitan</td>
<td>4.0</td>
<td>2.9</td>
<td>2.1</td>
</tr>
<tr>
<td>Urban fringe</td>
<td>5.8</td>
<td>5.4</td>
<td>4.6</td>
</tr>
<tr>
<td>Urban regional</td>
<td>5.1</td>
<td>4.6</td>
<td>-1.5</td>
</tr>
<tr>
<td>Rural Eyre Peninsula</td>
<td>5.1</td>
<td>4.1</td>
<td>1.8</td>
</tr>
<tr>
<td>Rural Legatus Group</td>
<td>5.1</td>
<td>4.1</td>
<td>3.4</td>
</tr>
<tr>
<td>Rural Limestone Coast</td>
<td>4.3</td>
<td>3.2</td>
<td>1.7</td>
</tr>
<tr>
<td>Rural Murraylands &amp; Riverlands</td>
<td>3.5</td>
<td>2.3</td>
<td>1.0</td>
</tr>
<tr>
<td>Rural Southern &amp; Hills</td>
<td>4.4</td>
<td>4.7</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

From information collected by the ABS for its Wage Price Index for South Australia, the annual growth in total hourly rates of pay (excluding bonuses) for both private and public sectors across all industries was 2.8 per cent over the same 10-year period of this review, 2.6 per cent over the past seven years and 2.1 per cent during 2017-18.

The Commission notes that the average annual growth in the number of council employees (on an FTE basis) has followed the general growth rate of the population at around 0.8 per cent. On an FTE basis, total unit employee costs for the local government sector have increased from $64,100 in 2008-09 to $88,900 in 2017-18 — an average annual increase of 3.7 per cent over the decade.14

The increase in total employee cost is driven by the increase in salary and wages rather than by the increase in employee numbers. Furthermore, the increase in salaries and wages may also be due to changes in labour composition to a more skilled workforce. The Commission’s analysis shows that the rate of increase in council unit employee costs rose more rapidly than average wages in the South Australian economy for the full decade, for the period 2011-12 – 2017-18 and for 2017-18.

On an urban/rural basis, unit employee costs have increased at a faster rate for the rural council group compared with the urban council group as shown in Table 3.6. The table also shows the average annual change in unit employee cost by the four major council groups and regional area.

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14 It is noted that the full time equivalent employee numbers provided by the SALGGC represents the total workforce and, as such, no adjustment is made for the capitalisation rate associated with the split between operating and capital costs.
Table 3.6: Average annual change in unit employee cost (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>3.6</td>
<td>3.3</td>
<td>2.7</td>
</tr>
<tr>
<td>Rural</td>
<td>4.0</td>
<td>3.4</td>
<td>2.1</td>
</tr>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>3.5</td>
<td>3.2</td>
<td>2.4</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>4.4</td>
<td>3.9</td>
<td>4.5</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>4.4</td>
<td>4.3</td>
<td>-0.8</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>3.8</td>
<td>3.0</td>
<td>3.3</td>
</tr>
<tr>
<td>Urban capital city</td>
<td>3.1</td>
<td>2.9</td>
<td>3.2</td>
</tr>
<tr>
<td>Urban metropolitan</td>
<td>3.4</td>
<td>3.0</td>
<td>1.8</td>
</tr>
<tr>
<td>Urban fringe</td>
<td>4.0</td>
<td>3.6</td>
<td>3.5</td>
</tr>
<tr>
<td>Rural Eyre Peninsula</td>
<td>4.7</td>
<td>4.3</td>
<td>-1.3</td>
</tr>
<tr>
<td>Rural Legatus Group</td>
<td>4.3</td>
<td>3.4</td>
<td>3.8</td>
</tr>
<tr>
<td>Rural Limestone Coast</td>
<td>3.7</td>
<td>3.6</td>
<td>0.5</td>
</tr>
<tr>
<td>Rural Murraylands &amp; Riverlands</td>
<td>3.4</td>
<td>3.1</td>
<td>3.1</td>
</tr>
<tr>
<td>Rural Southern &amp; Hills</td>
<td>3.5</td>
<td>2.7</td>
<td>-0.6</td>
</tr>
<tr>
<td>All Groups</td>
<td><strong>3.7</strong></td>
<td><strong>3.3</strong></td>
<td><strong>2.6</strong></td>
</tr>
<tr>
<td>SA Wage Price Index</td>
<td>2.8</td>
<td>2.6</td>
<td>2.1</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

The average cost per FTE is generally higher among urban councils compared to rural councils. In particular, the average unit employee cost in 2017-18 for each council group was:

- urban metropolitan and fringe group: $92,300;
- urban regional group: $90,500;
- rural small and medium group: $72,500; and
- rural large and very large group: $78,800.

Some stakeholders raised the issue of employee costs and the central role that enterprise agreements play in the wage setting process. In its submission, the City of Charles Sturt stated that:

Employee expenses comprise approximately 35% of operating costs and governed by Enterprise Bargaining Agreements. In 2008/09 the EBA wages increase at Charles Sturt was 5.5%. It then decreased to 4% until 2013/14 where it was 3% until 2017/18.

(City of Charles Sturt Submission, p.6)

In addition, the South Australian Financial Management Group (SALGFMG) noted that:

From 2008/09 many Councils had wages increase in the order of 4% to 6%, falling to around 3% in 2014/15 and more recently in the order of 2%, and more reflective of wages growth in the broader economy.

(SALGFMG Submission, p.10)
The SALGFMG submission offered a possible explanation and noted that enterprise agreements may have an indirect role by making costs fixed rather than variable:

Employee costs represent 35% of councils total operating cost [...]. This cost is driven by Enterprise Bargaining Agreements and often include no forced redundancy clauses resulting in labour being largely a fixed cost. (SALGFMG Submission, p.10)

Several submissions, including from the City of Charles Sturt, identified employee costs as a driver of increases in operating costs. In particular, the industrial relations framework within which councils operate has been identified by some stakeholders, including the SALGFMG, as a significant driver of operating costs. The Commission understands that, at present, councils negotiate Enterprise Bargaining Agreements (EBAs) individually, with different conditions in place for staff classified as either ‘indoor’ or ‘outdoor’ employees.

### 3.3.4 Finance costs

In general, the cost of finance is small across councils — making up less than 1.4 per cent (or $31 million) of total operating expenditure in 2017-18. Councils generally have very low debt levels.

Over the last 10 years, total finance costs have fallen by an average of less than 0.2 per cent per annum but since 2011-12, finance costs have fallen by 3.0 per cent per annum on average. This reflects falling long term borrowing interest rates — as represented by the 10 year Commonwealth bond yields in Figure 3.5 and the subsequent decrease in deposit rates.

**Figure 3.5:** 10 year Australian government bond yield

![Graph of 10 year Australian government bond yield](image)

*Source: RBA*

**Figure 3.6:** Local government real interest rates from 2008 to 2021

![Graph of local government real interest rates](image)

*Source: LGFA (2019)*

Similarly, Figure 3.6 shows the general decline in actual real interest rates that councils were able to access since 2008 from the Local Government Finance Authority (LGFA).15

These declines in interest rates (as well as declining levels of net debt) are reflected in the total finance costs incurred by councils as shown in Figure 3.7.

---

15 The Local Government Finance Authority of South Australia, is a body corporate, which provides financial services exclusively to South Australian councils and local government bodies. It was established in January 1984 under the Local Government Finance Authority Act, 1983.
As noted, although there was a slight fall of 0.2 per cent per annum in total finance costs across all councils in the past 10 years, the decline in interest rates has resulted in a decline in finance costs of 3 per cent per annum over the last seven years.

Rural councils, as a group, experienced an increase in finance costs of almost 2 per cent per annum over the last 10 years compared with urban councils which experienced a fall of almost 1 per cent. Over the last seven years, rural councils’ finance costs fell by 1.8 per cent per annum while urban councils experienced a fall of 4.6 per cent per annum over the same period.

Table 3.7 shows these differences and also shows that the large rural councils faced an increase in finance costs of 2.7 per cent per annum since 2011-12, while other council groups experienced a fall.

Table 3.7: Average annual changes in finance costs by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>-0.92</td>
<td>-4.6</td>
<td>-0.01</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>-0.98</td>
<td>-3.9</td>
<td>-19.4</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>2.6</td>
<td>-0.55</td>
<td>9.3</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>1.7</td>
<td>2.7</td>
<td>-3.9</td>
</tr>
<tr>
<td>All Groups</td>
<td>-0.2</td>
<td>-3.0</td>
<td>-2.4</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)
Of the increases in total finance costs in the rural council groups, the largest increase was experienced by the Eyre Peninsula rural councils which saw an increase of an average of 6.7 per cent per annum over 10 years and 5.5 per cent over the last seven years.

The biggest decline was by the City of Adelaide which saw its total finance costs fall by an average of over 24 per cent per annum over the last 10 years from $2.4 million down to $0.2 million; however, in 2017-18, its finance costs increased by over 500 per cent from $0.03 million to $0.2 million.

Councils raise funds to finance their operations from a range of sources including:

- grants from governments and gifts in cash or kind from the private sector;
- borrowings from lenders or lending institutions such as banks or non-bank institutions;
- excess funds resulting from operating efficiencies or the deferral (or cancellation) of projects or other programs;
- proceeds from asset sales, and the biggest of all; and
- funds raised from ratepayers.

In terms of borrowings, the local government sector held $668 million at 30 June 2018. This level of borrowings represents approximately 2.7 per cent of the total value of fixed assets. If councils increased their use of debt, finance costs would increase resulting in higher total operating expenditure.

### 3.3.5 Depreciation, amortisation and impairment of assets

Of all the major resource expenditure categories, depreciation is not an actual cash expense but, in simple terms, an accounting charge that attempts to reflect the loss in the value of an asset as it is consumed over each year of its life.

Although a non-cash item, depreciation is substantial representing approximately 23 per cent (or $511 million) of total operating expenditure in 2017-18 and reflects the level of the fixed asset base (excluding land).

Figure 3.8 below shows that depreciation has increased over the last 10 years from approximately $345 million in 2008-09 to $511 million in 2017-18.
Table 3.8: Average annual changes in depreciation, amortisation and impairment charges by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>4.8</td>
<td>4.1</td>
<td>4.0</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>5.0</td>
<td>2.3</td>
<td>0.2</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>2.9</td>
<td>2.0</td>
<td>1.7</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>4.0</td>
<td>2.6</td>
<td>3.5</td>
</tr>
<tr>
<td>All Groups</td>
<td><strong>4.1</strong></td>
<td><strong>3.4</strong></td>
<td><strong>3.3</strong></td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

Table 3.8 shows that average annual growth in depreciation charges has been slowing over the decade and is variable across council groups.

Figure 3.9 shows the current value of depreciable assets is approximately $16.8 billion of the $23.7 billion of total fixed assets held by the local government sector at 30 June 2018. Over the 10 years since 2008-09, total assets have increased by $8.2 billion of which the value of net depreciable assets have increased by $6.1 billion — from a combination of revaluations, write-
downs, asset disposals and new additions which is reflected by the levels of capital expenditure.\textsuperscript{16}

As a consequence of the levels of capital expenditure in recent years, a total of $6.3 billion of new and upgraded capital works will have been added to councils’ asset bases over the course of the past 10 years.

\textit{Figure 3.9: Infrastructure, building, plant and equipment assets 2008-09 to 2017-18 ($billion)}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{figure3.9.png}
\caption{Infrastructure, building, plant and equipment assets 2008-09 to 2017-18 ($billion)}
\end{figure}

Depreciation is affected by the level of capital expenditure over time as new assets are commissioned and added to the asset base.

Capital expenditure peaked in 2017-18 at $825 million compared to $542 million in 2008-09 as shown in Figure 3.10 — an increase of over 52 per cent or an annual average increase of 4.8%.

The increase in capital expenditure fluctuates from year to year, as shown in Figure 3.10. The increase from 2016-17 to 2017-18 was approximately 20 per cent or over $135 million as follows:

- the urban metropolitan and fringe council group’s capital expenditure increased by $99 million (an increase of approximately 23 per cent) — of which $58 million was incurred by the City of Adelaide;
- the urban regional group decreased capital expenditure by $700,000 (a decrease of approximately one per cent);
- the rural small and medium council group increased capital expenditure by $22 million (an increase of approximately 34 per cent); and
- the rural large and very large council group increased capital expenditure by $15 million (an increase of approximately 12 per cent).

\textsuperscript{16} New capital works additions include assets gifted to councils by developers and governments.
The increase in 2017-18 compares with the 10 year and seven year average annual increases in capital expenditure of 4.8 per cent and 5.5 per cent, respectively — and reflects the increasing level of capital projects being undertaken in recent years.

*Figure 3.10: Total capital expenditure by project type across all councils ($million)*

![Graph showing capital expenditure by project type across all councils from 2008-09 to 2017-18.]

*Source: SALGGC (2019)*

Figure 3.11 shows capital expenditure for each of the four council groups. This figure and Table 3.9 shows that other than for the urban regional group, capital expenditure had increased across all groups in 2017-18.
Figure 3.11: Total capital expenditure by council group ($million)

Table 3.9: Average annual change in capital expenditure by council group ($million) (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>5.5</td>
<td>6.2</td>
<td>22.8</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>-0.8</td>
<td>1.0</td>
<td>-1.1</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>6.3</td>
<td>7.5</td>
<td>33.9</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>4.5</td>
<td>4.6</td>
<td>12.1</td>
</tr>
<tr>
<td>All Groups</td>
<td>4.8 (5.5)</td>
<td>5.5</td>
<td>19.6</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

Depreciation expenses were approximately 23 per cent of total operating expenditure in 2017-18 and this share has not changed significantly since 2008-09. It increased by 48 per cent for the period (an annual average of 4.5 per cent) while the value of depreciable assets increased by 57 per cent. Increased capital expenditure by councils, revaluations of assets and the ‘gifting’ of new infrastructure from land developments will impact on future changes in the depreciation expense. As an important driver of financial sustainability, depreciation requires more consideration.
3.3.6 Findings

Councils’ operating costs are comprised mostly of labour (35 per cent), materials (including other costs, 41 per cent) and depreciation (23 per cent) with these proportions not changing significantly over the past decade.

Councils’ overall operating expenditure has risen at an average annual rate of 4.2 per cent over the last decade and this has been well above the rate of inflation. There have been minor differences between each of the council groupings but, on an overall basis, average annual increases were well in excess of inflation — ranging from 3.3 per cent (for the small rural group) up to 4.3 per cent (for the urban and the large rural groups).

In particular, materials, contracts and other costs have increased at an annual average rate of 4 per cent over the last 10 years, driven by urban metropolitan and fringe councils and the rural councils of the Murraylands and Riverlands region.

Growth in this expenditure category has resulted more from volume growth than increases in prices paid for materials, contracts and other costs. This may reflect increased use of shared service arrangements and other forms of contracting out.

Total employee costs have increased at an annual average of 4.5 per cent over the last 10 years, well above other parts of the economy. It is noted that the rate of increase has slowed to 2.2 per cent in 2017-18 and is only slightly above the state-wide increase of 2.1 per cent for all employee types as measured by the ABS Wage Price Index for South Australia. These increases contrast sharply with the relatively low average annual growth in employee numbers of 0.8 per cent in the local government sector. These increases are the average outcomes of enterprise bargaining arrangements.

Depreciation (and related) charges have increased by over 48 per cent, or $166 million, from $345 million in 2008-09 to $511 million in 2017-18 — equivalent to an average annual increase of 4.5 per cent.

The increase in recent years in capital expenditure can be expected to flow through to higher depreciation charges in coming years. Depreciation is a substantial figure and an important driver of financial sustainability and deserves more attention.

On the other hand, total finance costs fell from a peak of $37 million (in 2011-12) to a low of $31 million (in 2017-18).

3.4 Analysis of costs by service

This section considers how the mix of functions provided by councils has changed over time for the sector as a whole and by each of the four council groups.

3.4.1 Mandatory and non-mandatory services

The Commission noted in Chapter 2 that, under section 7 of the LG Act, there is wide scope for a council to determine the exact nature and specific level of the function or service to be delivered; that is, the number, volume, depth and quality of services to be provided to its community and the terms on which it is provided in most cases.

Several submissions to the inquiry noted that, over time, councils have grown from a small number of services (such as roads, rates and rubbish) to delivering an extensive and diverse range of services and functions as noted by the following extracts from three submissions:
... the Campbelltown community have increased their expectations, in regard to the level of services provided, including the provision of new services ...
(City of Campbelltown, p.2)

and

Elected Councils ... influence the range and extent of services provided by their council. Each change over time due to aspirations, demographics and interest of a community. For example, a community may place, indeed warrant, more extensive library services - providing increased geographic accessibility to a lower socio demographic community, or conversely, a higher service level consciously chosen by a higher socio demographic community.
(City of Charles Sturt Submission, p.3)

and

Changes in service provision and community expectations has increased over the period. Councils are providing additional services in Community Services, Library Services, Economic Development and Recreation and Open Space.
(City of Prospect Submission, p.2)

Appendix 4 provides a detailed list of mandatory and non-mandatory council activities, based on advice from LGASA.

The Commission notes that the delivery of mandatory services (as defined in Chapter 2) by councils to their communities accounts for less than half (or around 46 per cent) of annual operating expenditure. This proportion has not changed significantly since 2008-09, reflecting similar rates of growth for mandatory and non-mandatory services.

A small number of mandatory services accounts for nearly half of council expenditure. While councils have no choice but to deliver mandated services they largely decide how they deliver these mandated services — which affects their costs.

Figure 3.12: Split of operating expenditure by mandatory / non-mandatory service type for all councils, 2017-18

Source: LGASA and SALGGC (2019)

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17 The operating costs used in arriving at this split excludes governance costs ($60m), finance charges ($31m) and the balance of amounts ($12m) not allocated to other functions or services.
Figure 3.13 and Table 3.10 shows the differences between rural and urban council groups in the split of expenditure between mandatory and non-mandatory services.

Table 3.10: Function mix expenditure proportions for 2017-18 (per cent)

<table>
<thead>
<tr>
<th>Council group</th>
<th>Mandatory</th>
<th>Non-mandatory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>42.7</td>
<td>57.3</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>40.2</td>
<td>59.8</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>57.1</td>
<td>42.9</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>56.4</td>
<td>43.6</td>
</tr>
<tr>
<td>All Groups</td>
<td>45.2</td>
<td>54.8</td>
</tr>
</tbody>
</table>

Source: LGA and SALGGC (2019)

Figure 3.13 and Table 3.10 shows that rural councils spend relatively more on mandatory services than their urban counterparts. In 2017-18, the rural council groups spent around 57 per cent compared to urban council groups, which are spending around 40 to 43 per cent on mandatory expenses. This is consistent with the views of rural councils that they have less flexibility in responding to the preferences of their communities. While total expenditure has grown, these shares have remained stable over time, since the expenditure on mandatory and non-mandatory functions have grown at similar rates. The highest proportion of expenditure on non-mandatory services, about 60%, is by urban regional councils.
3.4.2 Expenditure by service

To meet their broad and diverse community demands, councils design and operate their services to be as efficient as possible by minimising input costs while maximising service outputs.

Councils are required to allocate and report their annual operating expenditure against a set of 14 service functions as follows (Appendix 4 provides more detail):

- business undertakings;
- transport;
- community services which includes:
  - public order and safety;
  - health services;
  - community support; and
  - community amenities.
- culture which includes:
  - library services; and
  - cultural services.
- regulatory services;
- economic development;
- environment which includes:
  - agricultural services;
  - waste management; and
  - other environment.
- recreation;

Of the total operating expenditure of $2.2 billion incurred in 2017-18, approximately $2.1 billion (or 95.4 per cent) was allocated to the above service functions. The remaining $100 million of unallocated expenditure, in the main, relates to council administration, governance and finance costs.
Figure 3.14: Expenditure by function 2017-18 ($000)

- Transport, $453,011, 20.2%
- Regulatory Services, $173,862, 7.7%
- Waste Management, $198,395, 8.8%
- Economic Development, $85,881, 3.8%
- Other Environment, $268,961, 12.0%
- Agricultural Services, $6,736, 0.3%
- Recreation, $334,295, 14.9%
- Cultural Services, $36,537, 1.6%
- Library Services, $141,574, 6.3%
- Community Amenities, $50,809, 2.3%
- Community Support, $169,493, 7.6%
- Health Services, $47,505, 2.1%
- Business undertakings, $158,642, 7.1%
- Unallocated, $102,739, 4.6%
- Public Order and Safety, $15,605, 0.7%

Source: SALGGC (2019)
Figure 3.14 reveals that of the $2.1 billion in expenditure allocated to the above 14 functions (excluding unallocated expenses) in 2017-18, a total of $1.9 billion (or 89 per cent) was incurred on the following eight services functions:

1. transport ($453m, 20 per cent);
2. recreation ($334m, 15 per cent);
3. other environment\(^\text{18}\) ($269m, 12 per cent);
4. waste management ($198m, 8.8 per cent);
5. regulatory services ($174m, 7.7 per cent);
6. community support ($169m, 7.6 per cent);
7. business undertakings ($159m, 7.1 per cent); and
8. library services ($142m, 6.3 per cent).

Expenditure on the remaining six categories contributed less than 11 per cent of total services expenditure (or $243 million) with the largest of those being Economic Development at $86 million or 3.8 per cent of the total allocated expenditure on services.

While economic development costs represent 3.8 per cent of the overall total expenditure, the City of Adelaide disproportionately contributes almost 18 per cent to the overall cost in this category reflecting the State’s capital role in major events and as a key location for economic activity. If the City of Adelaide is excluded, the overall growth over the 10 years was 0.3 per cent.\(^\text{19}\)

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\(^{18}\) Other environment includes expenditure on coastal protection, stormwater management, street cleaning, street lighting, street-scaping and a range of other environmental protection services.

\(^{19}\) It is noted that, due to its nature and its status as the state’s capital, the proportion of costs borne by the City of Adelaide tends to distort the analysis. For example, the contribution by the City of Adelaide to total operating expenditure (by all councils) can be as high as 38 per cent for business undertakings and 23 per cent for recreation (parks and gardens).
Figure 3.15 shows that in the first three years, the level of unallocated expenditure was considerable and varied substantially from the levels in subsequent years. Accordingly, the analysis that follows focuses on the years from 2011-12 to 2017-18.

Figure 3.16 provides an overview of the relative expenditure across each of the service functions from 2011-12 to 2017-18 and provides a context for the discussion that follows.

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20 The SALGGC advised that there was a change to the data collection methodology in 2011-12 to address the level of unallocated expenditure.
The following table provides a breakdown of expenditure by function mix and by council group for 2017-18.
Table 3.11: Relative expenditure by service and by council group 2017-18 (per cent)

<table>
<thead>
<tr>
<th>Service</th>
<th>Urban-Metro &amp; Fringe</th>
<th>Urban-Regional</th>
<th>Rural – Small &amp; Medium</th>
<th>Rural-Large &amp; Very Large</th>
<th>State-wide Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$millions</td>
<td>%</td>
<td>$millions</td>
<td>%</td>
<td>$millions</td>
</tr>
<tr>
<td>Agricultural services</td>
<td>3.1</td>
<td>0.2</td>
<td>1.8</td>
<td>0.7</td>
<td>0.4</td>
</tr>
<tr>
<td>Business undertakings</td>
<td>87.0</td>
<td>5.7</td>
<td>23.8</td>
<td>9.5</td>
<td>14.2</td>
</tr>
<tr>
<td>Community amenities</td>
<td>25.9</td>
<td>1.7</td>
<td>10.0</td>
<td>4.0</td>
<td>4.5</td>
</tr>
<tr>
<td>Community support</td>
<td>122.8</td>
<td>8.1</td>
<td>19.5</td>
<td>7.7</td>
<td>6.9</td>
</tr>
<tr>
<td>Cultural services</td>
<td>28.4</td>
<td>1.9</td>
<td>5.3</td>
<td>2.1</td>
<td>0.8</td>
</tr>
<tr>
<td>Economic development</td>
<td>57.1</td>
<td>3.8</td>
<td>12.9</td>
<td>5.1</td>
<td>5.1</td>
</tr>
<tr>
<td>Health services</td>
<td>31.6</td>
<td>2.1</td>
<td>13.7</td>
<td>5.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Library services</td>
<td>119.0</td>
<td>7.9</td>
<td>11.1</td>
<td>4.4</td>
<td>1.3</td>
</tr>
<tr>
<td>Other environment</td>
<td>215.9</td>
<td>14.3</td>
<td>22.9</td>
<td>9.1</td>
<td>7.3</td>
</tr>
<tr>
<td>Public order and safety</td>
<td>10.0</td>
<td>0.7</td>
<td>2.2</td>
<td>0.9</td>
<td>1.0</td>
</tr>
<tr>
<td>Recreation</td>
<td>253.9</td>
<td>16.8</td>
<td>34.5</td>
<td>13.7</td>
<td>13.1</td>
</tr>
<tr>
<td>Regulatory services</td>
<td>124.5</td>
<td>8.2</td>
<td>18.2</td>
<td>7.2</td>
<td>5.8</td>
</tr>
<tr>
<td>Transport</td>
<td>244.1</td>
<td>16.1</td>
<td>43.8</td>
<td>17.4</td>
<td>51.2</td>
</tr>
<tr>
<td>Waste management</td>
<td>135.0</td>
<td>8.9</td>
<td>23.1</td>
<td>9.2</td>
<td>9.8</td>
</tr>
<tr>
<td>Unallocated charges</td>
<td>55.8</td>
<td>3.7</td>
<td>8.9</td>
<td>3.5</td>
<td>14.4</td>
</tr>
<tr>
<td>Total</td>
<td>1,514.2</td>
<td>100</td>
<td>251.7</td>
<td>100</td>
<td>137.0</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

Between 2011-12 and 2017-18, services that recorded the largest relative increases were:

- economic development — increasing at an annual average of 11 per cent (a total increase of $40 million over the seven years which largely reflects increased activity by the City of Adelaide);
- community amenities — increasing at an annual average of 11 per cent (a total increase of $24 million over the seven years); and
- library services — increasing at an annual average of 6 per cent (a total increase of $40 million over the seven years).
The largest increases by value were:

- recreation — increasing by a total of $88 million or an annual average 5.2 per cent;
- other environment — increasing by a total of $71 million or annual average 5.2 per cent;
- waste management — increasing by a total of $43 million or annual average 4.2 per cent; and
- regulatory services — increasing by a total of $43 million or annual average 4.8 per cent

The services that recorded the smallest relative increases were:

- agricultural — decreasing at an annual average of 9 per cent (a total decrease of $5 million over the seven years); and
- public order and safety — decreasing at an annual average of 3 per cent (a total decrease of $3 million over the seven years).

3.4.3 Findings

Based on an analysis of 14 service categories, the mix of services provided by the local government sector has not changed significantly over the last decade. The split between mandatory and non-mandatory activities for the sector as a whole has remained steady at 46 per cent and 54 per cent, respectively.

Urban councils are spending relatively more on non-mandatory activities than rural councils — in particular, rural councils spend approximately 60 per cent of expenditure on mandatory activities compared to urban councils which are spending around 40 per cent on their mandatory activities.

While there may have been some increase in the number of mandated activities, the Commission understands that councils generally make decisions regarding the extent and quality of the service levels for those activities.

Of the services provided by councils, expenditure on transport is the biggest expenditure at $453 million in 2017-18, followed by recreation, other environment and waste management. Rapidly growing areas were recreational and environmental services, as well as regulatory services. Slower growing areas of expenditure were agriculture and public safety.

The analysis suggests to the Commission that, at the sector level there is no particular function, or change in service mix which has driven growth in council expenditure.

3.5 Other cost drivers

The Commission has studied the existing data and sought council views through consultation and submissions to identify and understand what council cost drivers are.

In doing so, the Commission has reviewed costs, both at the input level and at the output level. Input costs have been addressed earlier in the chapter and the following section provides detail on the costs of outputs, including those related to demographic change, scope and standards of services.

3.5.1 Demographics

Funding and service delivery requirements are very different for fast-growing population councils compared to councils facing slow growth or declining growth. Fast population growth
places pressure on existing infrastructure (e.g. road networks) and demands investments in new or augmented infrastructure.\(^{21}\)

Growth areas – may require councils to increase service levels and/or introduce additional services, may also speed up consumption of assets. (LGASA Submission, p.8)

Total population across all councils has increased from 1.6 million to 1.7 million over the 10 years as shown in Figure 3.17 — this reflects an average annual increase of 0.9 per cent over the period. As the figure shows, population growth is also slowing.


Figure 3.17: Estimated resident population of all councils (by number) and annual change (per cent)

Over the 10 years, urban areas recorded average population growth of 0.9 per cent per annum compared with a 0.5 per cent per annum growth for rural councils — almost double the rate of growth.

The growth in population across the various council groupings is shown in Table 3.12.
Table 3.12: Annual increases in population by council group (per cent)

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>0.93</td>
<td>0.85</td>
<td>0.82</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>0.82</td>
<td>0.70</td>
<td>0.69</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>-0.03</td>
<td>0.11</td>
<td>-0.36</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>0.60</td>
<td>0.66</td>
<td>0.32</td>
</tr>
<tr>
<td>All Groups</td>
<td>0.8</td>
<td>0.8</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Source: SALGGC (2019)

Table 3.12 shows a general decline in the rate of growth in population generally among the groups over the 10 years. Rural small and medium councils have experienced declines in their resident populations.

The City of Adelaide has experienced an increase in its population of approximately 2.5 per cent per annum over the 10 years compared with 1.2 per cent for the fringe councils and 0.8 per cent for the general metropolitan councils.

Urban regional councils have experienced an average increase of 0.8 per cent per annum over the 10 years (close to the state average) while rural regional councils have experienced very low population growth in the range of 0.2 per cent to 0.6 per cent per annum. The only big mover was the southern and hills regional councils which experienced an average increase of 1.7 per cent per annum largely driven by the growth of Yankalilla with 2.4 per cent per annum (off a very low base).

Demographic changes also affect the level and mix of council services demanded by ratepayers:

Aged care is not a ‘core’ service of councils however demand is growing in a context of reducing external funding and a focus of Commonwealth aged care funding reforms towards ‘functional’ improvement at the expense of ‘social connectivity’ (LGASA Submission, p.8).

The changing demographics of the local area will also play a significant part in the demand for services, along with the efficiency relating to the introduction of new services. Campbelltown has noted that its population is aging, so demands for services for this age profile are likely to increase in future years. (The City of Campbelltown Submission, p.7).

Property numbers across all councils have increased at a rate similar to that of population — increasing from around 824,300 to 893,900 over the 10 years, as shown in Figure 3.18, at an average annual rate of increase of 0.9 per cent over the period although, as can be observed, the growth in property numbers appears to be slowing.²²

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²² As previously discussed, the properties data used in this analysis includes both rated and unrated properties to ensure a consistent time series of data. This was necessary due to a change in data collection and classification systems implemented in 2015 that resulted in unexplained data inconsistencies.
Figure 3.18: Estimated number of properties (including annual change in number) of all councils under review

The increase in urban properties was double that of rural properties — 1.0 per cent per annum for urban areas compared to 0.5 per cent per annum for rural areas.

The growth in number of properties across the various council groupings is shown Table 3.13 below.

<table>
<thead>
<tr>
<th>Council Group</th>
<th>2008-09 to 2017-18</th>
<th>2011-12 to 2017-18</th>
<th>2016-17 to 2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban - Metro &amp; Fringe</td>
<td>1.01</td>
<td>0.94</td>
<td>0.95</td>
</tr>
<tr>
<td>Urban - Regional</td>
<td>1.05</td>
<td>0.95</td>
<td>0.83</td>
</tr>
<tr>
<td>Rural - Small &amp; Medium</td>
<td>0.47</td>
<td>0.38</td>
<td>0.36</td>
</tr>
<tr>
<td>Rural - Large &amp; Very Large</td>
<td>0.53</td>
<td>0.41</td>
<td>0.16</td>
</tr>
<tr>
<td>All Groups</td>
<td>0.9</td>
<td>0.8</td>
<td>0.8</td>
</tr>
</tbody>
</table>

Note the general decline in the rate of growth in properties all council groups over the 10 years and, in particular, that rural small and medium councils are experiencing very slow growth in property numbers.

Urban regional councils have experienced an average increase of 1 per cent per annum over the 10 years while rural regional councils have experienced very low growth in property numbers – except for Eyre Peninsula which also experienced growth of 1 per cent. In contrast to the increase in population, property numbers in the southern and hills regional councils experienced an average increase of 0.4 per cent per annum. This outcome may be explained by the take up of the existing stock of unoccupied or vacant properties rather than the development of new properties.

Other dynamic factors also change the level of services provided over time, even for a given population. For example, development of an area is a driver extending service delivery, perhaps faster than the increment in population.
...minor capital improvements on residential properties ... may not have a significant impact on council services in isolation, although this type of development when taken together reduces green space on private property and impacts on drainage systems. Other forms of development include development on vacant allotments, infill development in existing suburbs, and construction of new industrial and commercial facilities. This results in greater consumption of Council’s services and assets, such as additional drainage capacity and increased wear and tear on roads, additional kerbing and footpaths in areas surrounding the development, due to increased traffic volumes. This also increases demand for Council services consumed by additional residents and visitors to the area. (SALGFMG, Submission, p. 8)

3.5.2 Findings

The population of South Australia continues to grow and its composition is changing. This growth is creating external cost pressure in many councils. The annual increase in population growth in the urban metropolitan and fringe council group will potentially exacerbate cost pressures. Changes in the demographic composition will also drive changes in expenditures as an ageing population brings increased demand for access to its services.

In addition, the increase in population density in the urban and fringe that includes development activity such as urban infills has additional externalities on other residents such as infrastructure pressures.

Information request 3.2: Population density

How does increasing population density and urban infill impact on council service costs?

3.5.3 Service quality and standards

Councils provide a range of services which aim to meet the needs and expectations of their communities. Changes in service quality and standards will often affect operating costs and councils largely determine the level of the service to be delivered for non-mandatory services.

In submissions to the Commission’s methodology paper, councils have noted that changes in community demands for facilities and services have contributed to increases in council operating expenditure. For example, the City of Charles Sturt observed:

Another community may require its Council to provide higher quality of footpaths to accommodate either or both ageing residents or young families who may have children in strollers. Later that community may have a higher demand for playgrounds and later still for structured sports facilities. Over time community expectation changes for example the current unmet demand for women’s change rooms and the increase in women’s participation in field sports as they transfer from traditional court sports. (City of Charles Sturt Submission p.3)

The City of Salisbury noted:

The City of Salisbury provides a wide range of services to its community; however, we also undertake additional activities that generate social, environmental and economic benefits to our community ... The fundamental
driver of changes to council costs over time is community need. (City of Salisbury Submission, p.2).

The LGA identifies some rapidly growing service areas:

Analysis of Local Government Grants Commission (LGGC) expenditure figures for the 10 years to 2015/16, shows that councils have increased their spending on the things which make local communities safe, comfortable and functional such as drinking fountains, street furniture, bike racks and bus shelters, on emergency service and fire prevention programs, on Elderly Citizens Facilities, the Home Assistance Scheme, Services for the Aged & Disabled and on providing parks and gardens. (LGASA Submission part 2, p.10)

Delivering effective services may be achieved by gathering better information on service delivery costs.23

Some councils undertake formal service reviews to ensure the services they provide are relevant to their communities and are financially sustainable in the long term (as raised in submissions from councils including the Town of Walkerville, City of Playford and the City of Charles Sturt). As noted by the City of Salisbury:

... in the past six years we have undertaken a comprehensive review of service levels across the organisation ... overall the program of review has delivered approximately $3.0 million in ongoing savings. (City of Salisbury Submission, p.3)

While acknowledging the use of surveys by a significant number of councils, the Commission has not been able to obtain any standardised sector-wide quality or service standard data to analyse the effects of changes in service standards on council operating costs.

**Information request 3.3: Sector-wide service standards**

How do councils currently define and measure standards of service delivery?

What measures could be developed on a sector-wide basis to measure quality standards for either mandated or non-mandated services?

### 3.5.4 Cost shifting

Evidence from councils indicates that both federal and state governments have engaged in cost shifting.

The growing burden of state government costs shifted to local government continues to put upward pressure on council rates. Cost shifting creates uncertainty for local government and makes planning and budgeting for delivery of facilities and services more difficult.

(LGASA Part 1 Submission, p.6)

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Forms of cost shifting include:\(^{24}\)

- transferring responsibility for a function to councils without transferring an adequate funding source;
- requiring (usually by law) councils to deliver services or collect taxes for another sphere of government without being provided with enough funds to cover the costs for example, mandated user fees and charges for council services under the PDI Act;\(^ {25}\) and
- requiring councils to forego revenue by providing mandatory rebates for activities to implement a policy of the state government.

Examples of cost shifting identified by the LGASA submission to the methodology paper (Part 1) are the state government solid waste levy and community housing mandatory rate rebates.

The Commission has formed the view that there have been some instances of cost shifting which have raised council costs. However there also appear to be a number of cases where councils have control over expenditure decisions and the term cost-shifting should not be applied. The term cost shifting in practice is unhelpful particularly where it includes a choice by councils to accept tied funding. In such circumstances the commission considers cost sharing rather than cost shifting, is a more accurate description. The Commission is seeking clarification on this from councils.

**Information request 3.4: Cost shifting**

To what extent do councils receive external funding or an ability to charge fees for delivery if mandatory services?

To what extent are councils able to fully recover costs for the mandatory services listed in appendix 4?

How are service scope and standards determined for mandatory services?

Councils are asked to provide further information on instances of cost shifting and quantify how they have impacted on councils’ costs.

**Box 3.1 Cost Sharing: Adelaide Hills Council continuing government digital hub program Case Study**

Cost sharing in most cases is the stopping or reducing funding for a service or program when communities expect that councils will continue to provide it.

Adelaide Hills council entered into a 3-year agreement with the Commonwealth to provide a ‘digital hub’ to showcase the potential of the NBN and provide direct assistance to community members seeking help connecting to and using online technology.

\(^ {24}\) LGASA, Delivering the LGA 2018 State Election Agenda; Local Government Stopping Cost Shifting, Adelaide, p.1.

\(^ {25}\) See LGASA submission (Part 2), p.35 for more details.
The Commonwealth was the prominent funding partner, with the council providing in-kind contributions through the provision of space, management and employment of the hub staff, IT support, etc. The Hub was essentially a 2 FTE function.

At the end of the 3-year agreement, Commonwealth funding ended in accordance with the arrangement. There was a community expectation that people could still seek support from the council for connecting to and using online technology.

The council subsequently reallocated approximately 0.5 FTE from other areas to enable ongoing provision of digital literacy and support services to the community, albeit limited in comparison to the former Hub. In response to continued community demand, the council allocated an additional 0.5 FTE resource in 2018-19 to expand digital literacy and support services to the community.

When the digital hub funding ended in 2015, council experienced continued community demand for digital literacy and support. Council’s administration reprioritised resource allocation to enable continuation of some level of community support in this space. In 2018, the council adopted a budget containing additional allocation of funding for further resources to meet community demand.

The total attached cost to continue the showcase for the council is $90,000 per annum, technology costs nominally $8,000 per year and additional space, employment support.

Source: Adelaide Hills Council case study

### 3.5.5 Compliance costs

A number of submissions from councils, including the Copper Coast Council, City of Salisbury, and the Town of Gawler, argued that the costs of complying with legislation and regulation have increased council operating costs.

In analysing corporate costs, the Commission should give consideration to the compliance requirements of councils to meet legislation. It is appropriate that a high level of accountability is placed on councils given the management of public funds, but it also imposes additional costs that other industries are not required to have. The compliance requirements also don’t discriminate between council sizes and therefore smaller councils are likely to have a greater cost ratio of compliance costs than a larger council. (City of Salisbury, p.2).

The statutory compliance costs can include permits and planning, health and safety and regulatory compliance. An estimation of council compliance costs has been provided by the Copper Coast Council.26

#### Information request 3.5: Compliance costs

Councils are asked to provide further examples of compliance costs and quantify how they have impacted on councils’ costs.

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26 See Copper Coast Council Submission Appendix 1 for details of compliance costs.
Consultation to date has also identified a number of other potential drivers of council costs. They include:

- technological change;
- thin markets;
- loss of overseas markets for materials collected for recycling;
- statutory fees and charges are insufficient to fully cover costs incurred;
- rising prices for inputs (suppliers’ costs); and
- climate change.

The Commission is seeking additional information and evidence from councils to identify and understand drivers of councils’ costs, the extent to which they are internal or external to councils, the extent to which cost pressures are systematic or unique to particular councils, and their impacts on council costs.

**Information request 3.6: Cost pressures**

What are the most significant cost pressures (and their impact on costs) which councils expect to face over the next 5 years?

### 3.5.6 Findings

The growth in councils’ operating expenditure is explained in part by growth in the output costs such as the volume and range of services supplied, as well as increases in the quality of these services. A significant number of individual councils conduct formal service reviews to ensure the services they provide are financially sustainable in the long term. Despite this, the Commission has not been able to obtain sector-wide data on service quality to enable conclusions to be drawn on the extent to which quality standards have changed and what impact this has had on council operating costs.

Anecdotal evidence from councils suggests that both federal and state governments have contributed to pressures on council resources by cost shifting. While this would put upward pressure on council costs, the full impact on councils’ costs is difficult to quantify.

### 3.6 Conclusions

Total operating expenditure by the local government sector has grown more rapidly than inflation between 2008-09 and 2017-18.

Urban metropolitan and fringe councils consistently recorded higher growth in operating expenditure than other councils over this period.

Council operating costs are comprised mainly of employee costs and materials, contracts and other costs, which accounted for 35 per cent and 41 per cent of total sector operating expenditure in 2017-18. These proportions have not changed significantly since 2008-09.

The average annual growth in materials (and other costs) of 4.0 per cent exceeds growth in the LGPI over the last decade suggesting that increases in the volume of materials and other costs
has been the main cause of growing expenditure. This growth may reflect a trend towards greater use of contracting out or shared services arrangements.

Sector expenditure on employee costs increased more rapidly over the decade than materials, contracts and other costs at an annual average increase of 4.5 per cent, although it has moderated over the decade in both urban and rural councils.

The number of council employees across the state has increased by an annual average of 0.8 per cent over the decade, resulting in higher employee costs expenditure per FTE. The rate of increase in employee costs expenditure per FTE, particularly in the early part of the decade, has been consistently higher than the growth in average earnings in South Australia over the decade to 2017-18. This differential may – based on submissions – be partly related to the industrial relations arrangements that apply in the sector.

The extent to which growth in employee costs expenditure per FTE has been offset by productivity growth is difficult to determine in the absence of data on council outputs.

Depreciation expenses were approximately 23 per cent of total operating expenditure in 2017-18 and this share has not changed significantly since 2008-09. It increased by 48 per cent for the period (an annual average of 4.5 per cent) while the value of depreciable assets increased by 57 per cent. Increased capital expenditure by councils, revaluations of assets and the ‘gifting’ of new infrastructure from land developments will impact on future levels of depreciation expense.

Finance costs have been negligible and falling over the decade as councils have tended to finance their operations using internal funds, or equity, rather than debt. This results in their operating costs being lower than they would be if debt levels approaching economy wide norms were used by councils.

More than half of councils operating expenditure is accounted for by the four largest service categories – transport, recreation, other environment and waste management. Analysis of council operating expenditure by 14 service categories indicates that the mix of services delivered has not changed significantly over the last seven years.

While mandated services are relatively small in number, they accounted for 46 per cent of sector operating expenditure in 2017-18.

Mandatory services consistently accounted for a higher proportion of operating expenditure for rural councils (close to 60 per cent) compared to urban councils (around 40 to 43 per cent) throughout the decade. Urban regional councils had the highest proportion of expenditure on non-mandated services at 60 per cent. The Commission notes that while councils have no choice but to deliver mandated services, they generally have discretion to determine how these services are delivered, thereby affecting their costs. Expenditure on mandatory and non-mandatory services has grown at similar rates, both for the sector as a whole and across all council groupings.

In respect of the service mix, the most significant difference between the council groupings is that expenditure on the transport function is substantially greater in proportion for the rural council groups than urban councils.

Growth in population and property numbers (except for small and medium rural councils), while low, would have caused some increase in the volume of council services demanded which would explain part of the growth in council operating expenditure. Slowing population growth
in the later part of the decade would likely have contributed to the observed moderation in operating expenditure growth.

Population ageing can also be expected to have altered the mix of services demanded, although this impact is not evident in the 14 service categories examined by the Commission.

A number of councils have submitted that rising service standards have been a significant contributor to growth in expenditure. However, the Commission has not been able to obtain any sector-wide service level data to enable an assessment of the extent to which increases in the quality of services or facilities have caused increases in councils’ costs.

Instances of cost-shifting from federal and state governments to local government have been argued by councils to have increased their costs. The Commission is not in a position to quantify the cost impact of cost shifting at this stage. Councils have sometimes decided to continue to deliver a service or program after federal or state funding commitments have expired, presumably in response to community expectations. Such instances, in the Commission’s view, do not constitute cost shifting.

Some councils argued that the burden of complying with state and federal legislation has grown thereby adding to their costs, but data limitations have prevented quantification. Consultation with councils suggests the cost impact may be small and that it requires further investigation.

Councils have varying degrees of control over factors which influence their cost. Some, like the regulatory or taxation environment, or growth in ratepayer or property numbers that drive up demand for services, are externally determined. Others - like the prices they pay for labour and other inputs - can be influenced through industrial relations arrangements and council procurement practices. Councils are also able to influence community expectations through consultation and informing ratepayers regarding changes in service mix and quality.

A third group of costs drivers is more strongly controlled by councils and includes scale, scope and quality standards particularly for non-mandated services, and productivity and efficiency through choice of technology and business processes.

The Commission has reached the following preliminary conclusions regarding growth in local government operating expenditure over the last decade.

In terms of inputs:

- labour costs (in percentage terms) have been the main cost driver, followed closely by materials, contracts and other costs;
- depreciation charges have also been a significant driver of costs but off a smaller base; and
- cost shifting and compliance costs have contributed to expenditure growth, but to a lesser extent.

In terms of outputs:

- the most significant cost driver is likely to be changes in the volume, scope and quality of services provided by councils;
- growth in demand arising from growth in the number of ratepayers and properties is expected to explain, in part, growth in the volume of services.
4. Local government efficiency and productivity

4.1 Introduction

The terms of reference for the inquiry require the Commission to:

- develop and analyse measures of local government efficiency and productivity; and
- identify mechanisms and indicators that could be used by the local government sector to measure and improve performance over time.

The Commission released a methodology paper in May 2019, outlining the technical and analytical issues in estimating local government efficiency and productivity. The Commission’s proposed approach is a robust methodology portfolio, consisting of a suite of complementary tools including partial productivity measures, global efficiency measures using Data Envelopment Analysis (DEA), case studies and submissions.

The Commission acknowledges that both partial productivity and DEA measures have their limitations. Taken together, they add significant value and insights to assist councils with understanding their performance relative to other councils or their performance through time.

The terms productivity, efficiency and effectiveness are related but different concepts. They are all elements of the performance of an organisation.

Productivity is defined as the ratio of the output(s) that an organisation produces to the input(s) used.\(^1\) Productivity can refer to measures of partial productivity, which is a single-input, single-output measure such as output per worker. When all inputs and outputs are considered, it is referred to as total factor productivity (or multifactor productivity).

The term efficiency in this chapter refers to technical efficiency. An organisation is technically efficient if it produces the largest possible output from a given set of inputs, or if it uses the least possible quantity of inputs to produce a given level of output. However, as also discussed below, there are practical challenges in the context of the application of this concept to local government operations, because of the problem of measuring correctly the outputs produced, particularly their quality and scope.

There is also a distinction between outputs and outcomes. Outputs are measured as a level of activity while outcomes are defined as the impact of a program or service. As efficiency relates to the relationship between inputs and outputs rather than outcomes, it does not include an assessment of how well it achieves its objectives or the value of these outputs.

In addition to efficiency, a measure of effectiveness is sometimes used to analyse the overall performance of a program or service.\(^2\) Effectiveness commonly refers to the extent to which stated objectives are met. This includes both cost effectiveness (achieving an outcome for the

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2 Estimating measures of local government effectiveness is outside the scope of this inquiry. However, the Commission has examined how indicators of effectiveness are adopted in other jurisdictions.
lowest cost) and program effectiveness (how well the outputs of a program achieve the desired and valued outcome).³

This chapter presents the principal methodological approaches used in the Commission’s analysis. The first section introduces the concepts of productivity and efficiency and the experience and lessons of local government efficiency monitoring in South Australia and other jurisdictions. Section 4.2 discusses the experience of local government performance monitoring, section 4.3 presents the partial productivity analysis and section 4.4 presents the global measures of efficiency using DEA. Section 4.5 discusses factors that influence efficiency of councils. The final section presents the Commission’s initial conclusions.

4.2 Experience of local government performance monitoring

Performance and efficiency measurement play a role in helping councils to understand of their business and to improve outcomes through reduced costs or better services. This section describes performance monitoring activities across Australia to assist the identification of mechanisms and indicators that might usefully be employed by local government in South Australia.

Performance measurement is most meaningful when comparisons can be made both over time and across organisations.

Comparisons across councils can be difficult if they provide different types and levels of service or face different underlying cost structures. However, such comparisons can help councils identify attainable levels of performance and to learn from peers that are delivering higher quality and/or more cost-effective services. Comparisons of council performance and efficiency, both across councils and through time, can assist in identifying opportunities to improve their performance.

4.2.1 Current performance monitoring programs

South Australia

Throughout the Commission’s consultation process, a consistent theme raised was that while most councils monitor their own performance, there has been little performance monitoring conducted across the local government sector as a whole. Nevertheless, there have been attempts made across the sector by the LGASA, groups of councils and individual councils to estimate their performance relative to other councils or the sector.

Submissions from councils including the City of Salisbury, Town of Walkerville, City of Playford, Campbell Town City Council, Copper Coast Council, City of Prospect, City of Tea Tree Gully, Town of Gawler and the City of Charles Sturt provided examples of council level programs to evaluate and compare their performance over time or against similar councils.

The Commission notes that councils have their own service review processes to ensure the services they are delivering are effective in meeting the demands of the community.

Councils already undertake regular reviews of key services to ensure they are meeting community needs, being delivered in an efficient manner and not impacting on the long-term financial sustainability of the council. Sometimes

difficult and unpopular decisions need to be made about reducing or consolidating services for the sake of greater efficiency and sustainability. It is important that these decisions about the range and level of local services provided remain in the hands of councils and their communities. (LGASA Submission, p.19)

In the past six years we have undertaken a comprehensive review of service levels across the organisation, followed by a review on how we deliver the agreed service levels. This has required some benchmarking as part of the process, but more importantly identified areas within our operations that can be improved to deliver the best outcome for our community. (City of Salisbury Submission, p3)

The Commission also identified several councils that have sought to make comparisons of their performance against other councils.


City of Prospect has previously conducted various efficiency and economy audits and various Service Reviews. Most of these reviews included comparisons with our Councils of similar size. (City of Prospect Submission, p.8)

Council has recently participated in the Local Government Performance Excellence Program (LGPEP), which compares performance against approximately 150 other Councils. (Town of Gawler Submission, p.5)

Establishing service standards is another mechanism for councils to identify areas of improvement and monitor performance as illustrated by the example from the City of Playford described in Box 4.1.

**Box 4.1 City of Playford Community Service Standards System**

The City of Playford introduced a Community Service Standards System in 2014-15 to help define, measure and analyse the outcomes of services provided by the council. Prior to this, there was no standard process, with ad-hoc reports being manually created when required. The system is a consultative process providing clarity around council activities which can inform and contextualise communication with elected members and the community.

The establishment of service standards is an iterative process which includes defining service outcomes and how they will be measured. Service Standards go through a review process every three years as a regular internal process, or as required by organisational alignment. Currently there are 25 service standards with community outcomes, including one to five related measures per service standard.
Creating quality service standards involve the following:

- consultation with the community and staff to better understand service standards;
- align with the council’s community vision and strategic priorities, policies and procedures;
- research into industry best practices and benchmarking;
- monitoring and evaluation, including pre and post-testing implementation of new standards; and
- staff engagement and ownership.

The system was primarily designed to improve service delivery and their alignment to community expectations and outcomes. Any financial savings are an additional benefit. The creation of the standards themselves were the foundational piece to a variety of improvements. These include:

- cost avoidance of approximately $2 million over seven years, where the council was able to improve the effectiveness of the service and reduce exposure to cost pressures of service delivery; and
- efficiency savings of $1.2m from the “City Operations” area alone (Streetscapes, illegal dumping, city maintenance programs). Savings re-invested to expand the area of delivery or increase the standard of service to meet community need without increasing the cost of service.

In addition, there were improvements in consistency and streamlining of processes and procedures, evidence-based decision making and improvements in data accuracy and integrity.

The standards created a measure of performance that is reported on a quarterly basis to the community.

City of Playford state that the system is a journey, not a set and forget implementation exercise. The system is a basis for continuous improvement and the system itself continues to be reviewed and improved. While initial implementation can occur with external assistance, it was quickly learnt that further development and effectiveness of the system needed ownership of each service owner internally.

As an example, the council previously picked up illegally dumped rubbish in a reactive manner. Analysis by the council indicated that picking up illegal dumping within ten days would maintain community satisfaction while minimising complaints. This helped establish the service standard and associated measures that the council could hold the service accountable in terms of its effectiveness. Subsequent review of this service generated improvement to create planned and timed collection to align with those set by the standard. This has led to a decrease in costs by 20% over the last five years (after adjustment for the waste levy increases).

Most councils have not developed formal service standards.

Campbelltown has not undertaken formal service reviews that articulate the levels of services provided to the community due to the resources required to do this. Internally, efficiency has been focussed on and has been achieved over the years, however a formal register has not been maintained to identify improvements or savings have come from. (Campbelltown City Council Submission, p.4)

Some councils are collaborating to identify possible opportunities to reduce costs and to improve operations and efficiency, as illustrated by the submission from the City of Charles Sturt:
City of Charles Sturt, Marion and Port Adelaide Enfield have been working on benchmarking between the councils. All council costs are allocated to the activities of councils (around 350 possible activities) and these each have drivers (some of which aren’t able to be collected as yet). These activities are rolled up into sub-functions (35) and these are rolled up into 11 functions. The sub functions and functions also have primary drivers. Comparisons occur at the function and sub function level and the activity level data is used to inform improvement areas. (City of Charles Sturt Submission, p.13)

The strength of this approach relative to models like the Performance Excellence Program and the Victorian Performance Reporting Framework is that the benchmarks are comparable and at a level where the basis for differences in performance can be explained and therefore ways to improve performance are identifiable. Internal charge and allocation impacts are removed, there is transparency around corporate service related costs (and performance). (City of Charles Sturt Submission, p.14)

Further detail on the collaboration between Cities of Marion, Charles Sturt and Port Adelaide Enfield is available in appendix 8.

The only example of a sector wide attempt to conduct comparisons across councils that the Commission has been able to identify is a series of reports prepared for the LGASA by UHY Haines Norton.4 The reports attempt to replicate the Victorian Local Government Performance Reporting Framework using SALGGC data. Due to data limitations, including a lack of data on activities and outputs, this is limited to estimates of expenditure per ratepayer for each of the service areas examined.

In addition, the LGASA has created a web-based tool that consolidates data available from the SALGGC. The tool is available to members and provides a range of financial, socio-economic and other information by council for the period from 2011 to 2017.5 It allows councils to compare themselves to other councils across a range of measures constructed using SALGGC data.

**Other Jurisdictions**

The Local Government Professionals ‘Australasian LG Performance Excellence Program”6 provides comparative information, including a range of partial productivity measures, on participating councils. It is a voluntary benchmarking and performance initiative aimed at improving management and operational decision-making and planning.

It comprises an annual survey that collects, compares and benchmarks information from the 163 participating councils across New South Wales, Western Australia, South Australia, Queensland, ACT and New Zealand. The program is managed through Local Government

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Professionals Australia, NSW. The program started with a pilot in NSW in 2012 and has added additional features and councils each year, as shown in Figure 4.1. The first South Australian councils joined in 2016-17.

Figure 4.1: Local Government Professionals Performance Excellence Program progression

Source: Local Government Professionals (2019)

The Australasian LG Performance Excellence Program includes:

- a semi-customised individual Performance Excellence Report (which includes information on corporate leadership, workforce, finance, operations, risk and asset management, and service delivery);
- a Comparative Analysis Tool that enables each council to analyse their own data; and
- networking.

This information is confidential to each council, with aggregated information being provided to member councils. While this is a useful tool for member councils to track and measure their own performance, it is not a sector-wide performance monitoring mechanism.

The City of Charles Sturt noted in their submission that the Performance Excellence Program currently only presents differences across councils on each metric. It does not attempt to explain differences.

It should be noted the Performance Excellence Program is undertaken at two of the three councils [that are part of the above-mentioned collaboration]. The PEP has highlighted similar performance differences however does not yet inform the councils on why those differences exist or how they can be addressed, and the data remains focussed on a number of key areas of councils operations rather than covering all activity areas. (City of Charles Sturt Submission, p.14)

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8 Local Government Professionals (2019)
Victoria

Victoria’s Local Government Performance Reporting Framework (LGPRF) was the first state-wide performance reporting framework for local government in Australia.

The Victorian Government established the LGPRF in 2014 in response to a Victorian Auditor-General’s observation that performance reporting in local government had limited relevance to ratepayers because it lacked information about the quality of council services, the outcomes being achieved and how these related to councils’ strategic objectives.9

The ‘Know Your Council’ Compare Councils tool10 produces graphs of council performance over the previous four financial years across 12 service areas11 and allows for direct comparison of up to four ‘similar’ councils.

The framework provides comprehensive performance information in a consistent manner that provides:

- councils with information to support strategic decision-making and continuous improvement;
- communities and ratepayers with information about council performance and productivity;
- regulators with information to monitor compliance with relevant reporting requirements; and
- state and federal governments with information to allow better informed decisions that insure an effective, efficient and sustainable system of local government.

To provide a comprehensive picture of council performance, four indicator sets: service performance, financial performance, sustainable capacity, and governance and management, were developed across three thematic areas: service performance, financial performance and sustainability. Figure 4.2 provides further detail. An objective for assessing performance against each thematic area has been established to inform the development of performance indicators.

The specific measures of efficiency included in the LGPRF all relate to the average cost per unit of output.12

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11 The 12 service areas are: animal management, aquatic facilities, food safety, governance, home and community care, libraries, maternal and child health, roads, statutory planning, waste collection, financial performance and sustainable capacity.
12 They include: direct cost of indoor aquatic facilities less income received per visit; direct cost of the animal management service per number of registered animals; direct cost of the food safety service per number of food premises; direct cost of the governance service per number of councillors elected at the last council general election; direct cost of the library service per visit; cost of the maternal and child health (MCH) service per hour work by MCH nurses; direct cost of sealed local road reconstructed per square meter of sealed local roads reconstructed; direct cost of the statutory planning service per planning application received; and direct cost of the kerbside garbage bin collection service per kerbside garbage collection bin.
New South Wales

The Office of Local Government in New South Wales publishes a range of time series data annually for each council. The data are collected from a range of sources including the ABS, the Grants Commission process and councils financial reporting to the Office of Local Government.

The focus of the time series data is not specifically on efficiency monitoring, but rather to assist the community to have a greater understanding of their council.

Queensland

The Department of Local Government, Racing and Multicultural Affairs collects information from local governments about the key services they provide and publishes it in the annual ‘Queensland local government comparative information report’. The report includes a suite of efficiency, effectiveness and quality-of-service indicators across the areas of finance, personnel, road lengths, water services, waste management, library services and parks and gardens.

Most of the information is collected in local government’s annual consolidated data collection, similar to the SALGGC process. This data is then published in excel format to allow comparisons in performance across councils.

Another resource in development is ‘LG Sherlock’, a data storage and analysis tool that is facilitated and funded by the Local Government Association of Queensland (LGAQ). The primary objective of the system is to help Queensland councils use their data to “support better decision making that will improve financial sustainability, enhance sector reputation and reduce exposure to risk”. The details of the program are not yet publicly available.

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Western Australia

The Western Australian Government has established the ‘MyCouncil’ website as a central place to access and compare information on councils. The website provides a geographic, demographic and financial snapshot of each council. It allows data such as council expenditure by program, rates and other revenue and services delivered to be viewed for each council and compared to others. The MyCouncil website relies on data from existing local government reporting requirements and selected ABS data.

Tasmania

The Tasmanian Government’s Local Government Data, Analysis, Transparency, Accountability (LG DATA) project has published local government performance information since 2016-17.

The project aims to enhance transparency and accountability of local government performance and help councils to identify opportunities to improve performance. This includes publishing ‘snapshot reports’ including comparative information for all Tasmanian councils over a financial year, along with a range of performance indicators related to the snapshot theme.

LG DATA also publishes raw, open datasets from the Tasmanian Local Government Consolidated Data Collection for public use through the Tasmanian Government’s Open Data website. In addition to the LG DATA program, the Auditor-General produces annual reports on local government financial sustainability.

Report on Government Services

While not specific to local government, the Productivity Commission’s Report on Government Services (RoGS) provides another example of monitoring the efficiency of government delivered services. RoGS publishes annual data on the equity, efficiency and effectiveness of government services in Australia. The Report is used by governments to inform planning and evaluation of policies, for budgeting (including to assess the resource needs and performance of government agencies) and to demonstrate government accountability.

4.2.2 Lessons from performance monitoring programs

The Commission has examined the existing performance monitoring programs in other jurisdictions to understand what does and does not work, and what are some common barriers to success. These lessons have been identified from initial program documentation, program reviews, audits, consultation, submissions and other literature on efficiency and productivity measurement.

This section is not a formal evaluation of existing monitoring, rather it draws lessons that could be applied to any state-wide performance monitoring program adopted in South Australia.

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Standardised reporting of performance indicators

The Victorian Auditor-General’s Office reviewed the LGPRF using three selected indicators across five councils.21 The review highlighted inconsistent performance reporting by councils as a sector-wide issue and found that councils need to “identify a consistent set of performance indicators that they report to their leadership team” p.13.

The case for standardised performance reporting was also supported by the LGASA and several councils. The submission from LGASA states that:

While there is a considerable amount of information already available to communities about what their council is doing; this information is often spread across multiple documents and platforms, can be difficult to find and is not easy to compare with other councils.

Sector wide benchmarking would create a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils. This would support council planning and increase meaningful community consultation to enable local government to continually improve.

(LGASA submission, p.16)

The submission from the City of Prospect:

There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance and enhance the transparency and accessibility of council data for the community. (City of Prospect submission, p.6)

The Town of Walkerville:

We believe that a sector wide benchmark, possibly mandated, will go a long way to:

- ensure consistent reporting;
- ensure that Councils will have evidence based information to support strategic decision making;
- ensure that communities will have accurate information about their respective Council performance;
- Councils and other tiers of Government will be better informed to make decisions that support an effective, efficient and sustainable system of local government;
- identify areas for improvement; and
- promote accountability and transparency across the sector

(Town of Walkerville Submission, Additional Information Request)

However, this view was not universally shared:

Benchmarking across Councils will not improve efficiency, it takes resources away from service delivery, increases red tape and administrative overheads

and is a distraction from improvement initiatives. The rationale for this is that each Council calibrates its services to meet their community’s needs. When we compare across Councils it takes time to understand whether we are comparing on a like for like basis and further time to understand the remaining level of difference. It is found that services are intentionally different because each Council is serving the needs of its distinct community. (SALGFMG Submission, p.11)

Submissions stress the importance of allowing for local conditions and choices about quality.

Costs alone also provide no insight into the quality of work undertaken or different construction methods, which may be reflected in the total expenditure. (Tatiara District Council, p.1-2)

These issues, and other comments in submissions, point to a number of other lessons for the design of performance monitoring programs.

**Standardised comparator**

A consistent theme in performance monitoring programs across jurisdictions is the value of standardised comparator groups. Due to the partial nature of many of the measures, it is important that only ‘like-for-like’ councils are compared. This limits to some extent, comparisons between councils which face structurally different costs or different demands for services.

For example, the Victorian LGPRF specifies five ‘comparator groups’ based on geographic and population criteria. The comparator groups are:

- metropolitan;
- interface;
- regional city;
- large shire (>15,000 population); and
- small shire (<15,000 population).

As council characteristics can change over time, Local Government Victoria has committed to review the groupings every five years in line with the national census.

**Consistent reporting over time**

Because of underlying differences between councils in the range, quality and cost of service delivery, sometimes the most suitable comparator for a council to benchmark against is themselves over time. The use of trend data can demonstrate whether a council is improving its performance.

According to the submission of the Campbelltown City Council (p. 5)

Greater benefit to individual Councils would be to compare each Council’s own performance over time.

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The availability of trend data is likely to increase the possibility of councils viewing a performance monitoring framework as a useful exercise, rather than simply a compliance activity. A review of Victoria’s LGPRF in 2017 found that 24 per cent of councils did not access the ‘Know Your Council’ website until it was updated to include year-on-year trend data.

**Measures of quality and timing**

To be relevant to users, performance information should provide a full picture of service performance, including cost and quality, a range of additional performance measures is needed to provide a context around which the productivity estimates can be interpreted.

A review of Victoria’s LGPRF in 2017 found that 24 per cent of councils did not access the ‘Know Your Council’ website until it was updated to include year-on-year trend data.

**Measures of quality and timing**

To be relevant to users, performance information should provide a full picture of service performance, including cost and quality, a range of additional performance measures is needed to provide a context around which the productivity estimates can be interpreted.

The Review should take into account the varying degree of service standards and expectations of the community. The review should delve down into unit rates and introduce the benchmarking results in order to properly compare one council with another. (City of Tea Tree Gully Submission, p.3)

Victoria’s LGPRF addresses this by incorporating measures of effectiveness, including the appropriateness of services and their quality for each of the service objectives being evaluated (Figure 4.3).

**Figure 4.3: LGPRF services performance framework**

The LGPRF was developed based on the Productivity Commission’s *Report on Government Services* (RoGS). The RoGS framework goes further and includes measures of accessibility and equity.

**Council comment on publicly reported measures**

For many measures, there can be plausible explanations why one council’s estimated productivity differs from others or over time. Incorporating explanations from the council when publicly reporting on performance measures can assist the public in understanding what the measure indicates as well as other councils understand why their performance differs.

Should comparisons be made, the ability to provide commentary for context purposes would be important, as some Councils may have distinct differences with other Councils such as different levels of service provided to their residents.

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communities and additional costs to deliver services due to distance.
(Campbelltown City Council Submission, p.5)

The Victorian Government’s ‘compare councils’ tool achieves this by allowing councils the opportunity to comment on a particular metric prior to publication. This is then linked to the ‘compare councils’ tool on the website, where data are presented for the current year.25

**Outcomes in addition to outputs**

Data on council outputs are more easily recorded and collected than data on outcomes. As a result, it is easier to construct a measure of performance comparing inputs to outputs.

The NSW Auditor General26 found that “while councils report on outputs, reporting on outcomes and performance over time can be improved”. An analysis of NSW councils’ annual reports, presented in Figure 4.4, found that 80 per cent of reporting measures included measures of outputs, but less than 40 per cent included measures of outcomes.

*Figure 4.4: Frequency of reporting measures by type, NSW*

![Frequency of reporting measures by type, NSW](image)

*Source: Audit Office of New South Wales (2018)*

Reporting on inputs and outputs provides communities with a general understanding of council’s day-to-day activities. However, this type of reporting cannot demonstrate to communities whether councils are delivering services effectively or making improvements over time. The Victorian Auditor-General’s Office27 also concluded that the LGPRF is “not yet realising its full potential because it lacks good outcomes measures...”

A complicating factor in measuring outcomes is identifying the drivers of outcomes. This is especially the case when activities or services provided by councils are part of a complex web of services by multiple government agencies. In addition, there are external factors: for example, variations in business conditions are likely to have more impact than council effort under an economic development banner.

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**Targets and service standards**

Targets provide a context around what a council is attempting to achieve and therefore can help to make performance information easier to understand.

The effectiveness of a program should be measured by the change in the outcome relative to this counterfactual. Operationalising this usually requires setting targets that imply an improvement on what would otherwise have happened. Where the counterfactual is an expected deterioration in the outcome, the appropriate target may be no change, or a smaller decline, which can be conceptually hard to explain. As targets should be achievable, this can create a quandary for measuring effectiveness.\(^{28}\)

The LGPRF currently does not require councils to adopt targets, however the Victorian Auditor-General’s Office found that three of the five councils they audited had adopted targets for some of the LGPRF indicators.\(^{29}\) Based on a previous audit, Local Government Victoria has committed to introducing targets for a subset of indicators, the 28 indicators that councils include in their annual performance statement, into the LGPRF from 2020-21.

An audit of council reporting on service delivery by the Audit Office of New South Wales found that one third of council reports did not have related target making it difficult for the community to assess a council’s achievements in implementing its service delivery program.\(^{30}\)

**Costs of reporting**

Councils have expressed concerns about the additional burdens including costs of increased reporting requirements on councils. For example, the submission from the City of Charles Sturt refers to the “number of external data collection requirements for council in place” and suggests making use of and building on what is already in existence such as the SALGGC data.\(^ {31}\)

For some years, the Victorian Government has collected large amounts of data and cost comparisons from local government and shared them on the “Know Your Council” website. Unfortunately, the reporting regime created significant administrative costs for councils. While these costs can be easily quantified by councils, I am not aware that the Victorian Government has been able to quantify any efficiencies that the system has achieved for the sector. Should regular reporting of additional council data be a part of the Commission’s proposed approach to improving efficiency and financial accountability of local government, it is essential to undertake this cost-benefit comparison from the outset. (Tatiara District Council Submission, p.2)

Achieving consistent data reporting across 68 councils will be a resource intensive exercise and consideration will need to be given to the items that are reported to ensure that they deliver some strategic, operational and policy benefit. Consideration should be given to the cost to implement any proposed model and that this doesn’t become an additional cost driver that works against

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\(^{29}\) Ibid.

\(^{30}\) Audit Office of New South Wales (2018)

\(^{31}\) City of Charles Sturt submission, p 2.
local government’s efforts to put downward pressure on council rates. (LGASA submission, p.16)

A review of the first two years of operation of the Victorian LGPRF conducted by Local Government Victoria in 2017 found that on average each council had more than 10 interactions per year with the Performance Reporting Analysis and Support Team.\textsuperscript{32} While the Commission understands that the number of interactions per year has reduced in more recent years as councils become familiar with the LGPRF and improve their internal reporting processes, councils have been required to allocate resources to the reporting.

\textbf{Streamlining reporting to the state government}

In all states, councils are required to report to state government departments on a range of statutory functions such as waste collection, health inspections and expenditure of government infrastructure grants. To minimise any additional costs to councils of a state-wide performance reporting approach, a streamlined reporting framework which minimises duplication in reporting is desirable.

In Victoria, one key barrier to minimising duplication in reporting has been timelines and frequency of reporting where regulatory periods differ across services and do not fully align with the performance reporting period.\textsuperscript{33}

There is no central reporting system in place in NSW, and a recent report by the Auditor-General concludes that consolidating and coordinating the reporting requirements will help lower council reporting burden and duplication, and lead to better reporting over time.\textsuperscript{34}

Another barrier is the different IT systems used by different councils and state government departments which have been developed to meet their individual circumstances. These different systems make data sharing difficult, resulting in increased reporting burden for councils.

\textbf{Council input in the design of a framework}

Performance monitoring improves transparency and provides the potential for decision-making that can lead to better outcomes for the community. In order to achieve this, the Victorian Auditor General considers that performance indicators should provide information which help leadership teams to make decisions. These indicators would “support leadership teams to manage strategic risks to the council and assess if the council is delivering services and meeting its strategic objectives”.\textsuperscript{35} Therefore, it is important to give councils the opportunity to shape information that would help them compare themselves to other councils and identify opportunities to improve service delivery and reduce costs.

The Victorian Auditor General’s Report on Local Government Performance highlights the value of shifting councils’ perception of performance reporting and monitoring from compliance to an opportunity for improvement.\textsuperscript{36}

\begin{footnotesize}
\begin{enumerate}
\item Local Government Victoria (2017)
\item Victorian Auditor-General’s Office (2019)
\item Audit Office of New South Wales (2018)
\item Ibid.
\item Ibid.
\end{enumerate}
\end{footnotesize}
Involvement of councils in the development of a performance monitoring framework can also help to minimise the reporting burden on councils by designing indicators which are closely aligned with existing council recording systems and relatively easy for councils to collect.

Local Government Victoria established a steering committee, consisting of council CEOs, for the LGPRF. This steering committee oversees an annual program of review and continuous improvement of the framework and has responsibilities including providing recommendations on the overarching framework, the set of indicators and content of reporting by councils and state.

**Information request 4.1: Performance reporting**

How can these lessons from state-wide performance reporting frameworks in other jurisdictions be applied to South Australia?

Which indicators used in other jurisdictions would be appropriate for South Australian councils?

### 4.2.3 Findings

Possible mechanisms that could be used by the local government sector to measure and improve performance over time include:

- a sector-wide public reporting framework;
- collaborations among councils to identify opportunities to improve processes and efficiency; and
- documenting service standards and reporting performance against those service standards.

These mechanisms are not, in the Commission’s view, mutually exclusive.

There are several examples of sector-wide local government performance monitoring frameworks in other jurisdictions. There is currently no sector wide approach in South Australia. The Commission notes that 25 South Australian councils have joined the Local Government Professional’s ‘Australasian LG Performance Excellence Program’ to benchmark their performance against other councils. In addition, the Commission identified many examples of councils attempting to compare their performance with other councils. However, the lack of a state-wide framework for performance reporting limits the comparability of data and limits the ability of councils, residents and ratepayers to make meaningful comparisons of performance.

After examining the performance monitoring frameworks in other jurisdictions, the Commission considers:

- standardised reporting on performance across the sector would assist decision making by councils, better inform residents and ratepayers and assist discussions between councils about their results;
- not all councils can be directly compared, therefore the definition of standardised comparator groups is valuable;
• performance reporting should be consistent over time whether being used to track performance of a council over time or compare councils at a point in time;
• efficiency should be considered along with measures of quality and effectiveness;
• context and circumstances are important, and councils should be able to comment on their performance before the results are reported publicly;
• targets and service standards are useful for councils to explain their priorities;
• additional reporting imposes a cost to councils and consideration should be given to streamlining any public reporting;
• high data integrity is central to valid comparisons, hence attention to consistency in definition and recording is important; and
• council input into the design of the framework and choice of indicators is important.

4.3 Partial productivity measures

The most widely used measures of local government productivity are partial productivity measures, which relate a single output to a single input. Labour productivity (output per hour worked) and capital productivity (output per unit of capital) are common examples of partial productivity measures.

Such measures are commonly used for benchmarking and provide a useful way of comparing a council’s performance against similar councils. These measures have the advantage of being computationally simple and easy to understand. They also provide valuable insight into where a council’s costs are higher or lower than comparable councils in certain areas. However, owing to their simplicity, partial productivity measures do not account for differences in council size, scale, service standards and underlying cost structures. Therefore, the interpretation of direct comparisons between councils using partial productivity measures should be undertaken with care.

While productivity is defined as output per unit of input, in this section the Commission has chosen to present the inverse, or inputs per unit of output. The indicator used here is total expenditure divided by an indicator of the level of activity in a service area. These can be interpreted as unit costs. An increase in unit costs represents a decrease in productivity, and vice versa.

As with all partial productivity measures, these estimates do not capture the effects of the scope and quality of service provided.

4.3.1 Estimates for South Australian councils

While South Australian councils use a range of different productivity measures, the Commission has not identified any sector-wide measurement and reporting of recognisable measures of productivity and efficiency. As part of the analytical approach to understanding patterns in local government productivity and efficiency, the Commission has created a set of partial productivity estimates for South Australian councils. These partial productivity measures could be used by the local government sector to measure and improve performance over time.

These partial productivity estimates are based on data available from the SALGGC, with estimates calculated for selected service areas where consistent data are available for both the quantity and expenditure categories reported.
Data availability has limited the number and quality of partial productivity indicators that the Commission has been able to estimate. There are also some concerns with the consistency of the financial data at the individual service level and their comparability across councils. For instance, there may be differences in how councils apportion indirect costs across services and allocate costs to each of the SALGGC expenditure subcategories. Moreover, output quantity data that are reported to the SALGGC but not used by them are subject to less thorough checking than the financial data.

Several councils, including City of Charles Sturt, City of Playford and the Limestone Coast Local Government Association, have raised concerns about the accuracy of the SALGGC data during consultation. However, most agree that it is the most accurate data available and that it is an appropriate starting point for analysis.

Data collection comes with an impost for councils thus Grants Commission data is a good starting point and is generally comprehensive for financial data. However, the sector has a not unreasonable degree of scepticism as to accuracy of some contained data sets due to the self-reporting nature of data collection and the inconsistency that arises from this and little structure around collection methodology. It would be preferable for consideration to be given as to how the data collection and compilation effort for councils can be minimised as the commission progresses its investigations. (City of Charles Sturt Submission, p.7)

The reliance on data from existing data bases (grants data bases for example), the existing data sets available, such as the grants data base, were developed for a range of purposes, evaluating performance and efficiency to inform economic models was not one of them. Therefore, these data bases are unlikely to provide valid information for the model and indeed a recent analysis using the SA Grants data base shows that this data has some significant difficulties. (Limestone Coast LGA Submission, p.2)

The Commission has made efforts to ‘clean’ the data, including adjusting some council expenditure data where expenditure appears to have been reported in thousands of dollars in the earlier years but dollars in the later years. In addition, councils that did not report expenditure in at least one year, while still providing that service, were excluded from the estimation of time series trends. However, there are likely to be some remaining issues with the data, largely relating to the consistency across councils of what expenditure is reported.

All expenditure figures used by the Commission have been converted to ‘real’ 2018 dollars using the LGPI discussed in Chapter 3.

The methodology paper proposed to investigate a ten-year period from 2008-09 to 2017-18. The Commission has excluded the first three years of this period from service level analysis due to changes in reporting of service level expenditure. In the years 2008-09 to 2010-11, a significantly higher proportion of council expenditure was allocated to the category of ‘rates and balance of amounts not allocated to other functions’. Therefore, councils reported service level expenditure is likely to be much more accurate from 2011-12 onwards.
A summary of the types of services provided by councils across the 14 SALGGC service categories (excluding rates and balance of amounts not allocated to other functions) is available in Appendix 5.

The service areas that are responsible for the largest proportions of expenditure are likely to explain the greatest proportion of overall council productivity. Therefore, priority is given to these larger expense categories discussed in Chapter 3 such as transport, recreation, other environment and waste management although current data availability has made it difficult to assess recreation and other environment expenditure.

All councils are also required to report on activities undertaken in relation to a range of regulatory functions and other services such as libraries which has made estimating partial productivity measures for these services more meaningful.

**Transport**

Transport is the largest expense category for councils, accounting for 20 per cent of local government expenditure in 2017-18.

Councils currently report expenditure on sealed roads, unsealed roads and bridges and major culverts to the SALGGC. This expenditure includes depreciation, capital renewal, maintenance, upgrades and capital expansion. They are also required to report on the total length of sealed and unsealed roads and laneways and the estimated replacement cost for each.

Estimating a partial productivity ratio for the entire category of transport is likely to be misleading and difficult to interpret as councils have different types of roads and related expenditure. Therefore, separate ratios for sealed and unsealed roads have been estimated. No indicators for bridges and major culverts have been estimated as many councils did not have any and the underlying costs vary significantly depending on their size and topography.

Reported expenditure on roads compared to total kilometres of roads provides no insight into efficiency. Expenditure would have to be compared against kilometres of work completed, and possibly councils’ sustainability ratios. Even then, low costs will not necessarily equate greater efficiencies but can simply be a reflection of construction materials like limestone having to be transported significant distances compared to a limestone quarry close by. Costs alone also provide no insight into the quality of the work undertaken or different construction methods, which may be reflected in the total expenditure. (Tatiara District Council Submission, p. 1)

**Sealed roads**

There are significant differences between councils in total expenditure per kilometre of sealed roads (excluding depreciation). As a result, this measure may be difficult for benchmarking across the sector as some investigation would be required to identify reasonable ‘peers’ for councils to compare themselves. This distribution appears to be similar to that of earlier years in the sample, although there was one significant ‘outlier’ in 2013-14 and 2014-15.

Analysis of the expenditure/kilometre of sealed roads for the four groupings of councils, discussed in Chapter 3, shows that there is considerable variation within each group, as
demonstrated in Figure 4.5.\textsuperscript{37} It also shows that overall expenditure per kilometre of sealed roads is higher for urban councils than for regional councils, and that the variation is highest among rural agricultural (small and medium) councils.

*Figure 4.5: Distribution of expenditure per kilometre of sealed roads, by council group, 2017-2018*

![Graph showing distribution of expenditure per kilometre of sealed roads]

*Source: SALGCC, SAPC estimates*

Figure 4.6 below presents the simple average of expenditure per kilometre of sealed roads for each group of councils. There were five councils which reported zero expenditure in any one year\textsuperscript{38} which are excluded from this calculation.

*Figure 4.6: Average real expenditure per kilometre of sealed roads, by council group, 2011-12 to 2017-18*

![Graph showing average real expenditure per kilometre of sealed roads]

\textsuperscript{37} The lines in a box and whisker plot correspond to the quartiles of the data, ranked in decreasing order, with the top line representing the maximum, then 75\textsuperscript{th} percentile, the median, 25\textsuperscript{th} percentile and the minimum. The cross represents the mean and the dots outside this range represent outliers, defined as data that is more than 1.5 times the interquartile range (the 75\textsuperscript{th} percentile minus the 25\textsuperscript{th} percentile).

\textsuperscript{38} One urban, three rural small and medium and one urban regional council.
Over the seven-year period analysed, there has been an average annual increase of three per cent in the total expenditure per kilometre of sealed roads. This is mainly observed in rural areas, with rural agricultural large and very-large (9 per cent) and rural agricultural small and medium councils (2 per cent) having the most increase.

As this measure is based on total expenditure on sealed roads, the observed changes in expenditure per kilometre could be a result of greater capital expenditure rather than maintaining current roads or improving the quality of sealed roads. To test this, the Commission also estimated reported expenditure on maintenance of sealed roads per kilometre, presented in Figure 4.7.\textsuperscript{39}

\textit{Figure 4.7: Average real expenditure on maintenance of sealed roads per kilometre, by council group, 2011-12 to 2017-18}

Overall average expenditure per kilometre on the maintenance of sealed roads has fallen by four per cent a year across the state over the period. The reduction in expenditure is observed across all council groups, but greatest among urban councils (8 per cent) and rural agricultural small and medium councils (6 per cent).

This may indicate that the increase in expenditure per kilometre of sealed roads is a result of upgrades to existing roads rather than increased maintenance costs, however there is insufficient data available to test this further.

There has also been an increase in total kilometres of sealed roads of approximately 0.8 per cent per year, while the length of unsealed roads has declined by 0.15 per cent per year, suggesting some upgrading of unsealed roads to sealed roads.

\textsuperscript{39}Reported expenditure on sealed roads is classified as either maintenance, capital renewal, capital expansion (expenditure on new roads) or upgrade. Comparing these other categories to total kilometres of roads is not meaningful and no data is available on the amount of activity for these other activities (such as the distance of road upgraded).
Unsealed roads

Across the state, there has been a two percent average annual increase in total expenditure per kilometre on unsealed roads (Figure 4.8). Urban councils were excluded from this analysis as they have very few unsealed roads.

Figure 4.8: Average total real expenditure per kilometre of unsealed roads, by council group, 2011-12 to 2017-18

Waste Management

As discussed in Chapter 3, waste management (including recycling) accounted for 9 per cent of total council expenditure in 2017-18. Councils report the type and tonnage of waste collected annually to the SALGGC. This section presents partial productivity measures relating to recycling, general and green waste collection based on the data available.

Recycling

During 2011-12 – 2017-18, approximately 88 to 98 per cent of councils reported tonnes of recycling collected annually. However, during the same period, only 60 to 74 per cent of councils recorded expenditure on recycling.

The distribution of expenditure per tonne of recycling for 2017-2018 is presented in Figure 4.9, which illustrates its variation across councils. Urban regional councils have been excluded from Figure 4.9 as only four out of the nine councils reported expenditure in 2017-18.

A council not reporting expenditure in any one year may reflect differences in reporting and accounting practices, including where recycling is managed by regional subsidiaries. As a result, this expenditure is likely included elsewhere in the SALGGC data but not separated out. The Commission has not investigated this at depth.
Figure 4.9: Distribution of expenditure per tonne of recycling collected, by council group, 2017-18

![Box plot showing distribution of expenditure per tonne of recycling collected by council group, 2017-18.](image)

Source: SALGGC, SAPC estimates

Figure 4.10 shows the average expenditure per tonne on recycling between 2011-12 and 2017-18. Urban councils had the lowest cost per tonne of recycling and rural councils have the highest. As properties tend to be more spread out in rural and regional areas, the cost of waste collection can be higher compared with urban councils. The data also indicate that during the same period, the average annual real cost per tonne of recycling fell for urban councils (4 per cent), rural agricultural small and medium (3 per cent) and rural agricultural large and extra-large (3 per cent).

Figure 4.10: Average real recycling expenditure per tonne, by council group, 2011-12 to 2017-18

![Line graph showing average real recycling expenditure per tonne by council group, 2011-12 to 2017-18.](image)

Source: SALGGC, SAPC estimates

Urban regional councils recorded an increase in costs per tonne of two per cent per year. However, this was a very small group as only three councils reported costs for the entire period.
Overall, there has been a reduction in the cost of recycling per tonne across all councils. This seems to relate to a reduction in total expenditure, which fell by an average of four per cent per year, whereas the total tonnes of recycling collected remained relatively constant over the seven-year period analysed.

**General waste collection**

The average real expenditure per tonne of general waste collected between 2011-12 and 2017-18 is presented in Figure 4.11 below. Overall, average annual real costs per tonne increased by approximately two per cent. However, this increase has not been evenly shared by all councils. Large and extra-large rural agricultural councils had the greatest cost increase of three per cent per year, while urban regional councils achieved cost reductions of two per cent per year.

*Figure 4.11: Average real expenditure per tonne of general waste collected, by council group, 2011-12 to 2017-18*

![Graph showing average real expenditure per tonne of general waste collected by council group over 2011-12 to 2017-18.](image)

*Source: SALGGC, SAPC estimates*

During this period, the total tonnes of general waste collected have remained relatively constant for both urban and small and medium rural agricultural councils. However, rural agricultural large and very-large councils reported a decline in the tonnes of waste collected by an average of over five per cent per year, while urban regional councils had general waste collection cost increase by three per cent per year.

**Green waste collection**

Only fifteen of the 68 councils reported expenditure on green waste in all seven years analysed, therefore examination by council grouping is not meaningful in this instance. Among the fifteen councils whose data was available for all years, average expenditure per tonne of green waste collected declined by six per cent per year (Figure 4.12).
There is some evidence of an expansion of green waste collection by councils over this period. Approximately 70 per cent of councils reported having collected green waste in 2011-12. This figure rose to 79 per cent by 2017-18. There has also been an increase in total tonnes of green waste collected by an average of four per cent per year.

**Planning**

Town planning is the largest regulatory function councils perform, accounting for over 47 per cent of regulatory services expenditure in 2017-18.

Councils report to the SALGGC their total planning costs, as well as quantity data relating to the number of new development applications and additions and alterations by type. The costs of assessing a planning application vary significantly depending on its complexity.

Factors other than the type of development also affect the costs of planning. Proximity to areas such as the Hills Face Zone and other environmental areas affect the level of analysis by a council as well as state authorities where concurrent advice is required. Impacts on existing infrastructure also need to be considered which can affect timeframes and costs of development assessment. In addition, if a council approves groups of the same type of house in bulk in a new development, compared to different houses each with a separate assessment process, their ‘productivity’ would be higher.

Therefore, comparisons across councils and over time should be interpreted with caution as they may reflect differences in the type and location of development activity rather than differences in efficiency. Nonetheless an estimate of the costs to councils per application can be useful in examining trends in council expenditure and activity.

The Commission has not received any data that separates planning costs by type. Therefore, the analysis is based on constructing partial productivity ratios of the total planning expenditure per number of applications for each new development and additions and alterations as shown in Figure 4.13 and Figure 4.14.
A council that has a higher proportion of additions and alteration applications can be expected to have a significantly higher total planning expenditure per number of new planning applications. Similarly, a shift in the type and level of development occurring in any year will have significant impact on the estimated ratios.

**Figure 4.13: Average real total planning expenditure per number of new planning applications, by council group, 2011-12 to 2017-18**

Source: SALGGC, SAPC estimates

**Figure 4.14: Average real total planning expenditure per number of additions and alteration applications, by council group, 2011-12 to 2017-18**

Source: SALGGC, SAPC estimates

Overall, real costs per planning application have fallen for urban councils, with costs per new application falling by an average of three per cent per year and costs per addition and alteration application remaining constant. However, costs for rural agricultural small and medium and urban regional councils have increased across both measures.
**Provision of library services**

Library services accounted for six per cent of total expenditure across all councils in 2017-18. The LGASA estimates that library services cost $89 per ratepayer per year on average for the period 2012-2018.\(^{40}\)

Councils report to the SALGGC the number of ‘active borrowers’ and the number of ‘active borrowers’ who reside outside the council area. The data indicate that the proportion of borrowers who reside outside the council area varied across councils from zero to 98 per cent in 2017. Therefore, expenditure per ratepayer may not be the best measure to estimate productivity of libraries. Instead the Commission has estimated real expenditure per ‘active borrower’, demonstrated in Figure 4.15.

*Figure 4.15: Average real expenditure on libraries per active borrower, by council group 2011-12 to 2017-18*

![Graph showing average real expenditure on libraries per active borrower, by council group 2011-12 to 2017-18](image)

*Source: SALGGC, SAPC estimates*

Across the state, average annual real expenditure on libraries per ‘active borrower’ has increased by over eight per cent. This increase is across all councils, except urban regional councils where real expenditure per active borrower fell by an annual average of 0.4 per cent.

This apparent decline in productivity reflects falling numbers of active borrowers, as real expenditure has increased by only 1.5 per cent per year. On the other hand, the number of active borrowers across the state has declined by an annual average of 8.3 per cent. This decline in borrowers is higher for urban councils (9.2 per cent) and lower for urban regional councils (4.7 per cent).

One possible weakness of this measure is that the number of ‘active borrowers’ may not accurately reflect the number of people who use library services. Submissions from stakeholders also highlight that the type and number of services offered by libraries has expanded beyond the traditional provision of no-cost access to books.

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A library service can be a simple online service, it could be just books, or it could provide a community hub for knowledge, learning and to connect community. In each case the costs are for a library, but the inputs and outputs are different, and their cost allocations will vary across each Council. It will also vary over time as the nature and scope of services change, for example the outputs for a library 10 years ago will be different to the outputs provided today. (Limestone Coast LGA, p3)

The Commission notes that in light of these limitations, the Victorian LGPRF used an estimated number of visits to the library as the denominator of their productivity measure. A review of the LGPRF in 2017\(^{41}\) recommended that this be expanded as the door counts did not include online visits, whereas the expenditure amount included the costs of e-books.

### 4.3.2 Findings

Current data availability and quality issues severely limit the ability to conduct meaningful analysis of council performance at the service level. While there is data on expenditures on higher level service types, there are issues with the consistency of reporting across councils and missing values for some councils in single years limits the ability to analyse sector-wide trends over time.

Accounting changes in 2011-12 further limit the ability to compare service level expenditure prior to this period as changes to the amount of expenditure not allocated to a function decreased substantially.

These issues need to be addressed as part of a strategy to develop a common performance framework across all councils.

Nevertheless, the data demonstrates that urban councils face different unit costs than rural councils, and that metropolitan urban councils differ from urban regional councils. For example, urban councils have significantly higher expenditure per kilometre of sealed roads than other councils, but lower expenditure per tonne on waste collection. Furthermore, there is significant variation within each council group.

Despite the issues with the data, the Commission found some evidence of an expansion in the scope of services as the number of councils reporting expenditure on green waste collection increased from 70 to 79 per cent over the time period analysed. As discussed in Chapter 3, several councils argued that the scope of their services had expanded, and this had driven up expenditure.

There is also some possible evidence that the increased expenditure on roads is a result of an uplift in quality of roads. This is a result of real total expenditure per kilometre of sealed roads increasing over this period, while real expenditure on maintenance of sealed roads per kilometre has not.

However, there are issues with measuring expenditure per kilometre of total roads. Without data on the amount of activity conducted, these estimates must be interpreted with caution.

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Information request 4.2: Partial productivity estimates

What do these partial productivity estimates tell us about local government efficiency?

What other partial productivity estimates can be used with currently available data?

What additional data would councils be able to report on for minimal additional cost which would improve our understanding of council efficiency?

Is there any other evidence of an expansion in the scope of council services, or improvement in quality over this time period?

Is the current reporting to the SALGGC an appropriate process for any additional reporting by councils? Is there value in making any changes to this reporting?

4.4 Global efficiency measures

In addition to the partial productivity measures described above, the Commission has undertaken a global analysis that enables the estimation of multiple-input, multiple-output estimates of local government efficiency. This also enables some allowance for local conditions that affect performance.

As noted in section 4.1, our focus in this chapter is on the measurement of efficiency in terms of multiple inputs and outputs, which is referred to as technical efficiency. Different methods are available for this purpose, which are discussed in appendix 7. The Commission in this instance has chosen Data Envelopment Analysis (DEA) as the best method to apply to the data available. Box 4.3 contains some notes on constraints on the application of DEA in this situation and their implications.

Box 4.3 Data Envelopment Analysis

The application of the DEA method requires data on outputs and inputs. It produces a measure of the ratio of actual inputs used to an estimated minimum achievable amount of inputs, which is defined by the observed inputs used by the best performing councils in the sample if they were to operate in similar circumstances. For example, a score of 0.9 indicates that the council of interest could produce its current output using 10 per cent fewer inputs, according to the experience of others, while a score of 1 indicates the council is producing its current output using less inputs than other similar councils. The measures of technical efficiency are relative to the performance of others in the sample: they are not indicators of what can be achieved in absolute terms.

The technique can be used to assess changes over time, not only in the performance of an individual council, but also of the best performers in the sample, which is regarded as measure of technical change. A set of measures like this is potentially a powerful tool to provide advice and insight to council leaders.
The challenge, because of gaps in the availability of data, is that the method can produce measures of performance which may be the consequence of factors other than technical efficiency.

The most serious of these gaps is that related to measuring output. This issue is examined in more detail in appendix 7. Care must therefore be taken when interpreting the results in terms of either levels of technical efficiency or the patterns of technical change. Even so, the results can be used to identify interesting questions for further analysis. Examples of these situations and their consequences for the analysis are provided in the discussion of the results below.

4.4.1 Previous research on local government efficiency using DEA

The Commission has reviewed previous research on estimating local government efficiency to identify appropriate methodologies and lessons that could be applied to South Australia. It is important to note that the results of separate DEA studies cannot be compared as they relate to different frontiers and there is an established relationship between DEA efficiency scores and sample size (in this case the number of councils). Furthermore, as DEA efficiency scores are relative to those included in the study, it cannot be said that South Australian councils are on average more or less efficient than those in other states.

The existing body of literature on measuring global efficiency using DEA in local government in Australia predominantly relates to Victoria and New South Wales. The choice of inputs and outputs used in the DEA models is based on several factors including the research or policy questions analysed, data availability and quality, and applicability within local government. An overview of existing studies is summarised in table 4.1 below.

The Commission is aware of only one available study that estimates relative efficiency in local government in South Australia.\(^43\) The analysis uses an input-oriented DEA with operational and staff expenditure as inputs and a series of output measures that capture the number of planning assessments and length of roads. It concluded that the relative efficiency of a typical council in South Australia had slightly decreased during the study period. The average relative efficiency fell from 0.863 in 2013 to 0.835 in 2014 and further decreased to 0.823 in 2016. The study also concludes that rural councils, on average, have a higher relative technical efficiency than their urban counterparts.

Other studies have used several different combinations of inputs and outputs in the DEA model which allows comparison of relative efficiency estimates under different specifications.

For example, the models estimated by the Essential Services Commission (ESC) of Victoria found that total factor productivity across Victoria’s local government sector decreased between the period 2010-11 to 2015-16, which was attributed to reductions in technological change. DEA models estimated across 152 councils in New South Wales for the year 2011 found average efficiency scores ranging from 0.66 to 0.72. Based on a series of robustness analysis, the study presented a preferred model which consists of staff and capital expenditure as inputs and the number of businesses, households and length of roads as outputs.\(^44\)


Table 4.1: Summary of Methodologies for Australian Local Government Efficiency Measurement

<table>
<thead>
<tr>
<th>Author</th>
<th>Inputs</th>
<th>Outputs</th>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Victorian Essential Services Commission (2017)</strong>&lt;sup&gt;45&lt;/sup&gt;</td>
<td>Council Staff ($), Capital ($)</td>
<td>Households, businesses, length of roads</td>
<td>79 Victorian councils</td>
</tr>
<tr>
<td><strong>Victorian Essential Services Commission (2017)</strong>&lt;sup&gt;46&lt;/sup&gt;</td>
<td>Council Staff (FTE), capital ($)</td>
<td>Households, businesses, length of roads</td>
<td>79 Victorian councils</td>
</tr>
<tr>
<td><strong>Victorian Essential Services Commission (2017)</strong>&lt;sup&gt;47&lt;/sup&gt;</td>
<td>Council Staff ($) Capital ($)</td>
<td>Households, businesses, length of roads, waste collected</td>
<td>79 Victorian councils</td>
</tr>
<tr>
<td><strong>Victorian Essential Services Commission (2017)</strong>&lt;sup&gt;48&lt;/sup&gt;</td>
<td>capital ($) operating expenses (excl. depreciation) ($)</td>
<td>Households, businesses, length of roads</td>
<td>79 Victorian councils</td>
</tr>
<tr>
<td><strong>Victorian Essential Services Commission (2017)</strong>&lt;sup&gt;49&lt;/sup&gt;</td>
<td>operating expenses (excl. depreciation) ($) + depreciation ($)</td>
<td>Households, businesses, length of roads</td>
<td>79 Victorian councils</td>
</tr>
<tr>
<td><strong>Forgarty and Mugera (2013)</strong>&lt;sup&gt;50&lt;/sup&gt;</td>
<td>employee costs, physical expenses and financial expenses</td>
<td>Population, number of properties, length of sealed and unsealed roads</td>
<td>98 Western Australian councils (2009,2010)</td>
</tr>
<tr>
<td><strong>Worthington (2000)</strong>&lt;sup&gt;51&lt;/sup&gt;</td>
<td>Number of workers, financial expenditures (except depreciation), other expenditures</td>
<td>Total population, number of properties acquired to provide the following services: potable water, domestic waste collection, surface of rural and urban roads (km).</td>
<td>177 New South Wales councils (1993)</td>
</tr>
<tr>
<td><strong>Drew, Kortt and Dollery (2015)</strong>&lt;sup&gt;52&lt;/sup&gt;</td>
<td>Staff ($), Capital ($)</td>
<td>Businesses, Households, Roads</td>
<td>152 New South Wales councils</td>
</tr>
<tr>
<td><strong>Drew (2018)</strong>&lt;sup&gt;53&lt;/sup&gt;</td>
<td>Operational expenditure ($), staff expenditure ($)</td>
<td>Number of assessments (residential, business, other), length of roads (sealed, unsealed)</td>
<td>68 South Australian councils (2012-2016)</td>
</tr>
</tbody>
</table>


<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.


<sup>52</sup> Drew, Kortt, and Dollery (2015).

4.4.2 Global efficiency measures for South Australian councils

The methodology paper released by the Commission in May 2019 proposed a model for estimating the technical efficiency of South Australian local governments. The Commission has since consulted extensively on the proposed model and analysed the suitability of data available.

The Commission also engaged Economic Insights Pty. Ltd. to provide advice on issues relating to productivity and technical efficiency measurement and to estimate local government efficiency using DEA.

In order to produce meaningful estimates for each of the 68 councils in South Australia, Economic Insights advised that a single model for all councils, with a maximum of five or six variables, was needed. As a result, it was not possible to include data on all council outputs (even if available). Therefore, several proxies that are likely to represent the outputs a council produces were chosen instead. Clearly, these proxies do not capture all the outputs produced by any council, therefore the estimated efficiency scores must be interpreted with caution.

After consideration, the preferred DEA model proposed by Economic Insights and agreed by the Commission was:

Inputs:
- Opex = labour expenses + materials, contracts and other expenses
- Capital = depreciation expenses

Outputs:
- Residential properties
- Other properties
- Total road length

A detailed discussion of the variables included in the model is in the Economic Insights report.

Having analysed the peers selected by the model, the Commission has chosen to exclude one council, the City of Adelaide, from the results. As described in their submission, the City of Adelaide faces significantly different expenditures than other metropolitan councils, and as a result, the peers selected by the model for City of Adelaide were not informative.

A direct comparison with other metro Councils to determine efficiency may be misleading as being a Capital City Council, our service provision often extends to those outside its ratepayers’ catchment area. This is particularly evident in Council’s support for key city events and activation activities such as the Adelaide Fringe, Supaloop500 and the various Christmas and New Year’s Eve events extending beyond the event itself to the cost impact associated with the management of key infrastructure components that enable these activities. (City of Adelaide Submission, p.1)

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54 A similar methodology to that discussed in Drew, Kortt and Dollery (2015).
56 Ibid.
While the City of Adelaide has been excluded from the presentation of the results, it was included in the model, however this does not affect the results for any other council. Figure 4.17 presents technical efficiency scores of each council in the four council groups, estimated using the single 68 council model.

**Sector-wide estimates**

The analysis by Economic Insights indicates that with a few notable exceptions, South Australian councils overall estimated technical efficiency scores were relatively close to the maximum score of one. For example, 43 per cent of South Australia’s councils had an estimated mean technical efficiency over the 10-year period greater than 90 per cent. A further 35 per cent of councils had a mean technical efficiency of over 75 per cent. This is demonstrated in Figure 4.16, which presents the mean technical efficiency for each of the 67 councils over the ten-year period (in descending order) as well as the maximum and minimum technical efficiency score by each council in any year.

*Figure 4.16: Minimum, Maximum and Mean Technical Efficiency Scores, by council ranked in descending order 2008-09 to 2017-18*

The efficiency scores in Figure 4.16 are an estimate of efficiency relative to all other councils in the sample, not an estimate of absolute efficiency. The Commission is unable to estimate the levels of council efficiency and a value of one does not mean a council cannot become more efficient.

**Analysis by council group**

The methodology paper proposed to conduct separate DEA studies for each of the groupings of councils used in Chapter 3 and partial productivity analysis. However, advice from Economic Insights was that this may result in too few observations in each model to have reliable estimates and that a single model for all councils is preferred. This single model would then self-select appropriate ‘peers’ for each council and rural councils would be compared against other rural councils (based on their high ratio of roads to properties) and urban councils would be compared against other urban councils.

Compared to urban councils, rural and urban regional councils had a higher variation in mean technical efficiency. Urban regional councils had the widest range of estimated technical
efficiency, which could be because it is a small group with a few members that are quite unique. As discussed in Chapter 3, urban regional councils also had the highest proportion of expenditure on non-mandated services.

Figure 4.17: Minimum, Maximum and Mean Technical Efficiency Scores, by council type ranked in descending order 2008-09 to 2017-18

4.4.3 Service-specific DEA estimates

As discussed in the methodology paper, estimating service-specific global efficiency of councils can potentially avoid some of the limitations of whole of council estimations, particularly in defining a comparable and comprehensive set of inputs and outputs. Estimating service-specific efficiency also largely addresses the criticism that councils providing additional services may be deemed inefficient as variability of costs between councils is likely to be more contained when looking at specific services and analysis of differences is simpler than for whole-of-council comparisons.

Several submissions from councils also supported estimating service-specific efficiency (for example, City of Tea Tree Gully, City of Charles Sturt, Copper Coast Council, and Playford City Council). Councils noted that as “non-specific” measures do not account for the variability across councils, they are not comparable.

Other submissions, including those from Campbelltown City Council and the LGASA raised concerns about such measures:

Due to the differences in service levels between councils (and also potentially in the way a council financially accounts for that service) it may be difficult to get to a point where service-specific metrics are directly comparable. There is also a risk that councils operating in thin markets (more likely in regional areas) which need to pay more to procure certain services could be viewed as ‘inefficient’ when compared to others. (LGASA Submission, p.29)

The risk with these types of comparisons is that the areas being compared may not be a focus of all Councils. Establishing comparisons of this nature may place an expectation on perceived low performing Councils to improve in this area,
meaning that other services may need to be reduced or further rate increases required to fund the extra services. (Campbelltown City Council, p.5)

The Commission investigated possible options for measuring service-specific global efficiency estimates, including obtaining expert advice from Economic Insights, and has concluded that currently available data do not support this exercise at this point. Nevertheless, the Commission sees value in further work in this area. The submission from Copper Coast Council suggests that:

a working party be established through the Local Government Association of South Australia to develop service-specific efficiency models for councils. (Copper Coast Council Submission, p.5)

**Information request 4.3: Service-specific efficiency**

Acknowledging the gaps in data currently available, how can data quality be improved in order to measure service-specific efficiency across councils?

### 4.4.4 Efficiency changes through time

As previously discussed, DEA efficiency scores are defined relative to the efficiency frontier of the sample under consideration. It is therefore not meaningful to compare efficiency scores calculated against different efficiency frontiers. This means that it is not possible to directly compare estimated efficiency scores over different time periods, even for the same underlying sample.

The technical efficiency scores, discussed in section 4.3.2, relate to the distance from the frontier. However, over time the frontier can also move. This is known as technical change.

Economic Insights estimated changes in efficiency and Total Factor Productivity (TFP) for each council over each pair of adjacent years. These estimates can be decomposed into measures of changes in technical efficiency, technical change and changes in scale efficiency. This technique enables comparisons of productivity and efficiency over time without directly comparing the estimated efficiency scores.

The analysis by Economic Insights includes estimating TFP growth for the 10-year period from 2008-09 to 2017-18. This provides measures of TFP growth for each council between each pair of adjacent years. The results are presented in Figure 4.18.

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57 Further details are available in Economic Insights (2019).
The results indicate that TFP has fallen by an average of 0.8 per cent per year over the ten-year period. This decline is primarily due to the technical change component declining by an average of 0.8 per cent per year over this period. There are also minor contributions from technical efficiency and scale efficiency (of approx. 0.1 per cent) but these tend to be minor compared to the larger effect of technical change.

In most sectors one would expect technical change to be positive. There are several explanations for the estimated negative technical change. They include:

- declining performance across our sample;
- an increase in the volume, scope or quality of services that are not measured by the output proxies used in the model; or,
- measurement issues.

Based on the feedback from the Local Government Reference Group and consultation with stakeholders, the Commission understands that increases in scope, quality and quantity of services are likely to be a factor in the explanation of these results. This is consistent with the Commission’s findings in Chapter 2 that the legislative framework has enabled an expansion in functions and in Chapter 3 that growth in the volume and quality of outputs are a significant driver of increased operating expenditure.

However, quantifying changes in the volume and scope of council services is problematic. The Commission has not been able to identify any standardised measures of service quality across councils, which limits incorporating service quality into the model.

Some Councils have embarked on community surveys to ascertain Council service quality. In my view, it is considered that a sector wide community survey could be explored, but subject to a review of the cost benefit of such survey. Previously, some years ago, the Local Government Association of South Australia coordinated a community survey for councils that chose to participate on a cost basis. (Copper Coast Council Submission, p.4)
Data issues have also prevented the Commission from quantifying any expansion in the scope of services provided by councils. Therefore, estimates of declining productivity should be interpreted with caution. However, the Commission has found some evidence of an expansion in the scope of services (as discussed in section 4.3), with the number of councils reporting expenditure in green waste collection increasing from 70 per cent to 79 per cent in seven years. Further evidence provided by councils in their submissions, discussed in Chapter 3, also supports the view that the scope of services provided has grown.

**Information request 4.4: Efficiency changes through time**

How can the change in volume, scope or quality of services be quantified or otherwise incorporated into an evaluation of local government efficiency?

### 4.5 Understanding factors that influence efficiency of councils

Council performance may be influenced by factors outside their control, including socio-economic and demographic characteristics of council areas, their geographic location, and operating and policy environments, as discussed in Chapter 3. Submissions from stakeholders also noted factors such as growth areas, ageing populations, labour market shocks (for example, large scale redundancies such as the closure of automotive manufacturers) and thin markets (LGASA submission, p.32).

Some of the limitations of the DEA efficiency estimation described in earlier sections can be addressed by analysing the effect of external factors on council efficiency scores. This will also assist in establishing a context with which the estimated efficiency scores from the DEA analysis can be more meaningfully interpreted.

The most commonly used methodology is Two-Stage DEA. It involves using the DEA efficiency scores in a regression model to explain differences in estimated efficiency scores of councils.

The Commission acknowledges that such an analysis will be limited by the data available and may not capture the context in which councils operate in its entirety.

#### 4.5.1 Previous studies of two-stage DEA in local government

The type of factors analysed depends on the specific research or policy questions addressed. Existing studies have used a range of variables summarised in Table 4.2. While it is not possible to directly compare possible factors that are associated with council efficiency across different jurisdictions, they provide useful insight into the nature and extent of differences and similarities of councils.
Table 4.2: Factors associated with council efficiency

<table>
<thead>
<tr>
<th>Study</th>
<th>Factors used in the study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comparing cost efficiency of NSW councils. Worthington (2000)</td>
<td>Grant dependence; debt service; current assets; number of staff; average residential property rate</td>
</tr>
<tr>
<td>Local government efficiency in WA. Fogarty and Mugera (2013)</td>
<td>Population density; rate share of total expenses; ABS disadvantage index; employee cost per resident</td>
</tr>
<tr>
<td>Local government efficiency in NSW. Drew et al (2015)</td>
<td>Population; population density; percentage of population over/under 65; percentage of ATSI population; percentage of NESB population; annual unemployment rate; average annual wage; total liabilities; total infrastructure value; grant funding; depreciation; sealed and unsealed roads (km)</td>
</tr>
<tr>
<td>Planning and regulatory efficiency in NSW. Worthington and Dollery (2000)</td>
<td>Geographic and demographic conditions classified into five categories (urban developed; urban fringe; urban regional; rural significant growth’ rural agricultural)</td>
</tr>
<tr>
<td>Waste management in NSW. Worthington and Dollery (2001)</td>
<td>Population, properties per km of main location; rainfall; proportion of residential properties; unfiltered water; groundwater.</td>
</tr>
<tr>
<td>Efficiency measurement in municipal water services in NSW. Woodbury and Dollery (2004)</td>
<td>Population, population density, proportion of population under 15; proportion of population over 65; percentage of ATSI population; percentage of NESB population; unemployment rate; median annual wage rate; total liabilities; total infrastructure value; total grants; annual depreciation; length of roads</td>
</tr>
<tr>
<td>Measuring productivity in the local government sector in VIC. Applied Econometrics (2017)</td>
<td>Population, population density, proportion of population under 15, on Newstart allowance, NESB, ATSI; median wage; financial assistance grants; urban; shared services</td>
</tr>
<tr>
<td>Local government efficiency in SA. Drew (2018)</td>
<td>Population, population density, proportion of population under 15, on Newstart allowance, NESB, ATSI; median wage; financial assistance grants; urban; shared services</td>
</tr>
</tbody>
</table>

58 Worthington (2000)
59 Fogarty and Mugera (2013)
60 Drew et al (2015)
61 Aboriginal and Torres Strait Islander
62 Non-English-speaking background
4.5.2 Estimates for South Australian councils

The Commission engaged Economic Insights to conduct second-stage DEA analysis of a range of social and economic factors that might influence council efficiency. A detailed discussion of the analysis is available in the Economic Insights report.  

The Commission notes that several other factors are not accounted for in the analysis due to data and/or analytical constraints that may contribute to differences between councils in measured efficiency scores. Some of these noted in the consultation process, including submissions are outlined below:

- multiple towns/service delivery centres – might reduce efficiency because a duplication of services such as libraries may be required;
- climatic factors – such as higher rainfall might influence efficiency through increasing maintenance requirements on roads and bridges due to water damage;
- soil types – such as reactive clays versus more stable gravels and loams might affect road maintenance costs;
- topographic differences – such as hilly versus flat terrain might also influence maintenance costs of roads and parks to some degree;
- coastal versus inland setting – humid salty air might imply extra maintenance is valuable for buildings plus there might be more parks, jetties and wharves to maintain in coastal areas;
- tourism – extra seasonal populations might put additional pressure on parks and waste facilities; and
- quality of services – some councils might deliver higher quality services because they are demanded by their residents.

The issue of quality of services provided by councils was regularly raised in the consultation process. However, the absence of appropriate data that captures service quality in a consistent manner across the sector has precluded further analysis.

Given that there are considerable data limitations, further analysis would be required to investigate what factors and how they are related to estimated council efficiency and productivity.

Information request 4.5: Factors that influence estimated council efficiency

What other factors can explain the estimated efficiency differences between councils or over time?

What factors can explain the estimated productivity differences between councils over time?

What other possible data sources can improve this analysis?

What further information could be considered to analyse and interpret estimated partial and global efficiency scores?

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68 Economic Insights (2019)
4.6 Conclusions

This chapter brings together the Commission’s analysis of local government efficiency, which includes a portfolio of partial and global efficiency measures supplemented by contextual analysis based on qualitative information available from submissions and consultations. It is expected that this analysis will help initiate constructive conversations across the local government sector.

The Commission notes that many councils are attempting to compare their performance against other councils. However, it is evident that issues around the comparability and quality of currently available data limit the usefulness of such comparisons and impose analytical constraints with respect to efficiency analysis across the sector as a whole. The Commission’s analysis also highlights the benefits of a standardised sector-wide performance measurement reporting framework.

Based on a review of local government performance monitoring nationally, the Commission regards best practice in performance monitoring as including: standardised comparator groups to enable meaningful comparisons across councils and over time. Any estimate of council efficiency should also acknowledge the context influencing this efficiency estimate, including measures of quality and effectiveness as well as council targets or service standards. The value of performance monitoring can be further improved by allowing councils the opportunity to comment publicly on their performance, prior to any estimates being publicly released. Furthermore, any reporting framework should balance the costs of reporting against the benefits of the additional information and every effort made to streamline existing reporting and remove duplication. Council input into the design of the framework and choice of indicators is critical to its success.

While mean technical efficiency has remained relatively constant over the ten-year period, the DEA model indicates that TFP has fallen by an average of 0.8 per cent per year.

This observation may be at least partially explained by a combination of declining performance, an increase in the volume, scope or quality of services that are not measured by the outputs chosen in the model, or inherent measurement issues. Based on stakeholder consultations, the Commission is of the view that this fall could largely be attributed to the unmeasured changes in volume, scope or quality of services provided.

In terms of the relative efficiency scores by council grouping, compared to urban councils, rural and urban regional councils had a higher variation in mean technical efficiency. Urban regional councils had the lowest estimated technical efficiency, which could be due to the fact that it is a small group with a few members that are quite unique.

The Commission has sought to analyse the councils that were identified as either the most efficient, or relatively inefficient to identify possible reasons and problems with the DEA model. However, further comment is constrained by the Commission’s commitment to not publicly identify individual councils.

Many of the less ‘efficient’ councils according to the DEA study were quite unique compared to other councils in terms of their size, location or service mix. As a result, their levels of operational expenditure per property or kilometre of roads is higher than their ‘peers’ in the model.
The Commission’s estimates of partial productivity highlighted the limitations of available data for this purpose, particularly relating to the quality and consistency of reported data, across councils and over time.

The Commission has identified some limited evidence, presented in section 4.3, to demonstrate an expansion of the scope or quality of services. However, quantifying changes in scope of services requires additional information and data, highlighting the value of further work to understand the underlying influences on efficiency.

While DEA provides an important starting point for an analysis of council efficiency and is the best methodology available to provide an overall estimate of council efficiency, it is imperfect. The inability to capture all council outputs requires the use of proxies that are unable to capture all aspects of every councils’ activities. Therefore, DEA is an important first step in efficiency analysis and can be more meaningful when complemented by analysis of partial productivity and service quality measures.
5. Costs and efficiency improvements

5.1 Introduction

The inquiry’s terms of reference require the Commission to analyse, and report on, the following terms of reference in relation to costs and efficiency in the local government sector:

- provide advice on possible options to guide and assist councils to improve efficiency and create capacity to pass on cost reductions to ratepayers;
- provide recommendations on actions by the South Australian Government to lower local government costs and enhance local government financial accountability.

The Commission is expected to have regard to the changing service expectations of communities and the long-term financial sustainability of councils.

The Commission’s analysis of the observable trends in, and potential drivers of, costs and efficiency in the sector, together with consideration of input received from councils and other stakeholders, provides the basis for the recommendations to the South Australian Government and advice to councils presented in this chapter.

The Commission’s focus has been on identifying measures that can be implemented by state and local governments in the short to medium term to effectively frame and inform councils’ decision-making. These measures can be broken down into three broad elements.

First, the Commission seeks to identify ways in which councils can obtain a deeper understanding of their costs and related aspects of their performance. This is intended to provide councils with better information to inform their decisions on what services to provide and how to provide them. Better decision making, in turn, will help councils to improve their efficiency and create a capacity to pass on cost reductions to ratepayers. The Commission’s draft recommendations and advice in this area are focused on enabling councils to respond more effectively to their communities’ preferences, both now and into the future.

Second, the Commission seeks to identify ways in which councils can improve their performance over time, potentially contain expenditure growth and utilise efficiency dividends from the more effective use of their resources. The Commission’s draft recommendations and advice in this area relate to improving the ways in which councils make use of data and analytical tools to monitor and improve performance.

Third, the Commission’s focus is directed towards identifying ways in which councils can use performance and expenditure reporting to demonstrate and achieve greater accountability and financial sustainability. This involves giving consideration to the way in which councils interact with other levels of government and their ratepayers.

In sum, the recommendations and advice aim to achieve the following interrelated key outcomes sought by the terms of reference:

- reduce growth in councils’ costs;
- improve efficiency in the sector;
- create greater capacity within local government to pass on any reductions in costs to ratepayers; and
- enhance councils’ financial accountability.
The Commission’s findings, views and councils’ views on costs, efficiency and accountability are discussed below. This is followed by draft recommendations to the South Australian Government and draft advice to councils.

### 5.2 Cost drivers and improved decision-making

#### 5.2.1 Commission’s findings

The analysis in Chapter 3 of trends in, and possible drivers of, expenditure in the local government sector shows that the growth in local government operating expenditure over the last decade has been relatively high. Urban metropolitan and fringe councils consistently recorded higher growth in operating expenditure than other councils during this period. This growth has been greater than underlying measures of inflation and has been funded, in the main, by increases in rate revenue, thereby putting upward pressure on the cost of living for ratepayers.

The Commission has found that councils’ operating expenditure is mainly made up of employee costs and materials, contracts and other costs, which accounted for 35 per cent and 41 per cent of total sector operating expenditure in 2017-18. These proportions have not changed significantly since 2008-09.¹

Sector expenditure on employee costs increased more, in percentage terms, over the decade than any other expenditure category at an annual average increase of 4.5 per cent, although growth has moderated over the decade in both urban and rural councils.

The number of council employees across the state has increased by an annual average of 0.8 per cent over the decade, resulting in higher employee expenditure per FTE employee. The extent to which this has been offset by productivity growth is difficult to determine in the absence of data on council outputs.

Finance costs have been negligible and falling over the decade as councils have tended to finance their operations using internal funds, or equity, rather than debt. This results in their operating costs being lower than they would be if debt levels approaching economy wide norms were used by councils.

More than half of councils’ operating expenditure is accounted for by the four largest service categories – transport, recreation, other environment and waste management. Analysis of operating expenditure by the fourteen service categories indicates that the mix of services delivered has not changed significantly over the last seven years.

While mandated services are relatively small in number, they accounted for 46 per cent of sector operating expenditure in 2017-18.

Mandatory services consistently accounted for a higher proportion of operating expenditure for rural councils, at close to 60 per cent, compared to 40 per cent for urban councils. The most significant service mix difference between council groupings is that expenditure on the transport function is proportionally greater for regional councils than urban councils.

¹ As noted in Chapter 3, data limitations have prevented the Commission from analysing the extent to which the average annual growth in materials (and other costs) reflect increases in prices paid, volumes purchased or changes in efficiency.
Growth in population and property numbers, while low, is likely to have caused some increase in the volume of services demanded, with the exception of small and medium rural councils. This could explain part of the growth in council operating expenditure. Slowing population growth in the later part of the decade would likely have contributed to the observed moderation in operating expenditure growth. In addition, the effect of an ageing population is likely to have altered the mix of services demanded, although this impact is not evident in the fourteen categories of operating expenditure examined by the Commission.

Instances of cost-shifting from federal and state governments to local government have been argued by councils to have increased their costs. The Commission is not in a position to quantify the cost impact of cost shifting. Councils have sometimes decided to continue to deliver a service or program after federal or state funding commitments have expired, possibly in response to community expectations. In the Commission's view, a decision to continue to provide a service after funding has been withdrawn by a higher level of government does not constitute cost shifting. Cost shifting is discussed further in section 5.4.

In addition to the expansion of responsibilities under various pieces of state legislation, some of which are unfunded, councils have raised the issue of a cost pressure resulting from an increased regulatory compliance burden imposed by state government.

Councillors have varying degrees of control over factors which influence their cost. Some are externally determined, including, for example, the broader regulatory or taxation environment or growth in ratepayer or property numbers, which drive up demand for services. Other factors, such as the prices councils pay for labour and other inputs, are influenced by industrial relations arrangements and procurement practices. Councils are also able to influence community expectations through consultation and informing ratepayers regarding changes in service mix and quality.

A third group of cost drivers is more strongly controlled by councils and includes scale, scope and quality standards particularly for non-mandated services, and productivity and efficiency levels through choice of technology and business processes.

5.2.2 Councils' views

The Commission notes that councils have highlighted a range of factors that could, either separately or collectively, account for the observed increase in expenditure over the last decade.

A large number of councils, both in metropolitan and regional areas, have noted in their submissions that state government legislation has expanded the scope of councils’ responsibilities. Councils have contended, in particular, that the increased scope of their responsibilities under new or amended legislation has not been matched by an increase in state government funding sufficient to cover the costs of providing additional services or regulatory functions.

The City of Prospect, for instance, cites a number of examples of legislative requirements imposing greater costs on the local government sector, including functions under the Dog and Cat Management Act 1995 and the Local Nuisance and Litter Control Act 2016. Under the latter piece of legislation, for example, councils are defined as the principal authority for dealing with local nuisance and littering in their areas.
Several councils, including the City of Charles Sturt, have argued that some legislated requirements, such as the mandatory 75 per cent rate rebate for community housing properties, have become a substantial cost burden.²

Other councils argued that the burden of complying with state and federal legislation has grown significantly over the last decade, thereby increasing their overall cost burden. While data limitations have prevented quantification, consultations with councils have suggested that the cost impact is likely to be comparatively small. This remains an issue that is likely to require further analysis.

A number of councils have submitted that rising service standards have been a significant contributor to growth in expenditure. However, the Commission has not been able to obtain any sector-wide service level data to enable an assessment of the extent to which increases in the scope or quality of services or facilities have caused increases in councils’ costs.

In addition to an increase in costs as a result of new or enlarged functions mandated by legislation, councils have highlighted other fees imposed by the state government as significant cost drivers, including the solid waste levy. Councils have been clear in their submissions to the Commission that the levy – which is seen by the local government sector as a prominent example of cost shifting – contributes significantly to overall costs:

> The waste levy increase equates to 0.58% increase in rates and Council has no choice but to pass the cost of the State Government Tax on to our ratepayers.³

The Commission notes that a concern about the costs mandated by state legislation are pervasive within the sector, taking in a range of areas beyond community housing and the waste levy.

Councils have also expressed concerns about the overall effects, which are borne out by the Commission’s analysis in Chapter 3, that employee costs have had, and are likely to continue to have, on councils’ costs.

A number of councils have contended that Enterprise Bargaining Agreements, which are not sector-wide and include ‘no forced redundancy’ clauses, have been a major cost pressure point. The South Australian Local Government Financial Management Group (SALGFMG) points out that, beginning in 2008-09, annual wage increases for many councils were in the order of 4 to 6 per cent. This had fallen to approximately 3 per cent by 2014-15, with more recent increases averaging around 2 per cent, which is broadly reflective of growth in wages throughout the wider economy.⁴

At present, councils negotiate Enterprise Bargaining Agreements (EBAs) individually, with different conditions in place for staff classified as either ‘indoor’ or ‘outdoor’ employees. A number of councils have expressed the view that the current industrial relations environment requires reform, and that moving towards a sector-wide system of bargaining could have significant benefits. The Commission understands that the LGASA has convened a working group to consider potential opportunities for moving towards sector-wide enterprise bargaining.

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² City of Charles Sturt, Submission, p.4
³ Ibid., p.2
⁴ SALGFMG, Submission, p.10.
Information request 5.1: Employee costs

Are there any benefits from streamlining the current industrial relations arrangements by moving to sector-wide enterprise bargaining?

5.2.3 Commission’s view

As noted above, the Commission’s analysis of councils’ costs showed that, over the last decade, there has been real growth in operating costs, but little significant change in the composition of input costs and output mix.

Moreover, the Commission’s analysis of the sector’s major cost drivers, both in relation to inputs and outputs, suggest that the most plausible explanation, at least in part, for the real increase in the sector’s expenditure over the last decade is a growth in output costs, including the volume, scope and quality of services supplied. Some of these services are mandated by legislation, while others are provided on a non-mandatory basis.

The Commission is of the provisional view that enhancing councils’ capacity for sound decision making is likely to have a positive effect on improving their performance over time, reducing costs and enhancing efficiency and financial sustainability.

As local decision-makers, councils have a broad remit. The LG Act, for instance, makes clear that councils are expected to take a leading role in ensuring, either by direct provision or through coordination, equitable access to “public services and facilities”, and to ensure that their communities and resources are developed in a “socially just and ecologically sustainable manner”.

In the Commission’s thinking, sound decision making by councils requires a clear conception of which services are most effectively and efficiently delivered at the level of local communities. Various organisations, individuals or business provide services. Sometimes it may be appropriate for the council itself to manage the provision of the service, but councils always look for roles of others.

The services provided tend to be used by groups of people and often the benefits are greater because the facility or activity is shared. The services might be social, cultural recreational or political. The bundle of services provided at local level will be responsive to local preferences, innovative and effective. The service bundle is not based on a list fixed by a higher level of government but is an outcome of local decision making. Local governments fund their own activities by raising revenues, notably rates. They operate in a financially sustainable manner; weigh the interest of current and future generations; look to minimise costs; and seek cooperation with their neighbours, or buy from an at scale provider, when scale matters.

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5 See section 6(b) of the Local Government Act 1999, p. 2.
Some implications of this framework are that local governments would observe the following principles:

- regularly review current service functions, and divest if the case is made for some form of cooperation or the private sector, if possible, to provide the service;
- look for options to reduce the dependency on funding from other governments, including through joint arrangements with users and/or councils (among other service providers), or methods of managing demand through pricing or other forms of rationing;
- regularly consider the options for provision including comparisons of in-house provision to contracting out in order to lower costs;
- foster the development of a variety of forms of cooperation within their areas which might have the capacity to undertake existing services or meet new demands that emerge;
- make transparent the relationships between taxpayers and recipients of funds and make users accountable for funds;
- apply mechanisms that demonstrate in a credible manner the accountability of local government elected officials and staff for their decisions and use of the funds.

Local government can be supported in these processes by operating in a legal and policy framework that is defined by a higher level of government, in which these principles are embodied, and which creates the expectation of reporting against them. Local governments themselves may regulate to establish an environment at the local level which supports the operations of the cooperative bodies in their jurisdictions.

Given councils’ broad legislated remit, especially in relation to non-mandatory services, it is possible for councils to provide a wide range of services reflecting community preferences and values. As already noted, councils’ expenditure has been increasing at a higher rate than underlying measures of inflation. This is true of both mandatory and non-mandatory services and is likely to be strongly influenced by decision-making at the local level.

In the case of services required by legislation, the Commission accepts that councils have no control over the ultimate decision about what services are mandated by legislation. However, they retain a considerable degree of local autonomy over decisions on how they deliver mandatory services.

Mandatory services are comparatively small in number but accounted for 46 per cent of the sector’s operating expenditure in 2017-18. The Commission has formed the view that councils could achieve greater efficiency and lower costs by improving information and analysis as a basis for decisions on what services they provide and how they deliver them. Adjusting the scope, volume and quality of services, both mandatory and non-mandatory, can help councils to manage the further expansion of their operating expenditure.

The Commission’s identification of cost drivers has been constrained by a lack of data, particularly with respect to outputs and quality. It has formed the provisional view, through consultation with councils, that increases in the scope, volume and quality of outputs have been a significant driver of growth in councils’ operating expenditure.

The Commission notes that managing and containing this growth requires improved data on council inputs and outputs. It also requires the development of analytical tools to deepen understanding of cost drivers and manage their impacts. Council decisions on volume, scope
and standard of services, if based on quality data and robust analytical techniques, will help to clarify the trade-offs between more or better services and higher expenditures and improve transparency and accountability.

**Information request 5.2: Quality and quantity of data**

How can councils be assisted to work collectively to improve the quantity and quality of the available data on inputs, outputs and outcomes for services?

### 5.3 Efficiency and continuous improvement

#### 5.3.1 Commission’s findings

The analysis in Chapter 4 of the local government sector’s efficiency and productivity, over the period 2008-09 to 2017-18, shows that technical efficiency has remained relatively constant and indicates that measured total factor productivity (TFP) fell by an average of 0.8 per cent a year.

While the Commission has been unable to determine the causal relationships that might fully explain this observation, it could be partly explained by an increase in the volume, scope or quality of services that are not measured by the outputs chosen in the model. Based on stakeholder consultations, the Commission has formed the view that the declining trend in measured efficiency could be largely attributable to the unmeasured changes in scope, quality or volume of council services provided. This conclusion is also supported by the analysis of cost drivers undertaken in Chapter 3.

In terms of the relative efficiency scores by council groups, rural and urban regional councils, when compared with their urban counterparts, had a higher variation in mean technical efficiency. Urban regional councils had the lowest estimated technical efficiency. This could reflect the fact that the group is comparatively small, with a few members that are unique in their defining characteristics.

Significantly, the Commission’s estimates of partial productivity measures have highlighted the significant limitations in available data for this purpose. The Commission notes that this is particularly marked in relation to the quality and consistency of reported input and output data, both across councils and over time.

The Commission has identified some limited evidence that demonstrates an expansion of the scope or quality of services. However, quantifying these changes in service scope requires additional data, which highlights the potential value of additional work aimed at understanding the relationships between cost and service mix.

While DEA provides a useful starting point for an analysis of council efficiency, it is clearly imperfect, and the results should be interpreted with a degree of caution. DEA is therefore only a first step, albeit an important one, in analysing councils’ efficiency, and further analysis is required.

This analysis also highlights the need for a standardised sector-wide performance measurement and reporting framework.
5.3.2 Councils’ views

Several councils have begun, or are in the process of beginning, to compare their performance against other councils. It is also evident from councils’ engagement with the inquiry, both through submissions and on the basis of consultation, that there is qualified support for the development of a performance measurement framework. In its submission, the City of Charles Sturt offers some support for a form of benchmarking, provided that the framework uses and builds on current data sources:

Data collection comes with an impost on councils. There are already a number of external data collection requirements for council in place. It would be good to build on and refine those rather than replicate.¹

The Commission notes the LGASA’s view, which is supported by a number of councils, such as the City of Prospect, that much of the data on councils’ performance is currently dispersed and difficult for stakeholders to access in a meaningful form. This contributes to the overall difficulty of developing performance measurement standards for councils’ activities. As submissions make clear, this caveat lends some additional weight to the need to devise a form of performance monitoring that is appropriate to the sector’s diversity.

A number of councils, such as the City of Salisbury and the City of Prospect, noted that any benchmarking framework would require, as a minimum, a source of consistent and reliable data. It must also have sufficient analytical flexibility to account for the differences in councils’ pertinent characteristics that affect costs, efficiency and effectiveness. Councils have suggested that these differences are particularly important in relation to explaining differences in service mix, which may often arise from the diversity between council areas.

The Commission notes that this analytical concern is closely related to, but is also separable from, concerns around the comparability and quality of currently available data. These limitations, when linked with the diversity of councils’ services, impose significant analytical constraints on any form of efficiency analysis across the sector as a whole.

Councils’ submissions have cautioned that any form of performance measurement and analysis involves potentially significant administrative costs and could lead to the redirection of considerable resources from other activities. The submission from the SALGFMG addresses this concern in relation to the difficulty of comparing the service provision of inherently disparate councils:

Benchmarking across Councils will not improve efficiency, it takes resources away from service delivery, increases red tape and administrative overheads and is a distraction from improvement initiatives.²

In addition to the mandatory reporting requirements contained in the LG Act, individual councils have provided the Commission with examples of the benchmarking and continuous improvement activities that have been, or are currently being, undertaken.

The City of Charles Sturt, for instance, provided the Commission with a detailed overview of the benchmarking project that it is undertaking along with the City of Marion and the City of Port Adelaide Enfield.³ The Commission notes that, given the methodological and data limitations

¹ City of Charles Sturt, Submission, p.2.
² SALGFMG, Submission, p.11.
³ City of Charles Sturt, Submission, p. 13.
that affect comparisons of diverse council activities, a salient feature of the group’s program is that comparisons are based on activity-level data at the function and sub-function levels:

The fact the allocations and drivers are undertaken by a common resource across the 3 entities and are performed at close to a transactional level has meant the benchmark comparisons are factual, fair and impartial. This has contributed significantly to the effectiveness of the change management program that follows to enable improvements to be made and reduces the ability for stakeholders to discredit the comparability of functions.\footnote{Ibid., p. 13.}

The experience reported to the Commission suggests that these efforts can yield high returns. In particular, this group of three councils reported that, to date, they have subjected less than 10 per cent of their total spending to deep analysis, yet this has yielded resource savings of 11 to 22 per cent. Were this ratio to apply to all spending across the sector, then the estimated benefit could be substantial (for further details on the joint performance improvement project, see appendix 8).

5.3.3 Commission’s view

The Commission notes that recent reforms in the local government sector have focussed on shaping the relationship between state and local government and lifting the financial sustainability of the sector.

Moreover, there is considerable evidence to suggest that the financial management reforms initiated by the sector have contributed significantly to strengthening the financial performance of councils.

Conversely, the Commission has found little evidence to date on significant reforms in other areas, especially in relation to management and workplace practices, at least in recent years. It is possible that individual councils might have undertaken reforms in these areas, but the Commission has been unable to find significant information on reform projects initiated within the sector.

The Commission is aware that a number of councils have sought to utilise, with varying levels of measurable success, a variety of collaborative initiatives aimed at, amongst other things, lowering costs or improving efficiency often in the area of resource sharing. However, the available evidence is insufficient to enable the Commission to quantify the outcomes, cost and efficiency impacts of these initiatives.

The Commission is seeking further information on the opportunities and challenges associated with resource sharing.

The findings of the efficiency analysis now point to the need for concerted and consistent sector-wide efforts to measure and improve performance. While most councils engage in some form of performance monitoring at the council level, there is no sector-wide framework to support rigorous and consistent comparisons or monitoring of productivity or efficiency over time.

The Commission notes that performance monitoring initiatives, such as the joint project being undertaken by the cities of Marion, Charles Sturt and Port Adelaide Enfield, will necessarily place greater demands on councils’ resources, including existing databases, reporting systems
and workforce skill sets. Any expansion of performance monitoring, especially on a sector-wide basis, will therefore require councils to develop their workforces’ abilities to manage data collection and analysis. The investment in staff skills will also require a matching upgrade of the systems needed to support larger-scale data analytics.

The Commission’s analysis of partial productivity and global efficiency measures highlighted the importance of an appropriate framework and consistent data to facilitate sector-wide benchmarking. It also highlighted the value of collaborative efforts to identify continuous improvement opportunities, as well as the importance of council input into the design of a suitable framework and choice of indicators.

The Commission is of the view that an analysis of council efficiency and productivity is an important starting point in improving business processes and management decisions aimed at lifting efficiency across the local government sector. Access to timely, reliable and comparable information on council performance can provide the basis for the development of continuous improvement programs at the council level.

Current SALGGC data is not adequate for performance measurement or benchmarking, but a significant investment has been made by state and local governments in its development. It could provide the basis for an improved local government sector data-set for performance measurement and monitoring. The quality and consistency of council reporting to the SALGGC would need to be improved. State government leadership is required to improve the value of the data that it requires councils to provide to the SALGGC. Action to define, measure and collect data on service levels is critical to understanding unit costs and efficiency. Improved output data is also needed.

The Commission has formed the view that all councils can benefit from benchmarking activity. Good data alone, however, will not drive better outcomes. An improvement in data is a necessary, but not a sufficient, condition for the successful implementation of change. Individual councils are unlikely to consider the benefits for the sector as a whole that will arise from their individual efforts, and the Commission believes that this strengthens the case for state government support for the development of a benchmarking program.

Any measurable sector-wide improvement in efficiency in the short to medium term is highly unlikely to succeed if it relies on optional or voluntary initiatives alone. State government action could contribute to addressing critical information gaps and ensuring the adoption of standardised approaches, that provide the basis for performance comparisons to drive change. Leadership, collaboration and a culture that supports innovation are also required. The Commission also recognises the importance of minimising increases in costs to councils associated with any increase in reporting requirements.

5.4 Governance, accountability and transparency

5.4.1 Commission’s findings

The Commission’s examination of the legislative and governance framework within which councils currently operate, largely undertaken in Chapter 2, indicates that South Australian councils, when compared to some of their interstate counterparts, exercise a comparatively high degree of autonomy in relation to decisions about the appropriate service mix for their communities and its form of delivery. The state government’s legislative reforms had the effect of increasing autonomy, combined with strengthening governance and transparency, with an
expectation, articulated in section 8 of the LG Act, that councils would take responsibility for managing their activities in an efficient manner.

The relative autonomy of councils in relation to oversight by the state government, along with the broad powers and functions assigned to the local government sector, is a fundamental feature of the LG Act, especially in the provisions, contained in sections 7 and 8, that define councils’ functions and the principles that must inform their decision-making.

The Commission notes that the very general nature in which councils’ functions are defined in the act has helped to enable an expansion in the non-mandatory services provided by councils. While the LG Act did not cause the current mix of non-mandatory services – with councils’ current service mix a consequence of a number of complex causes, including community preferences – the legislative and governance environment has a potentially significantly effect on costs and efficiency in the sector by increasing the scope of non-mandatory services.

The Commission has also found evidence that councils’ decision-making processes, especially in relation to changes in the mix, scope and standards of their services, are not always articulated clearly by councils or communicated to ratepayers. This could adversely affect councils’ capacity to justify a decision to withdraw from, or contain the expansion of, non-mandatory services.

On the basis of the available evidence, that reforms initiated by the local government sector have focussed predominantly on efforts to ensure councils’ financial sustainability.

5.4.2 Councils’ views

In their submissions to the Commission, a number of councils have highlighted the fact that the state’s legislative and governance environment, while granting local government considerable autonomy, has also facilitated a generally unfunded transfer of regulatory and service responsibilities by both the State and Australian governments.

Some councils, such as Campbelltown City Council, have argued that councils’ costs and responsibilities have increased substantially as a direct result of legislation assigning responsibilities to the sector, including statutory fees and charges that are set by the state government, but which do not always cover councils’ costs.5 Councils have consistently argued that many of the responsibilities transferred or assigned under legislation involve a form of cost shifting.

Several councils have contended that the LG Act, particularly the principles enumerated in section 8, place an obligation on councils to be responsive to community needs and expectations beyond considerations of efficiency and subsidiarity. The City of Salisbury, for instance, argues that section 8 demands a focus on ensuring that councils are meeting the expectations of their communities, both in terms of the scope and quality of service delivery:

 Proper consideration of these principles requires broader thinking as well as innovative approaches that add greater value when delivering council services to a standard that at least meets community expectations, rather than focussing solely on efficiency and effectiveness.6

5 Campbelltown City Council, Submission, p.2.
6 City of Salisbury, Submission, p. 4.
Apart from the potentially rivalrous nature of community expectations and technical efficiency, the Commission notes councils’ concerns that the current legislative and governance arrangements are frequently affected by an imprecise division of responsibilities between the state and local levels of government.

The current legislative framework does not always provide clear or sufficient guidance on the respective responsibilities of the two spheres of government, especially where functions or responsibilities might overlap. As the City of Charles Sturt observes in its submission, “Unfortunately without clear roles defined in the Local Government Act 1999 for local government, much cost shifting occurs with associated impact on costs to Council”.7

5.4.3 Commission’s view

South Australia’s legislative framework, particularly the LG Act itself, not only recognises local government as a separate and legitimate sphere of government in its own right, but also provides councils with a high degree of autonomy to act as decision makers in their communities. The quality of councils’ decision-making will therefore have a significant effect on the service mix that councils provide in their communities. This is especially important in relation to non-mandatory services, where councils’ discretionary authority is greatest, but is also important when councils consider the scope and quality of service provision for mandatory services.

The Commission acknowledges the important role that councils play as decision makers in relation to services that can be provided at a local scale and at least cost. Similarly, communities have legitimate preferences in relation to the most locally appropriate service mix, including in relation to scale and quality. These preferences are more easily determined and addressed at the local level, as envisaged by the LG Act.

Councils’ capacity to exercise autonomy in making decisions in the best interests of their communities, however, can be affected by a variety of forms of ‘cost shifting’ by other levels of government. The Commission notes that the LG Act can facilitate ‘cost shifting’ by requiring that councils “…undertake other functions and activities conferred by or under an Act”. The Commission is aware that councils have repeatedly emphasised the adverse effects on their overall costs of functions and services required under other state legislation. Submissions received by the Commission generally argue that this amounts to a form of cost shifting, where the higher level of government ‘shifts’ responsibility for service delivery without commensurate funding to councils.

The Commission has concluded that ‘cost shifting’ is an accurate description of situations where the higher level of government removes or reduces a previously agreed cost sharing arrangement. This can leave councils with service delivery or regulatory responsibilities without sufficient funding to cover the ongoing costs of delivering the function. However, the Commission has also formed the view that, in some situations, especially when local government has accepted tied and time-limited funding, ‘cost sharing’ is a more appropriate description of the division of delivery and funding responsibilities.

While mindful of the complex nature of service delivery responsibility, the Commission believes that councils’ decision making could become more effective. As already noted, councils’ legitimate authority as decision makers, as outlined in the LG Act, imposes a corresponding

7 City of Charles Sturt, Submission, p. 8.
responsibility to make decisions that take seriously the distinction between mandatory services and non-mandatory services.

The Commission has formed the view that the functions undertaken by councils should, in general, be guided by the principle of subsidiarity which holds that lead responsibility should be devolved to the lowest level of government practicable, allowing for the significant diversity of the state’s 68 councils.

A clear and consistent division of responsibilities between state and local governments is fundamental to the efficient allocation of resources between them. This, and legislative clarity regarding mandatory service provision by councils, would assist council understanding of the boundaries around their autonomy and would provide a stronger foundation for council decision making and resource management.

This also provides a basis for resolving any debates about cost-shifting. Councils should then have a solid basis on which to engage more effectively with their communities regarding their plans and performance with respect to the scope and quality of facilities and services and the use of any dividends from efficiency improvements.

The Commission’s consideration of options for containing cost growth and improving efficiency have led it to consider the alternatives of the state government imposing mandated requirements on the sector as against promoting voluntary action by councils. The Commission seeks views from stakeholders on these alternative approaches to the use of external audits.

Information request 5.3: Strengthening councils’ accountability and transparency

How can the South Australian Government strengthen the accountability and transparency of councils? Possible instruments include:

- funding;
- legislation and monitoring of implementation through audits of the processes of local government decision making; and
- an agreement with councils and regular dialogue to reinforce the expectation that councils will conduct audits of the processes of local government decision making.

Should councils be required to undertake an independent external audit of their expenditure and efficiency in the event of that they record relatively high operating expenditure growth in a given period?

Would growth in operating expenditure over any three year period (normalised for population growth) which exceeds the rise in the Local Government Price Index for that period be an appropriate trigger for such an audit?
Draft recommendations to South Australian Government

To lower local government costs and enhance local government financial accountability, the Commission proposes that the South Australian Government:

1. Lift the capacity of local councils to identify and address opportunities to reduce their cost base and improve their operations by:
   - In conjunction with local government, defining and establishing a sector wide performance monitoring framework that would enable comparisons between councils and over time to assist decision making by council leaders and to inform communities, including by:
     - Establishing common key performance indicators (KPIs) for inputs, outputs, service standard and financial indicators;
     - Optimising existing information held by the South Australian Government, especially that gathered by the South Australian Local Government Grants Commission;
     - Filling the gaps in the current information;
     - Publishing this information in a contextualised form designed to assist individual councils.

2. Facilitating benchmarking by clusters of councils through an appropriate mix of incentives for councils to participate and expectations that they will report information publicly in a format consistent with the framework.

3. Further lower council costs by addressing aspects of the relationship between the South Australian Government and local government by:

   In the short term
   - Identifying and addressing inefficiency and red tape from the South Australian Government mandated services and other legislated requirements on:
     - Councils
     - Communities
   - Adopting a strong South Australian Government review process for any measures affecting local government;
   - Clarifying local government responsibilities, including service standards, for mandated services.

   In the medium term
   - Clarifying the respective responsibilities of the South Australian and local governments to remove unnecessary overlaps, or duplication and reduce uncertainty between governments.

   In the long term
   - Clarifying relevant aspects of s6, s7 and s8 of the Local Government Act 1999 to reflect an appropriate division between the levels of government and to make clearer the range of options available to councils in the performance of legislated functions.
Draft advice to councils

To guide and assist councils to improve efficiency and to create capacity to pass on cost reductions to rate payers, the Commission suggests that local government:

1. As a body, facilitate in depth benchmarking between councils by:
   a) Establishing a Community of Practice, sponsored by the Local Government Association, to share among other elements:
      i. methods, tools and approaches;
      ii. a panel of competent providers; and
      iii. lessons learned and examples of success.
   b) Assisting in “matchmaking” South Australian councils that seek deeper benchmarking opportunities (noting value of groups of councils at different levels) with other councils, including interstate comparisons;
   c) Collectively undertaking a regular sector-wide analysis of efficiency measures.

2. Prioritise, in any systems upgrades, a focus on improving collection and retrieval of information for planning, monitoring and managing performance.

3. Enhance the transparency and accountability of their operations by councils:
   a) When considering new, or material changes to, council services, undertaking an independent analysis that includes consideration of alternatives to councils providing the service directly, community consultation; and publishing a report;
   b) Including in their external audits an examination of service reviews and program evaluations; and
   c) Incorporating in their published long-term asset and financial plans and draft annual budgets whether changes to the scope or level of services are planned and their implications for council expenditure.
## Appendices

### Appendix 1. Submissions to the Methodology Paper

<table>
<thead>
<tr>
<th>Organisation</th>
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<tbody>
<tr>
<td>1. Campbelltown City Council</td>
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<tr>
<td>2. City of Adelaide</td>
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<td>3. City of Charles Sturt</td>
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<td>4. City of Mitcham</td>
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<td>5. City of Prospect</td>
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<td>6. City of Salisbury</td>
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<td>7. City of Tea Tree Gully</td>
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<td>8. City of West Torrens</td>
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<td>9. Copper Coast Council - includes Appendices 1 to 2</td>
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<tr>
<td>10. Councillor Martin Bray</td>
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<td>11. Councillor Ruth Trigg</td>
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<td>12. Councillor Ruth Trigg - Supplementary</td>
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<td>13. HomeStart Finance</td>
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<td>14. Limestone Coast LGA</td>
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<td>15. Local Government Association</td>
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<tr>
<td>16. Local Government Association - Supplementary</td>
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<tr>
<td>17. Martin Morris</td>
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<tr>
<td>18. Playford Council</td>
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<td>19. SALGFMG</td>
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<tr>
<td>20. Tatiara District Council</td>
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<tr>
<td>21. Town of Gawler</td>
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<td>22. Town of Walkerville</td>
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<td>23. Town of Walkerville - Supplementary</td>
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<td>24. Winni Pelz</td>
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</tbody>
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Appendix 2: Local Government Reference Group Terms of Reference

As part of the inquiry and the systematic approach to engagement the commission has established a reference group which will assist the SAPC by providing:

- relevant data and information;
- expert advice, insights and understanding about the drivers of productivity and efficiency in the South Australian local government sector;
- feedback on the commission’s analysis and possible improvement options; and
- advice on communicating with stakeholders.

The group will last for the duration of the inquiry and have an advisory status only. Meetings will be chaired by the Commission. The meeting agenda will be distributed to members and meeting notes will be circulated to members of the group following each meeting.

The Local Government reference group comprises:

Dr Helen MacDonald, Chief Executive Officer, Clare and Gilbert Valley Council
Ms Annette Martin, Manager Financial Services, City of Charles Sturt
Mr John Comrie, Consultant
Ms Natasha Cheshire, Director, ESCOSA
Mr Matt Pinnegar, Chief Executive Officer, Local Government Association
Mr Peter Ilee, Executive Officer, Local Government Grants Commission
Mr Adrian Skull, Chief Executive Officer, City of Marion
Dr Matthew Butlin, Chair SAPC
Mr Jeff Tate, Commissioner SAPC
Professor Christopher Findlay, Commissioner SAPC
Appendix 3: Map of councils and SA Government regions

Source: Local Government Association of South Australia
## Appendix 4: List of mandatory and non-mandatory activities

<table>
<thead>
<tr>
<th><strong>Community Services</strong></th>
<th><strong>Environmental Services</strong></th>
<th><strong>Infrastructure</strong></th>
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</thead>
<tbody>
<tr>
<td>Community Centres and Halls *</td>
<td>Rubbish collection □</td>
<td>Road construction and maintenance □</td>
</tr>
<tr>
<td>Libraries x *</td>
<td>Recycling Metro □</td>
<td>Car parking - off street *</td>
</tr>
<tr>
<td>Home Library Services *</td>
<td>Recycling Regional *</td>
<td>Street cleaning *</td>
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<tr>
<td>Literacy Programs *</td>
<td>Green waste – Regional councils □</td>
<td>Street scaping *</td>
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<tr>
<td>Community transport (passenger networks)*</td>
<td>Waste disposal facilities □</td>
<td>Street lighting *</td>
</tr>
<tr>
<td>Town Bus Service x*</td>
<td>Public clocks *</td>
<td>Heritage protection □</td>
</tr>
<tr>
<td>Aged care home support and facilities *</td>
<td>Street furniture *</td>
<td>Footpath Construction and maintenance *</td>
</tr>
<tr>
<td>Services for the Aged and Disabled x*</td>
<td>Bicycle racks *</td>
<td>Playground Construction &amp; Maintenance *</td>
</tr>
<tr>
<td>Food Business Health Inspections ▲</td>
<td>Development assessment □</td>
<td>Community wastewater management □</td>
</tr>
<tr>
<td>Cooling Tower Inspections □</td>
<td>Bicycle path construction and maintenance*</td>
<td>Water supply – domestic *</td>
</tr>
<tr>
<td>Management of Hoarding and Squalor *</td>
<td>Cat management and control □</td>
<td>Electricity supply undertakings *</td>
</tr>
<tr>
<td>Environmental Protection Control □</td>
<td>Coastal protection □</td>
<td>Pedestrian malls *</td>
</tr>
<tr>
<td>Shaded recreational areas *</td>
<td>Stormwater and drainage □</td>
<td>Drinking fountains *</td>
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<tr>
<td>Public Health and Community Wellbeing *</td>
<td>Flood mitigation □</td>
<td>Public clocks *</td>
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<tr>
<td>Heritage Advisory Service *</td>
<td>Noise and nuisance controls □</td>
<td>Street furniture *</td>
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<tr>
<td>Heritage Assessment □</td>
<td>Dog management and control □</td>
<td>Bicycle racks *</td>
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<tr>
<td>Museums and art galleries *</td>
<td>Cat management and control *</td>
<td>Development assessment □</td>
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<tr>
<td>Other arts and culture programs *</td>
<td>Coast management □</td>
<td>Cycle path construction and maintenance*</td>
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<td>Heat refuges *</td>
<td>Noise abatement □</td>
<td>Graffiti removal *</td>
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<tr>
<td>Migrant resource centres *</td>
<td>Public libraries *</td>
<td>Drainage Maintenance □</td>
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<tr>
<td>Busking permits*</td>
<td>Visitor centres x *</td>
<td>Private works *</td>
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<tr>
<td>Community IT Programs *</td>
<td>Visitor centres x *</td>
<td>Visitor centres x *</td>
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<tr>
<td>Youth outreach services *</td>
<td>Heritage Advisory Service *</td>
<td>Visitor centres x *</td>
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</tbody>
</table>
| Volunteers programs * | Tourism and regional promotion x* | Visitor centres x *
| Immunisation – Infants and Youth * | Economic Development | Visitors Services and Public Conveniences |
| Disability services* | Regional development x* | Enquiries and Information |
|                             | Support to local businesses x* | Community Associations |
|                             | Employment creation programs * | Community Engagement |
|                             | Youth work experience * | Community Facilities |
|                             | Youth traineeships x* | Community Events |
|                             | Visitor centres x * | Community Days |
|                             | Markets /Saleyards * | Australia Day events |
|                             | Emergency Management | Christmas Decorations * |
|                             | Fire Prevention Enforcement □ | Christmas Parade * |
|                             | Emergency Management □ | Carols by Candlelight * |
|                             | Public order and safety | Event Support |
|                             | Climate Adaptation Planning x* | Sponsorship and grants |
|                             | Coastal Risk Management Planning | Visitor Centres |
|                             | Visitor centres x * | Visitor Centres |
|                             | Visitor centres x * | Visitor Centres |
|                             | Visitor centres x * | Visitor Centres |

**Legend**

- □ – Required by legislation/regulation
- ▲ – MOU or agreement
- * – Receives Funding
- * – non-mandatory activities

*Source: LGA of SA ECM 65110 2017 – Council Service List*
Appendix 5: Summary of SALGGC data sets used

Statistical and general information (Database Report 1); for example:
- size of council area
- population (resident)
- employees
- road lengths (various categories)
- rateable properties (total number)
- capital value of properties

Operating income information (Database Report 2 and Report 10); for example:
- general rates and other rates collected
- late payment charges etc.
- rebates, remissions and write-offs
- statutory charges
- user charges
- grants, subsidies and contributions
- investment income
- Joint venture profits

Operating income information is further broken down (in Report 10) on a functional basis.

Operating expenditure information (Database Report 3); for example:
- employee costs
- material, contracts, and other expenses
- finance costs
- depreciation and other charges
- Joint venture losses

Operating expenditure information is further broken down (in Report 9) on a functional basis.

Physical asset and associated capital expenditure information (Database Report 4); for example:
- expenditure on renewal/replacement of existing assets
- expenditure on new/upgraded assets
- amounts received for new/upgraded assets
- proceeds from sale of replaced assets
- proceeds from sale of surplus assets

Summary statement of financial position statutory accounting information (Database Report 5) and net financial liabilities information (Database Report 7)

Council rates and rating information (Database Report 6); for example
- total rates
- rateable residential properties (number)
- minimum rate
- rating basis
- fixed charge declared
- percentage of general rates raised by fixed charge
- total rate income change from previous year

Financial ratio information (Database Report 8); for example
- operating surplus ratio
- adjusted operating surplus ratio
- net financial liabilities ratios
- adjusted net financial liabilities ratio
### Table 14 Summary of activities provided by councils by SALGGC service area

<table>
<thead>
<tr>
<th>Service area</th>
<th>Types of activities</th>
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</thead>
<tbody>
<tr>
<td><strong>Business Undertakings</strong></td>
<td>Caravan/tourist accommodation</td>
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<tr>
<td></td>
<td>Real estate development</td>
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<td></td>
<td>Car parking – on street controlled</td>
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<td></td>
<td>Car parking – fee paying</td>
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<td></td>
<td>Community Waste Water Management</td>
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<td>Domestic Water Supply</td>
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<td>Town Bus Service</td>
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<td>Gravel Pits/Quarries</td>
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<td>Markets/Saleyards</td>
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<td>Private works</td>
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<td></td>
<td>Investment Property</td>
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<td></td>
<td>Electricity</td>
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<tr>
<td><strong>Public Order &amp; Safety</strong></td>
<td>Emergency Services &amp; fire prevention</td>
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<tr>
<td></td>
<td>Beach inspections and patrols; Surf life saving</td>
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<td></td>
<td>Crime prevention</td>
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<td></td>
<td>Road safety/driving schools</td>
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<td>General Inspectors</td>
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<tr>
<td><strong>Health Services</strong></td>
<td>Immunisations</td>
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<td></td>
<td>Nursing Homes</td>
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<td></td>
<td>Support for home nursing</td>
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<td></td>
<td>Community health and dental clinics</td>
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<td></td>
<td>Family planning</td>
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<td>CAFHS/CAMHS</td>
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<td>Housing for health workers</td>
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<td><strong>Community Support</strong></td>
<td>Community Centres &amp; Halls</td>
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<tr>
<td></td>
<td>Child Care Centres</td>
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<td></td>
<td>Community Transport Services for Aged and Disabled; Children and Youth Services; Family &amp; Neighbourhood support</td>
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<tr>
<td></td>
<td>Grants, donations or ‘in-kind’ assistance to persons and community welfare groups</td>
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<tr>
<td></td>
<td>Assistance for homeless people</td>
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<td></td>
<td>Aboriginal welfare programmes</td>
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<td>Immigrants/refugees</td>
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<td>Disaster relief</td>
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<td>Suicide prevention</td>
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<td>programs</td>
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<td>Community Halls/centres used by welfare groups</td>
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<td><strong>Community Amenities</strong></td>
<td>Cemeteries/Crematoria</td>
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<td></td>
<td>Telecommunications</td>
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<td></td>
<td>Networks; Public</td>
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<td></td>
<td>Conveniences</td>
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<td>Street furniture</td>
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<td>Bicycle racks</td>
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<td>Pedestrian Malls</td>
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<td>Drinking fountains</td>
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<td>Public clocks</td>
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<td></td>
<td>Bus shelters</td>
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<td></td>
<td>Municipal directories</td>
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<td>Free off-street parking</td>
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<td><strong>Library Services</strong></td>
<td>Static Libraries</td>
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<td>Mobile Libraries</td>
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<td>Housebound services</td>
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<td><strong>Cultural Services</strong></td>
<td>Performing Arts</td>
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<td>Museums &amp; Art Galleries</td>
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<td></td>
<td>Heritage</td>
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<td></td>
<td>festivals/concerts/artist/writers; Flora and Fauna parks</td>
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<td></td>
<td>Zoos; Botanical Gardens</td>
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<tr>
<td><strong>Economic Activity</strong></td>
<td>Employment Creation</td>
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<td></td>
<td>Programs</td>
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<td></td>
<td>Support for Local Businesses</td>
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<td></td>
<td>Regional Development</td>
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<td>Tourism and regional promotion</td>
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<tr>
<td><strong>Agricultural Services</strong></td>
<td>Agriculture water</td>
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<td>Agriculture pest control</td>
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<td><strong>Waste Management</strong></td>
<td>Ordinary solid waste collection &amp; disposal</td>
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<td>Recycling collection and disposal; Green waste</td>
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<td>Street bins; Public area bins</td>
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<td>Hard rubbish collection</td>
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<td>Drum Muster; Chemicals and paint collection</td>
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<td>Service area</td>
<td>Types of activities</td>
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<td>collection and disposal</td>
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<td>Waste disposal facilities</td>
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<td>Other Environment</td>
<td>Purchase and sale of wheelie bins</td>
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<tr>
<td>Coastal Protection</td>
<td>Flood mitigation works</td>
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<tr>
<td>Street Cleaning</td>
<td>Riverbank environment protection; Non-agricultural</td>
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<tr>
<td>Streetscaping</td>
<td>land programmes; Water conservation programmes</td>
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<tr>
<td>Stormwater &amp; Drainage</td>
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<tr>
<td>Street Lighting</td>
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<tr>
<td>Recreation</td>
<td>Jetties; Parks &amp; Gardens</td>
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<tr>
<td>Sports Facilities</td>
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<td>Recreation</td>
<td>Streetscaping</td>
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<td>Flood mitigation works</td>
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<td>Dog &amp; Cat Control;</td>
<td>Riverbank environment protection; Non-agricultural</td>
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<tr>
<td>Town planning;</td>
<td>land programmes; Water conservation programmes</td>
</tr>
<tr>
<td>Environmental</td>
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<tr>
<td>Protection Control</td>
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<td>Aerodromes</td>
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<tr>
<td>Footpaths &amp; Kerbing</td>
<td>Bridges &amp; Culverts</td>
</tr>
<tr>
<td>Roads</td>
<td>Traffic Management</td>
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<td></td>
<td>Wager Transport</td>
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Appendix 6: Local government groupings

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Identifiers</th>
<th>Category</th>
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<tr>
<td><strong>URBAN (U)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population more than 20 000</td>
<td>CAPITAL CITY (CC)</td>
<td>Not applicable</td>
<td>UCC</td>
<td></td>
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<tr>
<td>OR</td>
<td>METROPOLITAN DEVELOPED (D)</td>
<td>SMALL up to 30 000</td>
<td>UDS</td>
<td></td>
</tr>
<tr>
<td>If population less than 20 000, EITHER</td>
<td>MEDIUM 30 001–70 000</td>
<td>UDM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Population density more than 30 persons per square kilometre</td>
<td>LARGE (L) 70 001–120 000</td>
<td>UDL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td>VERY LARGE (V) more than 120 000</td>
<td>UDV</td>
<td></td>
<td></td>
</tr>
<tr>
<td>90 per cent or more of the local governing body population is urban</td>
<td>REGIONAL TOWNS/CITY (R)</td>
<td>SMALL up to 30 000</td>
<td>URS</td>
<td></td>
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<tr>
<td>Part of an urban centre with population less than 1 000 000 and predominantly urban in nature</td>
<td>MEDIUM 30 001–70 000</td>
<td>URM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LARGE (L) 70 001–120 000</td>
<td>UFL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VERY LARGE (V) more than 120 000</td>
<td>URV</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FRINGE (F)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A developing LGA on the margin of a developed or regional urban centre</td>
<td>SMALL up to 30 000</td>
<td>UFS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MEDIUM 30 001–70 000</td>
<td>UFM</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>LARGE (L) 70 001–120 000</td>
<td>UFL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VERY LARGE (V) more than 120 000</td>
<td>URV</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **RURAL (R)** | | | | |
| A local governing body with population less than 20,000 AND | SIGNIFICANT GROWTH (SG) | Not applicable | RSG |
| Population density less than 30 persons per square kilometre AND | | | |
| Less than 90 per cent of local governing body population is urban | AGRICULTURAL (A) | SMALL up to 2000 | RAS |
| MEDIUM 2001–5000 | RAM |
| LARGE (L) 5001–10 000 | RAL |
| VERY LARGE (V) 10 001–20 000 | RAV |

| REMOTE | EXTRA SMALL (X) up to 400 | RTX |
| | 401–1000 | RTS |
| | 1001–3000 | RTM |
| | 3001–20 000 | RTL |

*Source: Department of Infrastructure and Regional Development (2015), Local Government National Report, 2012-13, Canberra*
### Rural – Small and medium: 20 councils

<table>
<thead>
<tr>
<th>Council Name</th>
<th>Group</th>
<th>ACLG</th>
<th>Other Association</th>
<th>Regional grouping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barunga West</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Legatus Group</td>
<td>Yorke Peninsula</td>
</tr>
<tr>
<td>Ceduna</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Eyre Peninsula LGA</td>
<td>Eyre</td>
</tr>
<tr>
<td>Cleve</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
<td>Eyre Peninsula LGA</td>
<td>Eyre</td>
</tr>
<tr>
<td>Elliston</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
<td>Eyre Peninsula LGA</td>
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</tr>
<tr>
<td>Flinders Ranges</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
<td>Legatus Group</td>
<td>Far North</td>
</tr>
<tr>
<td>Franklin Harbour</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
<td>Eyre Peninsula LGA</td>
<td>Eyre</td>
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<tr>
<td>Goyder</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Legatus Group</td>
<td>Mid-North</td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Southern &amp; Hills LGA</td>
<td>Fleurieu</td>
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<tr>
<td>Karoonda East Murray</td>
<td>Rural-Small &amp; Medium</td>
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<td>Murraylands &amp; Riverlands LGA</td>
<td>Murraylands</td>
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<td>Limestone Coast LGA</td>
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</tr>
<tr>
<td>Mount Remarkable</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Legatus Group</td>
<td>Mid-North</td>
</tr>
<tr>
<td>Northern Areas</td>
<td>Rural-Small &amp; Medium</td>
<td>RAM</td>
<td>Legatus Group</td>
<td>Mid-North</td>
</tr>
<tr>
<td>Orroroo Carrieton</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
<td>Legatus Group</td>
<td>Mid-North</td>
</tr>
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<td>Robe</td>
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<td>RAS</td>
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<td>Southern Mallee</td>
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<td>Streaky Bay</td>
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<td>Tumby Bay</td>
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<tr>
<td>Wudinna</td>
<td>Rural-Small &amp; Medium</td>
<td>RAS</td>
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## Rural – Large and very large: 18 councils

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<thead>
<tr>
<th>Council Name</th>
<th>Group</th>
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<th>Other Association</th>
<th>Regional grouping</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Plains</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
<td>Legatus Group</td>
<td>Barossa Light and Lower North</td>
</tr>
<tr>
<td>Berri Barmera</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAV</td>
<td>Murraylands &amp; Riverlands LGA</td>
<td>Riverlands</td>
</tr>
<tr>
<td>Clare &amp; Gilbert Valleys</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
<td>Legatus Group</td>
<td>Mid-North</td>
</tr>
<tr>
<td>Coorong</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
<td>Murraylands &amp; Riverlands LGA</td>
<td>Murraylands</td>
</tr>
<tr>
<td>Copper Coast</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAV</td>
<td>Legatus Group</td>
<td>Yorke Peninsula</td>
</tr>
<tr>
<td>Grant</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
<td>Limestone Coast LGA</td>
<td>South East</td>
</tr>
<tr>
<td>Light</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAV</td>
<td>Legatus Group</td>
<td>Barossa Light and Lower North</td>
</tr>
<tr>
<td>Lower Eyre Peninsula</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
<td>Eyre Peninsula LGA</td>
<td>Eyre</td>
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<tr>
<td>Loxton Waikerie</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAV</td>
<td>Murraylands &amp; Riverlands LGA</td>
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<tr>
<td>Mid Murray</td>
<td>Rural-Large &amp; Very Large</td>
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<td>Murraylands &amp; Riverlands LGA</td>
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<tr>
<td>Naracoorte Lucindale</td>
<td>Rural-Large &amp; Very Large</td>
<td>RAL</td>
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<td>Port Pirie</td>
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<td>Legatus Group</td>
<td>Mid-North</td>
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<td>Renmark Paringa</td>
<td>Rural-Large &amp; Very Large</td>
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<td>Murraylands &amp; Riverlands LGA</td>
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<tr>
<td>Tatiara</td>
<td>Rural-Large &amp; Very Large</td>
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<td>Wakefield</td>
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<td>Yankalilla</td>
<td>Rural-Large &amp; Very Large</td>
<td>RSG</td>
<td>Southern &amp; Hills LGA</td>
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### Urban – Metropolitan & fringe: 21 councils

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<th>Council Name</th>
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<td>UCC</td>
<td>n/a</td>
<td>Capital City</td>
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<td>Urban-Metro</td>
<td>UFM</td>
<td>Southern &amp; Hills LGA</td>
<td>Adelaide Hills</td>
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<tr>
<td>Alexandrina</td>
<td>Urban-Metro</td>
<td>UFS</td>
<td>Southern &amp; Hills LGA</td>
<td>Fleurieu</td>
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<td>Barossa</td>
<td>Urban-Metro</td>
<td>UFS</td>
<td>Legatus Group</td>
<td>Barossa Light and Lower North</td>
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<tr>
<td>Burnside</td>
<td>Urban-Metro</td>
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<td>Charles Sturt</td>
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<td>UDM</td>
<td>n/a</td>
<td>Southern Adelaide</td>
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<td>Southern Adelaide</td>
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<td>West Torrens</td>
<td>Urban-Metro</td>
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<td>Western Adelaide</td>
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### Urban – Regional towns/cities: 9 councils

<table>
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<th>Group</th>
<th>ACLG</th>
<th>Other Association</th>
<th>Regional grouping</th>
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<tr>
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<td>URS</td>
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<td>Urban – Regional</td>
<td>URM</td>
<td>Southern &amp; Hills LGA</td>
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<td>Mount Gambier</td>
<td>Urban – Regional</td>
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<td>Limestone Coast LGA</td>
<td>South East</td>
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<tr>
<td>Murray Bridge</td>
<td>Urban – Regional</td>
<td>URS</td>
<td>Murrays &amp; Riverlands LGA</td>
<td>Murraylands</td>
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<tr>
<td>Port Augusta</td>
<td>Urban – Regional</td>
<td>URS</td>
<td>Upper Spencer Gulf Common Purpose Group</td>
<td>Far North</td>
</tr>
<tr>
<td>Port Lincoln</td>
<td>Urban – Regional</td>
<td>URS</td>
<td>Eyre Peninsula LGA</td>
<td>Eyre</td>
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<tr>
<td>Roxby Downs</td>
<td>Urban – Regional</td>
<td>URS</td>
<td>n/a</td>
<td>Far North</td>
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<td>Urban – Regional</td>
<td>URS</td>
<td>Southern &amp; Hills LGA</td>
<td>Fleurieu</td>
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<td>Whyalla</td>
<td>Urban – Regional</td>
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### Numbers of councils by geographic category

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<td>Metropolitan Developed (suburban)</td>
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<td>Urban – Regional</td>
<td>Non-metropolitan regional urban centre</td>
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<td>Rural</td>
<td>Limestone Coast</td>
<td>6</td>
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<tr>
<td>Rural</td>
<td>Murraylands and Riverlands</td>
<td>7</td>
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<td>Rural</td>
<td>Southern and Hills</td>
<td>2</td>
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<td><strong>Total</strong></td>
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<td><strong>68</strong></td>
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Appendix 7: Estimation of global efficiency measures

Data Envelopment Analysis (DEA)

DEA is the most commonly used methodology in measuring the relative efficiency of local councils in Australia. This approach does not require assumptions regarding the relationship between inputs and outputs. It uses a technique known as linear programming to construct an 'efficiency frontier' (comprising of councils that convert inputs into outputs most efficiently), and then estimates the relative efficiency of councils based on the distance from the frontier.

The results from the DEA estimation can be further analysed to examine the effect of external factors and council characteristics on estimated council efficiency.

Questions that can be answered using DEA:

- How to select an appropriate role model to serve as a benchmark for performance improvement?
- What are the most efficient councils within a local government area?
- What are the characteristics of efficient councils?

Advantages of using DEA in analysing local government performance are that it:

- provides the observed efficiencies of individual councils, which helps in benchmarking against performance targets;
- identifies possible peers or role models, which also helps in benchmarking;
- readily incorporates multiple inputs and outputs using information on output and input quantities.
- does not require price data – this makes it particularly useful in analysing efficiency in government service providers (such as councils), where it may be difficult to assign prices to inputs and outputs;
- provides a way of identifying possible sources of inefficiency as well as levels of efficiency;
- provides simple efficiency scores that are easy to interpret and understand;
- does not require an assumption regarding the relationship between inputs and outputs (as is required in the use of the SFA approach); and
- allows for different assumptions regarding economies of scale (see Box 1).

The literature discusses several limitations of DEA including the following:

- DEA measures efficiency relative to best practice with the given sample – therefore, it is not meaningful to compare across groups outside the sample;
- efficiency scores are sensitive to input and output specification and the size of the sample.

The Commission acknowledges the limitations of DEA, particularly within the context of a policy framework. However, it is useful in providing a broad understanding of the relative efficiency of councils and is the most widely used methodology in local government efficiency analysis, including by the Essential Services Commission of Victoria (ESC 2017).

---

1 Steering Committee for the Review of Commonwealth/State Service Provision (1997)
Stochastic Frontier Analysis (SFA)

An alternative to DEA efficiency estimation is Stochastic Frontier Analysis (SFA). The concepts are similar, however SFA is a parametric method for estimating the production frontier, first proposed by Aigner, Lovel and Schmidt (1977) and Meeusen and Ben den Broeck (1977).

Under SFA, rather than the production frontier being a series of straight lines between the most efficient firms, the production frontier can be represented mathematically as a function of the inputs used by councils.

The main advantage of SFA is its parametric nature, which means that it is less sensitive to outliers or measurement issues with the data. It is also simple to obtain measures of reliability for estimates such as standard errors, making it relatively easy to conduct statistical inference using confidence intervals and hypothesis testing.

However, SFA has several disadvantages including the need to assume the form of the production function (typically Cobb-Douglas, however there are several alternatives), and the results can be sensitive to the choice of function. In addition, results can be unreliable in small samples and estimation of models with multiple inputs and multiple outputs can be problematic.

Because of these factors, SFA is usually preferred to DEA when a single measure of output is available (such as GDP when measuring total factor productivity of economies), and DEA is usually preferred for multi-input, multi-output models. Most economic studies of local government efficiency have applied DEA for these reasons.

Further considerations

Regardless of the choice of DEA or SFA methodology, a few additional considerations need to be made about the nature of local government production, and as a result, their efficiency. This includes whether local governments face constant or variable returns to scale, and whether they seek to maximise their output or to produce a certain level of output for the minimum amount of inputs.

Returns to scale

The shape of the production frontier depends on the scale assumptions that underpin the model. There are two scale assumptions generally used: constant returns to scale (CRS), and variable returns to scale (VRS).

Given that councils have little control over the scale of their operations, it is preferred to estimate a VRS frontier. This will ensure that councils that are ‘scale inefficient’, either smaller or larger than the point of optimum scale, are not unfairly labelled as inefficient due to their size.

However, the Commission’s analysis also includes estimating the CRS frontier to allow for investigation of the extent to which council size might affect their efficiency.
**Box 1 Returns to scale**

**Constant Returns to Scale (CRS) and Variable Returns to Scale (VRS) frontiers**

CRS assumes that output will change in the same proportion as the proportionate change in inputs (e.g. a doubling of all inputs will double output). It evaluates inefficient councils against any peer on the frontier (regardless of size).

VRS takes into account the fact that production technology may exhibit increasing, constant and decreasing returns to scale. The effect of the scale assumption on the efficiency measure is illustrated in Figure 19.

*Figure 19 Simplified single-input -output production frontiers*

![Simplified single-input -output production frontiers](image)

*Source: Pascoe et al (2003)*

Points A, B, C, and D (which refer to input and output pairs for different councils) in Figure 19 are used to estimate the efficient frontier under both scale assumptions. Points along the frontier are defined as efficient. With constant returns to scale, the frontier is defined by point C, with all other points falling below the frontier (hence indicating relative inefficiency).

Under variable returns to scale, the frontier is defined by points A, C and D. In this scenario, only point B lies below the frontier indicating relative inefficiency. Under both estimates, efficient councils are given a score of 1 and (relatively) inefficient councils are assigned a score between 0 and 1, with a lower score indicating lower relative efficiency.
**Input/output orientation**

DEA models can be constructed as either input-oriented or output-oriented depending on the assumptions made about the behaviour of firms, or in this case councils, in the model. An input-oriented DEA assumes that a firm attempts to minimise the level of inputs to produce a given level of output, whereas an output-oriented model assumes that a firm attempts to maximise its outputs for a given level of inputs.

*Box 2 Output and input orientation*

*Figure 20 Output and input orientation*

![Diagram](image)

*Source: Coelli (2019)*

Figure 20 above demonstrates the difference between an output and input orientation. In an output-oriented model, for firm A, the maximum amount possible to produce for a given level of inputs, therefore firm A’s output-oriented technical efficiency is defined as the ratio of the distance AD to BD. Similarly, in an input-oriented model, firm A’s input-oriented technical efficiency is defined as the ratio of the distance EC to EA.

Given that local councils are obliged to service the residents, ratepayers and roads that are within their jurisdiction, an input-oriented model is likely to be more appropriate for an analysis of local government efficiency as council management have more control over input levels than output levels.

**Estimating productivity and efficiency change over time**

DEA efficiency measures are defined relative to the efficiency frontier of the sample under consideration. It is therefore not meaningful to compare efficiency scores across different samples as all calculations are based on different efficiency frontiers. This also means that it is not possible to directly compare estimated efficiency scores over different time periods, even for the same underlying sample.

One way of comparing efficiency through time is to construct a Malmquist TFP index, which can be decomposed into measures of changes in technical efficiency (catch up to the frontier), changes in scale efficiency and technical change (shifts in the frontier). A full discussion of how Malmquist indexes are calculated can be found in the Economic Insights report.
Appendix 8: Performance improvement

BACKGROUND

Since 2017, the Cities of Marion, Charles Sturt and Port Adelaide Enfield have been working collaboratively on performance improvement. The three councils partnered based on the shared values of the Chief Executive Officers (CEO’s) and their collective aspiration to contain rate increases and do more for their communities.

The councils jointly funded a performance improvement resource to lead a program across the councils to identify, justify and deliver performance improvement into the three organisations.

GOVERNANCE | ACHIEVEMENTS

Initial stages of the program focussed on financial governance, supporting the finance teams to drive increased ownership of financial outcomes, trimming funds from budgets that were no longer required and increasing rigour around project delivery to ensure commitments to the community were both met and achieved as cost effectively as possible.

This activity has driven greater engagement in how community funds are used at all levels of the organisations. Budgets have been reduced by more than three per cent to date (with more possible as the change process continues) and two of the councils achieved record low rate rises in 2018 and 2019. Two of the three councils were in the lowest four rate increases in South Australia in 2019, with Charles Sturt achieving its lowest ever rate rise since amalgamation 22 years ago. Project delivery has increased by more than 80% at one of the councils with all having greater data-driven focus on delivery than two years prior.

PROCESS IMPROVEMENT | ACHIEVEMENTS

The second phase of the program has focussed on sustainable performance improvement through process change. This has been informed by detailed activity and driver analysis which has enabled benchmarking and identification of an opportunity pipeline.
This critical phase was undertaken centrally for the three councils to ensure comparability and meaningfulness of the data from the ground up. The benchmarking is sufficiently detailed to not only point to areas where difference in performance or costs exists, but to inform each council on what to focus on to improve. Improvements are generated by taking the best of each council’s performance, and then testing the functions under review against criteria designed to find further improvement opportunities.

Initiatives implemented to date include open space transformation at Marion, shared procurement between Charles Sturt and Marion and a cross-council irrigation construction crew operating across all three council boundaries. A further three initiatives are underway and will be implemented by the end of the 19/20 financial year.

To date less than 10% of the costs of the organisations have been subject to detailed optimisation reviews. Outcomes range from 11-22% improvement in costs and capacity (17% overall) with reviews typically identifying around 20% improvement. These improvements have been achieved with minimal disruption to staff and an increase in service levels delivered. The additional optimisation analysis has seen even the “better” performing areas of the three councils improve by up to 20% again, demonstrating good sector performance can be improved upon. Collaboration has also allowed the councils to deliver benefits beyond what the any of the councils could achieve alone.

CHALLENGES

Key challenges have been:

- Reliance on key individuals, in particular the CEO’s to drive the program. Driving performance is more challenging in the public sector than the private sector due to the absence of dynamic price signals to provide rapid performance feedback. With a focus on rate stability and avoiding price shocks, an unintended consequence can be an organisational reluctance to vigorously pursue performance improvement.
- The magnitude of change the program has driven has at times been underestimated and required effort and consistency of vision to remain on track.
- Being equipped with change and collaboration capabilities throughout the organisations at a level that actively supports the program, combined with a willingness to be humble and open to new ways of doing things cannot be underestimated.

The ability to attract, develop and retain highly developed analytical and commercial skills to the public sector on scale is also expected to be a challenge.

SUPPORT FOR THE SECTOR

The experience of the councils and the sector to date has highlighted that league table benchmarks alone will not drive sector performance. They can typically lead to defensiveness rather than encouraging people to be open to improvement and actively seeking the best solution.

Detailed, comparable, data-based benchmarking is considered an important foundation to performance improvement. This needs to be supported in turn by the skills and capability to convert observations to realised performance outcomes, and these skills need to be accessible and affordable to all councils.
Additionally, measurement needs to be supported by motivators for good performance (and consequences for poor performance) and active change management in order to drive deep and sustainable sector wide improvement.

Benchmarking | sector experience

<table>
<thead>
<tr>
<th>Method/Comparison</th>
<th>Budget assurance / rate capping</th>
<th>PCP</th>
<th>Know your council</th>
<th>AG</th>
<th>Drains Commission</th>
<th>Cosco Council</th>
<th>Published Value Driver Analysis</th>
<th>Supported performance improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrefutable comparisons</td>
<td></td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
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<tr>
<td>Drivers performance</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Sustainable performance improvement</td>
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<td>Better than sector performance</td>
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<td>External drivers</td>
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<td>Community needs considered</td>
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<td>Transparent performance</td>
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<td>✓</td>
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<td>✓</td>
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<tr>
<td>Able to be supported/afforded by individual councils</td>
<td></td>
<td>✓</td>
<td>✓</td>
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</tbody>
</table>
The Barossa Council Submission to the SA Productivity Commission Draft Report into Local Government

Utilising LGA Summary Analysis of Draft Recommendations

### Draft recommendations to the South Australian Government

<table>
<thead>
<tr>
<th>To lower local government costs and enhance local government financial accountability, the Commission proposes that the South Australian Government:</th>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Lift the capacity of local councils to identify and address opportunities to reduce their cost base and improve their operations by:</td>
<td>This draft recommendation broadly aligns with the LGA’s Local Government Reform Agenda advocacy for a sector-wide benchmarking program.</td>
<td>Agree with LGA position</td>
</tr>
<tr>
<td>In conjunction with local government, defining and establishing a sector wide performance monitoring framework that would enable comparisons between councils and over time to assist decision making by council leaders and to inform communities, including by:</td>
<td></td>
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</tr>
<tr>
<td>i. Establishing common key performance indicators (KPIs) for inputs, outputs, service standards and financial indicators;</td>
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<tr>
<td>ii. Optimising existing information held by the South Australian Government, especially that gathered by the South Australian Local Government Grants Commission;</td>
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<tr>
<td>iii. Filling the gaps in the current information;</td>
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<tr>
<td>iv. Publishing information in a contextualised form designed to assist individual councils.</td>
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</table>

The basis of systems are already in place with all councils required to set their Annual Business Plan and Budgets, particularly the financial aspects thereof in relation to standardised documentation. The same applies to the production of the Annual Financial Statements and Annual Reports. Various information by regulation needs to be included within the documents. There is no reason reporting could not be further defined and directly applied to other strategic documents such as the Asset Management Plan and the Long Term Financial Plan.

Move the system to more efficient plans around a single set of service levels and standards incorporating a rotation of service review processes and report performance against financial and non-financial outcomes and outputs thereby moving away from static and disconnected State planning and reporting requirements.

The current state driven mandatory reporting for local government centres on the non-discretionary elements of council service delivery (ie due to obligations set out in legislation/regulation) – which covers core pillars like financial accountability, planning, building, health, dog and cat management, any grant funding obligations there is no common framework in place for measuring all services and no reporting is outcome based whether it is in relation to discretionary or non-discretionary services (it is all inputs/output activity based measurement). The focus being placed on clear definitions of services and service levels and accountability mechanisms (financial, activity and outcome based) being built around that is critical to the success of
2. Facilitating benchmarking by clusters of councils through an appropriate mix of incentives for councils to participate and expectations that they will report information publicly in a format consistent with the framework.

This draft recommendation broadly aligns with the LGA’s Local Government Reform Agenda advocacy for a sector-wide benchmarking program.

**Agree with LGA position**

See comments to 1 above.

Caution needs to be taken to develop flexible benchmarking systems that allow for local variations in social and economic drivers of efficiency. As a general principle, governments exist to provide services that are not necessarily likely to be provided privately and whilst we must strive for efficient and effective government, there will always be some disconnect between those principles and the need to service the community at a local level due to market or public sector gaps. For instance many regional and rural Councils provide passenger transport networks due to the absence of private or State provided public transport (understandably), however due to the scale of services delivered, Councils cannot be compared with benchmarking outcomes for public sector transport say in a metropolitan area.

3. Further lower council costs by addressing aspects of the relationship between the South Australian Government and local government by:

**In the short term**

i. Identifying and addressing inefficiency and red tape from the South Australian Government mandated services and other legislated requirements on:
   a) councils
   b) communities.

ii. Adopting a strong South Australian Government review process for any measures affecting local government;

iii. Clarifying local government responsibilities, including service standards, for mandated services.

**In the medium term**

The LGA is advocating for the following changes to the governance arrangements between state and local government:

- Update the State/Local Government Relations Agreement to strengthen engagement with local government on changes to legislation, policies and programs that are likely to have a direct financial impact on councils.
- Establish service level agreements for the delivery of state services by local government including agreed responsibilities, cost sharing and funding arrangements.

**Agree with LGA position.**

The State should also invest in re-establishing a red tape reduction process and actually deliver rapid reforms.

The discussion about clarifying the Principal role of Councils (section 6), the functions of a council (section 7) and the
iv. Clarifying the respective responsibilities of the South Australian and local governments to remove unnecessary overlaps, or duplication and reduce uncertainty between governments.

- Establish service level agreements for the delivery of state services by local government including agreed responsibilities, cost sharing and funding arrangements
- Cease mandating through state laws that local government must perform functions for the state government.

In the long term

v. Clarifying relevant aspects of s6, s7 and s8 of the Local Government Act 1999 to reflect an appropriate division between the levels of government and to make clearer the range of options available to councils in the performance of legislated functions.

The LGA is advocating for the following changes to the governance arrangements between state and local government:

- Establish service level agreements for the delivery of state services by local government including agreed responsibilities, cost sharing and funding arrangements
- Cease mandating through state laws that local government must perform functions for the state government.

principles to be observed by Councils (section 8) is long overdue to be clarified, especially around the issue of duplication of effort between governmental tiers. This discussion also ought to be facilitated between the Federal and State spheres of government to gain clear direction of definable roles and reduce duplication between all levels of Government.

Agree with LGA position.
Draft advice to South Australian councils

To guide and assist councils to improve efficiency and to create capacity to pass on cost reductions to rate payers, the Commission suggests that local government:

<table>
<thead>
<tr>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. As a body, facilitate in depth benchmarking between councils by:</td>
<td>Generally agree with LGA position/comments.</td>
</tr>
<tr>
<td>i. Establishing a Community of Practice sponsored by the Local Government Association, to share among other elements:</td>
<td>See cautionary notes at 2 above in “Draft Advice to South Australian Government”.</td>
</tr>
<tr>
<td>a) Methods, tools and approaches;</td>
<td>There is a lack of professional training, support, guidance provided in the performance measurement and reporting space and it need to be seen as a clear role in the sector. The education and training currently on offer is not targeted to this area of skill development, it is currently self-directed learning by individual officers of council, there is no Community of Practice (like the HR practitioners group, LGFMG, LGAP and the many other information sharing/collaboration groups) or professional groups/overarching bodies. The Barossa Council has determined a framework based on the work and training through Stacey Barr, however much more would be achieved if there were relevant/comparable frameworks to our peers and tools/templates and draft measures we could tap into.</td>
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<tr>
<td>b) Skilling of council staff;</td>
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<tr>
<td>c) Panel of competent providers; and</td>
<td></td>
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<tr>
<td>d) Lessons learned and examples of success.</td>
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<tr>
<td>ii. Assisting in “matchmaking” South Australian councils that seek deep benchmarking opportunities (noting value of groups of councils at different levels) with other councils, including interstate comparisons;</td>
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<tr>
<td>iii. Collectively undertaking a regular sector-wide analysis of efficiency measures.</td>
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<tr>
<td>2. Prioritise, in any systems upgrades, focus on improving collection, retrieval, analysis and presentation of information for planning, decision making, monitoring and managing performance.</td>
<td>Generally agree with LGA position/comments.</td>
</tr>
<tr>
<td>This advice is broadly consistent with the LGA’s Local Government Reform agenda.</td>
<td>The clear opportunity is to reform local government by driving accountability, transparency, planning and reporting through a service level plan and model, similar to that of New Zealand Councils and requiring review of service plans over a period of time for relevant, need, efficiency, value for money and the like.</td>
</tr>
<tr>
<td>The LGA’s sensible plan for local government reform identified that to build trust, communities require certainty that councils are delivering the right services at the right cost.</td>
<td>Measuring and improving existing strategic frameworks and systems and learning through benchmarking are agreed but will potentially result in incremental improvement, however driving the sector through systems of efficient planning, delivery and review through services is a seismic shift that could achieve improved decision making and reform at a more</td>
</tr>
<tr>
<td>A best practice program of service reviews with strong community engagement will assist in building community confidence and demonstrating efficiencies.</td>
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<tr>
<td>In addition, the proposal for councils to adopt a revenue policy describing what mix of revenue options it proposes to adopt for each of its services and why it has made such choices would increase transparency and accountability.</td>
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</tbody>
</table>
While the legislative framework should set our clear expectations regarding continuous improvement and service efficiency, it should not limit the sector to one prescribed approach.

<table>
<thead>
<tr>
<th>3. Enhance the transparency and accountability of their operations by councils:</th>
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<tbody>
<tr>
<td>i. When considering new, or material changes to, council services, undertaking an independent review that includes consideration and analysis of alternatives to councils providing the service directly; community consultation; and publishing a report;</td>
</tr>
<tr>
<td>ii. Including in their external audits an examination of service reviews and program evaluations; and</td>
</tr>
<tr>
<td>iii. Incorporating in their published long-term asset and financial plans and draft annual budgets advice on whether changes to the scope or level of services are planned and their implications for council expenditure.</td>
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</tbody>
</table>

Any proposed framework should identify opportunities for further improvement, without duplicating existing measures or creating greater uncertainty.

For example, the LGA’s Financial Sustainability program and the work done by the SALGFMG and the LG External Auditor’s committee in increasing standards and ensuring councils use consistent definitions and interpretation of the Australian Accounting Standards have already contributed towards greater transparency and accountability in local government in South Australia.

Clarification was sought from the Productivity Commission in the workshop held on 4 September regarding their intent around the draft advice to conduct ‘an independent review’ (3.i.). They advised that they consider that the decision to conduct an independent review should reflect the materiality of the proposed change and be scalable in line with the extent of the materiality.

Noted LGA’s position/comments.
See comments in 2 above in “Draft Advice to South Australian Councils”.

| rapid pace. The ultimate goal being the Council will have a clear understanding of the inputs, resources, outputs and outcomes of each service they provide, it can be more equally benchmarked and the community more informed what the outcomes are for the rates and taxes paid. |
Chapter 2 – Structure, development and reform
The chapter of the report examines the history, structure and evolution of the local government sector, particularly the legislative and governance environments which affect councils’ decisions on the services delivered to their communities. It also considers the influence of the Australian Government on the capacity of councils to deliver services.

Finally, the chapter briefly examines some key local government reforms aimed at either efficiency improvement or cost reduction in other jurisdictions.

2.1: Funding

FAGs funding is untied once distributed to the local government sector. From time to time the Australian Government also provides specific purpose grants to councils of either a capital (e.g. GFC School grants scheme) or operating nature (e.g. Adelaide Hills Council case study, Chapter 3) to achieve its particular policy objectives.

<table>
<thead>
<tr>
<th>The Commission is seeking information and views on:</th>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How does the untied nature of FAG funding affect council decisions to provide non-mandatory services?</td>
<td>Financial Assistance Grants (FAGs), which are un-tied in the hands of local Councils, are intended to improve Local Government’s capacity to provide communities with an equitable level of services and to increase the effectiveness and efficiency of Local Government. The LGA Policy Manual (7.3.6 Untied and Specific Purpose Grants) states: 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 governments and negotiate terms that will most benefit local communities. The LGA would not be supportive of any suggestion to ‘tie’ FAG funding to specific purposes however advice is sought from member councils regarding whether it would be beneficial to have a ‘statement of expectations’ for any further increases above the current level of FAGs funding which expresses the priorities of the Commonwealth and would allow councils to better articulate back to the Commonwealth how councils activities are assisting in the delivery of those priorities.</td>
<td>Agree with the LGA’s position/comments. The real discussion around this issue is the actual level of FAGS funding as a proportion of total Federal Funding available to the States, which in our view ought to increase in line with the original intention of the funding program many years ago. In particular South Australia’s share of the pie has been set at an unrealistically low proportion in comparison to the other states. This has in part been recognised through additional funding through the Supplementary Funding program for SA only (approximately $23m per annum). However, there is no guarantee that this additional funding program will continue into the future. The LGA and the State Government must continue with advocacy in this regard; we acknowledge though that the way ahead is difficult for a number of reasons.</td>
</tr>
<tr>
<td>2. How does other Australian Government program or project funding to councils, of a more ad hoc nature, affect council expenditure?</td>
<td>Grant funding, whilst representing an opportunity to leverage funds to carry out projects which may otherwise not be achievable, can actually work against local government’s focus on renewal and replacement of existing assets as grant funding is predominately focused on capital ‘new’ works rather than ‘renewal’ or ‘maintenance’. Often within grant programs there is also a requirement to provide matching funding, plus there are the associated increase in interest costs, maintenance and depreciation following the construction of the asset. These additional costs also apply for assets vested by developers or by other levels of government. Grant funding is also often tied to a particular outcome or function (for example – funds must be used on open space or arts/culture projects) these areas may not be the highest</td>
<td>Agree with the LGA’s position/comments. The Barossa Council has enjoyed some success over the years with specific funding for small, medium and large projects; but acknowledges that these projects are generally for new or upgraded infrastructure and do require (generally) some form of matching funding from the Council. The challenges going forward are to have shovel ready projects with sufficient internal financing capacity whilst maintaining existing services and growth of those services with pressure on revenue growth and support the economy.</td>
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</table>
priority area within a council’s asset management plan however, in order not to miss out on funding opportunities, projects are brought forward or re-prioritised.

There may also be examples of some grant programs which are set up with the best intentions but, for various reasons, SA councils have limited access as they don’t fit the current guidelines.

For example, the Commonwealth Government will provide $640 million from 2015-16 to 2022-23, with an on-going commitment of $85 million each following year to upgrade and replace bridges to enhance access for local communities and facilitate higher productivity vehicle access. However, over the life of the program, South Australia has been awarded 23 projects (out of 511 projects awarded nationally) and received total funding of just $12 million (out of over $395 million awarded nationally).

The criteria for program and project funding need to be fit for purpose to support council needs, if Commonwealth funding is to support council financial sustainability.

The ability to fit plans into programs is strained especially as we move more to economic development outcomes being the priority, there needs to be some balance to community and social outcomes in programs going forward.

The effect of future expenditure of Council should be predicated on proper forecasting and pursuing projects that are needed rather than wanted and this falls to Council undertaking long term community, economic and financial planning and not chasing the funding because it is there, the challenge being the need to manage community expectations when these funding streams are released and available.

### 2.2: Competitive neutrality policy

The principle of competitive neutrality is given legislative expression in South Australia through the Government Business Enterprises (Competition) Act 1996 and applies to the business activities of publicly-owned entities whose activities include “producing goods and/or services for sale in the market place with the intention of making a profit and providing financial returns to their owners”. Local government business activities must also comply with the CPA.

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<thead>
<tr>
<th>The Commission is seeking information and views on:</th>
<th>LGA Secretariat comments</th>
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</tr>
</thead>
<tbody>
<tr>
<td>1. How, if at all, do the requirements of competitive neutrality policy affect councils’ decision making on whether, and how, to provide services to their communities? This may include direct provision of services or contracting the services from private sector providers.</td>
<td>The LGA Secretariat is currently exploring local, national and international business models used by the local government sector to manage 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 the community. A survey of councils has been completed and a discussion paper is being prepared that will be presented to GAROC for consideration in November 2019.</td>
<td>Noted LGA’s position/comments. For specific matters where activities that are of a commercial nature for instance caravan parks this is considered a necessary component of thinking and future decision making. However, Councils may undertake activities due to local market failure and need in rural and regional areas. Competitive neutrality is therefore not a significant consideration in decision making.</td>
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</table>
2.3: Financial management

The local government reform process of the 1990s consisted of legislative changes and other structural reforms. Subsequently there was a new focus on financial management reforms.

The LGASA’s Financial Sustainability Program (FSP) produced resources to assist councils to achieve and maintain financial sustainability.

<table>
<thead>
<tr>
<th>The Commission is seeking information and views on:</th>
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<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How have the financial management program reforms affected councils’ ability and incentives to manage costs?</td>
<td>The LGA’s submission in response to the Commission’s Methodology Paper reported the improvement in the financial performance of councils and the Commission noted that, while some councils are recording deficits, the sector as a whole has moved from deficit to surplus.</td>
<td>Agree with the LGA’s position/comments.</td>
</tr>
<tr>
<td>2. What changes to the type or quality of financial management information would assist councils to improve their decision making and contribute to better performance?</td>
<td>The LGA are open to suggestions of improvements that can be made to further assist member councils.</td>
<td>Drive financials from the perspective of the user not technical accounting requirements, constant change and interpretation of accounting standards and trying to apply commercial concepts is distorting figures and comparables. Develop KPI’s that truly represent performance against service levels and standards and remove unhelpful requirements such as asset ratios that do not represent the true position of a community’s asset pool. Embed strategic financial and budget management as a mandatory training requirement for Elected Members. Rather than training on the requirements of the Act, the sector should be providing practical training to support members to understand what the numbers mean.</td>
</tr>
<tr>
<td>3. Is there a need for a stronger external auditing process to increase councils’ compliance with their legislated responsibility to produce long-term asset and financial management plans and lift the quality of these plans? If so, what form should it take?</td>
<td>The LGA notes that there is no independent or external body (including the SA Auditor-General) that has adversely commented on the standard of external audits conducted by SA councils. We also note that the Auditor-General does not support the suggestion, in the recent Office of Local Government Discussion Paper on Local Government Reform, that he be given oversight of the external audit function of SA councils. The LGA proposes to use a best practice approach to encourage councils to make the best use of their audit committees. Each council is required to establish an Audit Committee to, among other things, review the financial statements of the council, provide advice on council’s Strategic Management Plan and Annual Business Plan and review the adequacy of council’s internal controls and financial management systems.</td>
<td>Agree with the LGA’s position/comments. No there is more than sufficient oversight and auditing ultimately is sound. the key is upfront reform and reduction of effort into unproductive duplication and shifting that investment into a system of simplicity and continuous improvement through reform outlined at comment 2 above in “Draft Advice to South Australian Councils”</td>
</tr>
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</table>

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Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government.

### 2.4: Workforce planning

Training and upskilling can lift labour productivity and the efficiency of local councils. The literature suggests there is considerable variation in the workforce capabilities of councils.

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<tr>
<td>1. Have councils experienced any issues with attracting and retaining workers or securing workers with specific skills?</td>
<td>Anecdotally, the recruitment and retention of staff can be difficult particularly for regional councils. Drivers may include a lack of qualified individuals locally, remoteness of location, the inability of councils to compete with the private sector and the lack of opportunity for career progression.</td>
<td>Agree with the LGA’s position/comments. The Barossa Council does have challenges in accessing suitably qualified and experienced staff in areas such as health officers, engineering, building surveying, and planning. However, does attract large fields for vacancies in practically all other areas of the business. Our Workforce Plan and Culture Program aim to deliver and plan for the future, including the development of staff where possible. However the reality is in some areas there are insufficient resources in the sector generally and more work needs to be done to increase the pool of resources that we require to meet future demand.</td>
</tr>
<tr>
<td>2. Are these issues unique to individual councils?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>The Barossa Council opinion is that these issues would not be unique to individual councils, rather many of the staff positions noted above would reflect a general shortage of available personnel across the sector.</td>
</tr>
<tr>
<td>3. Is there value in a sector-wide or region-wide approach to workforce planning and the development of specific skills to support councils?</td>
<td>The LGA currently assists members via LGA Education and Training which provides access to relevant training programs. The LGA are open to suggestions of improvements that can be made to further assist member councils.</td>
<td>Consider that the issue goes wider than sector wide training programs. Some of the positions discussed above require university degree qualifications, particularly for those in the Planning and Building sectors for example. Where the sector does need to be involved is in the promotion of working for or in the local government sector as a viable long term career opportunity and working with secondary and tertiary institutions to promote local</td>
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</table>
government as a destination industry. This would also involve incorporating discussion around comparative salary opportunities against private entities undertaking similar functions.

We also have to work on models of flexibility and contemporary employment to attract and retain our future generations, this needs to be achieved both at a local level but also through reform of our industrial relations landscape to be more tailorable for individuals or like groups, adaptable, and flexible.

2.5: Resource sharing

Within the local government sector, resource sharing currently occurs in a variety of forms and at different levels of legal and administrative formality, ranging from the highly informal, such as information sharing arrangements between councils, to formal legal structures, including subsidiaries established under sections 42 or 43 of the LG Act.

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<tr>
<td>1. What is the potential for additional use of resource sharing to deliver efficiencies and other benefits to participating councils?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>Resource sharing and any other initiatives to drive efficiencies should be pursued. The main barriers to success experienced by Council in participating in shared resource/collaborative arrangements have been managing relationships, access to appropriate resources and well documented and understood deliverables along with the need to prioritise one’s own entity above all others. There is also a reality that the arrangements are borne either from unmet needs especially in rural and regional settings but equally there is no legislative intent or driver towards shared service models; whilst we advocate for less legislative burden there may also be some mechanism that encourages the pursuit of alternative delivery models. Perhaps this will be achieved through benchmarking processes.</td>
</tr>
<tr>
<td>2. In councils’ experiences of resource sharing, what works and what does not? Why?</td>
<td>Councils are asked to provide further examples of resource sharing.</td>
<td>See response to 1 above.</td>
</tr>
<tr>
<td>3. Are there any impediments to the greater uptake of various forms of collaboration or resource sharing?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>See response to 1 above.</td>
</tr>
<tr>
<td>4. What challenges, if any, do councils face in making use of the provisions contained in sections 42 and 43 and</td>
<td>The LGA Secretariat is currently exploring local, national and international business models used by the local government sector to manage commercial operations and explore any current legislative barriers or opportunities that would enable greater</td>
<td>The provisions do not assist with efficiencies and in reality result in duplication of systems especially S42 committees who have to replicate or seek support from the parent entity</td>
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<tr>
<td>Schedule 2 of the Local Government Act 1999 to deliver effective and efficient services to their communities?</td>
<td>innovation and investment in commercial activities, in order to offset the cost of council services for the community. A survey of councils has been completed and a discussion paper is being prepared that will be presented to GAROC for consideration in November 2019.</td>
<td>for everything from financial, risk, works, procurement and other day to day activities. Regionally there is also a diminishing interest in membership of Boards which are established as voluntary, due to the legislative burden, ultimately diminishing the pool of required skills to manage matters entrusted to formal S42 and 43 committees.</td>
</tr>
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Chapter 3 – Local government costs

This chapter examines trends and changes in council operating expenditure and likely explanations for these changes. To understand the cost drivers, the Commission examined councils’ costs for the period from 2008-09 to 2017-18 on both a resource (or input) basis and a function or service (output) basis.

3.1: Materials, contracts and other costs

Materials, contracts and other costs is the most substantial category of expenditure for councils making up approximately 41 per cent of total operating expenditure. The average rate of increase for materials and contract expenditure, over the last 10 years, was 4.0 per cent annually and this was similar across both urban and rural councils.

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<td>1. What are the main drivers of materials, contracts and other costs for rural small and medium councils?</td>
<td>Drivers may include a lack of suppliers locally, remoteness of location and competition with the private sector. Councils are asked to provide examples.</td>
<td>Agree with the LGA's position/comments. The fact we do not buy materials and arrangements of a domestic nature that also leaves us exposed to national and international markets for things like bitumen, being a petroleum based product, and waste disposal systems. We also have increased costs associated with legislative and licensing burdens in business being passed through. Macro-economic settings and other government spending crowding out the market has impacts.</td>
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<tr>
<td>2. In what ways do current council procurement practices affect expenditure on materials, contracts and other costs?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>This is a fine line, but Councils have significant control over procurement but it must be balanced with risk and timing. Procurement practices are becoming more sophisticated and state and local based initiatives are valuable such as State electricity contracts and Barossa Regional Procurement Group collaborative model. These opportunities provide councils with the means to reduce or contain costs, thereby providing savings to residents and ratepayers in the provision of services and development of infrastructure. Sometimes though local government because of its specific nature and or requirements encounter limited supplier pools for service provision. There are however diminishing returns on collaborate purchasing models and much of the work now is centred on slowing cost growth as much of the low hanging fruit has</td>
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</table>
been achieved. There are also barriers around competition policy and laws.

### 3.2: Population density

The population of South Australia continues to grow and its composition is changing. This growth is creating external cost pressure in many councils. The annual increase in population growth in the urban metropolitan and fringe council group will potentially exacerbate cost pressures. Changes in the demographic composition will also drive changes in expenditures as an ageing population brings increased demand for access to its services.

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<tr>
<td>1. How does increasing population density and urban infill impact on council service costs?</td>
<td>Growth areas – may require councils to increase service levels and/or introduce additional services, may also speed up consumption of assets.</td>
<td>This will depend on the development. Small infill results in increasing costs without the return. Larger infill and greenfield sites, again depending on a raft of issues such as location to essential infrastructure, community, social and health services (at all levels of government), topography, soil types and the like will add cost but does have some mechanism (especially large greenfield sites) to structure financially sustainable long term models.</td>
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### 3.3: Sector wide service standards

While acknowledging the use of surveys by a significant number of councils, the Commission has not been able to obtain any standardised sector-wide quality or service standard data to analyse the effects of changes in service standards on council operating costs.

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<tr>
<td>1. How do councils currently define and measure standards of service delivery?</td>
<td>Some councils undertake formal service reviews and/or community surveys to ensure the services they provide are relevant to their communities and are financially sustainable in the long term, a number of known examples of these have been provided to the Commission as part of the LGA’s previous submissions.</td>
<td>Agree with the LGA’s position/comments. The Barossa Council has undertaken service reviews of its main components of its organisation and developed community and corporate plans and where possible report quarterly on output and outcome measures. We believe this is the way of the future to truly understand the cost of service delivery being provided. The work is progressing and maturing through definition and then reporting linked back to service plans and ultimately our community plan. Our efforts are thwarted by the additional unnecessary burden around other legislative mechanisms requiring asset plans, community land plans, health plans etc etc which could all be encased in service plans that are open, accountable and drive the organisation’s day to day activity.</td>
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</table>
2. What measures could be developed on a sector wide basis to measure quality standards for either mandated or non-mandated services?

The LGA proposes the development of a best practice guide to undertaking service reviews. Service reviews should consider service levels, unit costs, community demand, community satisfaction, alternative providers and links to financial sustainability. Standardising the approach to measuring and reporting these factors will assist councils and communities to understand the value of the financial and community value of the services delivered.

A prescriptive approach to undertaking service reviews must be avoided to ensure that efficiency gains are not eroded by additional red tape and compliance costs.

Generally agree with the LGA’s position/comments.

See comments to 1 above.

3.4: Cost shifting

The Commission has formed the view that there have been some instances of cost shifting which have raised council costs. However there also appear to be a number of cases where councils have control over expenditure decisions and the term cost-shifting should not be applied. The term cost-shifting in practice is unhelpful particularly where it includes a choice by councils to accept tied funding. In such circumstances the commission considers cost sharing rather than cost shifting, is a more accurate description. The Commission is seeking clarification on this from councils.

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<tr>
<td>1. To what extent do councils receive external funding or an ability to charge fees for delivery of mandatory services?</td>
<td>South Australian councils receive the lowest total revenue per capita of all mainland states, and this is in part attributed to the significant gap between the fees and charges that can be raised by interstate councils for undertaking regulatory functions such as planning and building assessments and food safety inspections. The LGA continues to advocate, as part of our Local Government Reform agenda, for 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.</td>
<td>Agree with the LGA’s position/comments. Nothing further to add.</td>
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2. To what extent are councils able to fully recover costs for the mandatory services listed in appendix 4?

<table>
<thead>
<tr>
<th>The LGA's submission in response to the Commission's Methodology Paper outlined:</th>
<th>Agree with the LGA's position/comments.</th>
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<tr>
<td>Cost recovery – fees and charges</td>
<td>Nothing further to add.</td>
</tr>
<tr>
<td>The LGA and the South Australian Financial Management Group (FMG) has raised concerns for some years regarding fees and charges that are fixed by State Government Statute. Many of these fees and charges have not been reviewed for many years and there has been concern that the lack of review is leaving councils with a burden of legislated work without being able to charge adequate fees and charges to cover costs. Planning and Development</td>
<td></td>
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<td>Councils are covering a large portion the cost of implementing the new e-planning system under the Planning, Development and Infrastructure Act 2016. The fees applicable to councils to support the cost of maintaining the SA Planning Portal are a significant impost for many councils. There are also costs and fees incurred by both professional staff and/or councils under the new accredited professional schemes. Further, there is a significant shortfall in the development and compliance income councils receive from undertaking these functions. Our member councils tell us that their total income is only 29 percent of total costs and that development assessment income only covers 31 percent of their assessment costs.</td>
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3. How are service scope and standards determined for mandatory services?

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<th>SA councils are required to:</th>
<th>Agree with the LGA's position/comments.</th>
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<tr>
<td>• develop an Annual Business Plan and Budget which outlines amongst other things:</td>
<td>Also see comments under 3.3 sector wide service standards point 1 above where The Barossa Council is developing service plans with levels of service and measurable outcomes as part of its current internal reform and change program.</td>
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<tr>
<td>(i) the council's objectives for the financial year; and</td>
<td></td>
</tr>
<tr>
<td>(ii) the activities that the council intends to undertake to achieve those objectives; and</td>
<td></td>
</tr>
<tr>
<td>(iii) the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year.</td>
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4. Councils are asked to provide further information on instances of cost shifting and quantify how they have impacted on councils’ costs.

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<tr>
<th>The LGA's previous submissions to the Commission included information on the broad cost shifting areas such as Solid Waste Levy and Community Housing mandatory rebates. The Commission is particularly interested in what this means for individual councils and has asked for further examples of cost shifting along with information on how these have impacted on councils’ costs.</th>
<th>Agree with the LGA’s position/comments.</th>
</tr>
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<tbody>
<tr>
<td>Nothing further to add to the submissions made to date.</td>
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3.5: Compliance costs

A number of submissions from councils argued that the costs of complying with legislation and regulation have increased council operating costs.

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<tbody>
<tr>
<td>1. Councils are asked to provide further examples of compliance costs and quantify how they have impacted on councils’ costs.</td>
<td>The LGA’s previous submissions to the Commission included broad information on: Local Government Elections - costs of carrying out official duties and arranging advertising for local government elections. The Nuisance and Litter Control Act - since July 2017, local councils have been responsible for enforcing the Local Nuisance and Litter Control Act. Some councils are indicating they are finding it difficult to keep up with the volume of complaints. Implications of changes to heritage system - the changes proposed by the State Planning Commission (SPC) will lead to about 11,000 Contributory Items being unprotected from demolition control. The cost of review of each of these items has been estimated to cost between $300-500 per item (consultant costs), plus additional internal resourcing in amending development plans. The Commission is particularly interested in what this means for individual councils and has asked for further examples of compliance costs and quantify information on how they have impacted on councils’ costs.</td>
<td>Agree with the LGA’s position/comments. Nothing further to add to the submissions made to date.</td>
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3.6: Cost pressures

The Commission is seeking additional information and evidence from councils to identify and understand drivers of councils’ costs, the extent to which they are internal or external to councils, the extent to which cost pressures are systematic or unique to particular councils, and their impacts on council costs.

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</table>
| 1. What are the most significant cost pressures (and their impact on costs) which councils expect to face over the next 5 years? | This may include: • industrial relations – staff turnover/competition in labour market • properly accounting for and maintaining important infrastructure • technology advancements • grant timing and reliability • increase in supplier costs • increased number of force majeure events (bushfires, floods) • shift in demographics (causing significant increase/decrease in demand for services/assets) • skills shortage in region • change in economic contributor to region (major redundancy, industry/market failure in region) • cost shifting/sharing • change to regulations and/or legislation • limits on other revenue sources including user pays fees | Agree with the LGA’s position/comments. In addition to the list provided to the left, the make-up and structure of the community and geographic profile impact on costs. For instance the Barossa was developed over 180 years as a county or village style of developments and therefore as one Council community it also has many local communities. This results in much more infrastructure such as multiple ovals, open space areas, halls, waste water systems, roads, stormwater, libraries, aged care and general community support and development costs than would otherwise be experienced if developing greenfield sites in the 21st century. However, rationalisation of what are in the main well utilised assets whilst in an economic and efficiency measure would seem logical when measured against social and community
| • climate change | outcomes they are not. The result is higher costs but increased social cohesion, participation and community spirit having wider local, regional and state benefits including everything from addressing loneliness, physical and mental health outcomes and employing and delivering and support economic growth through expenditure of Councils, clubs and other stakeholders connected to the villages. |
| • ratepayer expectations | • red tape. |
| | |
Chapter 4 – Local government efficiency and productivity

The term efficiency in this chapter refers to technical efficiency. An organisation is technically efficient if it produces the largest possible output from a given set of inputs, or if it uses the least possible quantity of inputs to produce a given level of output.

This chapter presents the principal methodological approaches used in the Commission’s analysis.

4.1: Performance reporting

The LGA will be conducting further analysis of this section however councils are directed to pages 90 to 101 of the draft report which discusses the performance monitoring in other jurisdictions.

Performance and efficiency measurement play a role in helping councils to understand of their business and to improve outcomes through reduced costs or better services. This section describes performance monitoring activities across Australia to assist the identification of mechanisms and indicators that might usefully be employed by local government in South Australia.

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<tr>
<td>1. How can these lessons from state-wide performance reporting frameworks in other jurisdictions be applied to South Australia?</td>
<td>Consideration should be given to the cost to implement any proposed model and that this doesn’t become an additional cost driver that works against local government’s efforts to put downward pressure on council rates. Councils should be provided with assistance to implement reporting systems, and care should be taken to limit duplication with any existing data collections (so councils don’t have to replicate data with slightly different requirements, time periods and formats).</td>
<td>Agree with the LGA’s position/comments. Taking a systems thinking approach rather than the local government approach reform as outlined at comments under 3.3 sector wide service standards point 1 above. The Barossa Council is developing service plans with levels of service and measurable outcomes as part of its current internal reform and change program. Linking state policy and reporting into that framework instead of the multiple unconnected frameworks at present would make significant long term improvements for both the state and local government. By reporting against those service plans we could do it once and not multiple times for each and every agency we must report to at present ranging from LG Grants Commission, Health, Disability Support, Planning and Building along with our own internal and external report. By way of example the quarterly system many Councils run to manage their own performance will also have state reporting and indicators embedded as per the attached Barossa Council activity and outcome reporting all linked to one community plan and driven by the service plans. This approach, which is still in its early days of maturity, then provides the executive with a clear link between inputs, service expectations, outputs, outcomes and ultimately performance and areas for improvement. A system of such simplicity could be replicated and be the basis for the so called...</td>
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benchmarking without reinventing another benchmarking system.
Please see link below for Barossa’s Performance Report. It is very internal and local government focused at present but the model can be easily matured as many of the state priorities and policy settings are embedded in service plans and we just need to develop the reporting further.

| 2. Which indicators used in other jurisdictions would be appropriate for South Australian councils? | Achieving consistent data reporting across 68 councils will be a resource intensive exercise and consideration will need to be given to the items that are reported to ensure that they deliver some strategic, operational and policy benefit. The LGA would welcome suggestions from member councils. | Agree with the LGA’s position/comments. See comments above at 1. Indicators can be developed from the service plans and mandatory requirements embedded in these plans and reporting either fully or semi-automated to align with agreed indicators for the mandatory requirements. This will take a significant shift in thinking but would in the long term be a more efficient, transparent and comparable set of data that aligns to the needs of the state and local government and ultimately the rate/tax payer. |


4.2: Partial productivity estimates

The LGA will be conducting further analysis of this section however Councils are directed to pages 102 to 113 of the draft report which discusses the partial productivity measure estimates for South Australian councils for the selected services areas of Transport, Waste Management, Planning and Library Services.

The data demonstrates that urban councils face different unit costs than rural councils, and that metropolitan urban councils differ from urban regional councils. For example, urban councils have significantly higher expenditure per kilometre of sealed roads than other councils, but lower expenditure per tonne on waste collection. Furthermore, there is significant variation within each council group.

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</table>
| 1. What do these partial productivity estimates tell us about local government efficiency? | Technical efficiency is an important element in defining efficiency but this should also be underpinned by the principles of meeting community needs or desires (which may include a request for increased service levels), achievement against strategic management plans, achieving increased/enhanced community/social outcomes and sound asset management practices (where higher quality costs may be deemed to be relatively less technically efficient but are optimising asset lifecycle costs or performance).
A true estimation of local government efficiency should consider additional indicators at an individual council level such as the existing Financial Indicators, community | Agree with the LGA’s position/comments. Additionally as outlined in this response we should move toward a service plan, level and standard based system with one integrated planning, delivery, reporting and improvement system and move away from traditional disjointed estimations of economic or financial outcomes. |
<table>
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<tr>
<th>2. What other partial productivity estimates can be used with currently available data?</th>
<th>The LGA will be guided by comments from member councils.</th>
<th>See comments to 3 below.</th>
</tr>
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<tbody>
<tr>
<td>3. What additional data would councils be able to report on for minimal additional cost which would improve our understanding of council efficiency?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>Example has been provided in link above. The Barossa Council is data rich, as many Councils would be, and we are growing our reporting data base and improving overtime. The ultimate goal being to integrate all data into service plan reports on a quarterly basis that in one glance provides a snapshot of input costs and resources, targets, performance and outcomes. Therefore the question is not what additional data can be provided, as that may not provide the answer. Instead we need to design a system and use or develop the data we need to be as efficient as possible with many of the constraints already explained.</td>
</tr>
<tr>
<td>4. Is there any other evidence of an expansion in the scope of council services, or improvement in quality over this time period?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>No comment.</td>
</tr>
<tr>
<td>5. Is the current reporting to the SALGGC an appropriate process for any additional reporting by councils? Is there value in making any changes to this reporting?</td>
<td>The LGA will be guided by comments from member councils.</td>
<td>As has been explored in this response the model The Barossa Council is working towards is an integrated planning, delivery, reporting and improvement framework and to achieve that much of the report needs replacement or review. Data provided to the grants commission is of low interest generally in driving efficiency and improvement as it is purely financial with some measures of performance on an activity basis, comparisons are difficult and often the story on any comparison done is not accurate due to the differing communities and service levels provided or expected.</td>
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### 4.3: Service-specific efficiency

Data availability has limited the number and quality of partial productivity indicators that the Commission has been able to estimate. There are also some concerns with the consistency of the financial data at the individual service level and their comparability across councils. For instance, there may be differences in how councils apportion indirect costs across services and allocate costs to each of the SALGGC expenditure subcategories. Moreover, output quantity data that are reported to the SALGGC but not used by them are subject to less thorough checking than the financial data.

The Commission investigated possible options for measuring service-specific global efficiency estimates, including obtaining expert advice from Economic Insights, and has concluded that currently available data do not support this exercise at this point. Nevertheless, the Commission sees value in further work in this area.
Acknowledging the gaps in data currently available, how can data quality be improved in order to measure service-specific efficiency across councils?

The LGA recognises the need for a sector-led performance management system, with a primary aim of providing reliable data with which councils can make informed decision.

Much of the data is already collected by councils and stored on their corporate IT systems. Optimally, a central system would automatically extract the required data from the 68 councils, collate, analyse and present it in a meaningful manner. In doing so, such a system could increase council efficiency and reduce the considerable time currently devoted to collection, analysis and reporting of data.

A performance measurement system with subsequent analysis of information would lead to a more efficient local government sector and, hence, a more productive state. As such there is a case for state government financial support for the scoping and then creation (but not ongoing costs) of such a system.

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<tr>
<td>Acknowledging the gaps in data currently available, how can data quality be improved in order to measure service-specific efficiency across councils?</td>
<td>The LGA recognises the need for a sector-led performance management system, with a primary aim of providing reliable data with which councils can make informed decision. Much of the data is already collected by councils and stored on their corporate IT systems. Optimally, a central system would automatically extract the required data from the 68 councils, collate, analyse and present it in a meaningful manner. In doing so, such a system could increase council efficiency and reduce the considerable time currently devoted to collection, analysis and reporting of data. A performance measurement system with subsequent analysis of information would lead to a more efficient local government sector and, hence, a more productive state. As such there is a case for state government financial support for the scoping and then creation (but not ongoing costs) of such a system.</td>
<td>Agree with the LGA’s position/comments. See commentary throughout this submission but specifically responses to question 1 under 4.1 Performance Reporting above.</td>
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4.4: Efficiency changes through time

Quantifying changes in the volume and scope of council services is problematic. The Commission has not been able to identify any standardised measures of service quality across councils, which limits incorporating service quality into the model.

Data issues have also prevented the Commission from quantifying any expansion in the scope of services provided by councils.
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<tr>
<td>1. How can the change in volume, scope or quality of services be quantified or otherwise incorporated into an evaluation of local government efficiency?</td>
<td></td>
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<tr>
<td>To build trust, communities require certainty that councils are delivering the right services at the right cost. A best practice program of services reviews with strong community engagement will assist in building community confidence and demonstrating efficiencies. Councils already undertake regular reviews of key services to ensure they are meeting community needs, being delivered in an efficient manner and not impacting on the long-term financial sustainability of the council. Sometimes difficult and unpopular decisions need to be made about reducing or consolidating services for the sake of greater efficiency and sustainability. It is important that these decisions about the range and level of local services provided remain in the hands of councils and their communities. The LGA proposes to develop a best practice guide to undertaking service reviews. Service reviews should consider service levels, unit costs, community demand, community satisfaction, alternative providers and links to financial sustainability. A sector-led consistent approach to measuring and reporting these factors will assist councils and communities to understand the value of the financial and community value of the services delivered.</td>
<td></td>
</tr>
<tr>
<td>Agree with the LGA’s position/comments. Aligns well with the path The Barossa Council is on and undertook significant service reviews some 2 years ago and the results are driving the change program and internal reform we are implementing.</td>
<td></td>
</tr>
</tbody>
</table>

4.5: Factors that influence estimated council efficiency

Council performance may be influenced by factors outside their control, including socio-economic and demographic characteristics of council areas, their geographic location, and operating and policy environments, as discussed in Chapter 3. Submissions from stakeholders also noted factors such as growth areas, ageing populations, labour market shocks (for example, large scale redundancies such as the closure of automotive manufacturers) and thin markets (LGASA submission, p.32).

The Commission is seeking information and views on:

<table>
<thead>
<tr>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What other factors can explain the estimated efficiency differences between councils or over time?</td>
<td></td>
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<tr>
<td>Some of these noted in the consultation process, including submissions, are outlined below: multiple towns/service delivery centres climatic factors soil types topographic differences coastal versus inland setting tourism quality of services.</td>
<td></td>
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<tr>
<td>Agree with the LGA’s position/comments. Aligns to the response provided question 1 under 3.6 Cost Pressures.</td>
<td></td>
</tr>
</tbody>
</table>

Page 22 of 27
<table>
<thead>
<tr>
<th></th>
<th>2. What factors can explain the estimated productivity differences between councils over time?</th>
<th>As above.</th>
<th>Multi representative sites provide for interesting dynamics on a daily basis in terms of council's operations. For example, delivery of mail and correspondence between the various council sites, transporting hard copy documents across the district, telecommunications, ICT systems and communications, meeting attendances, staff travel, etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>What other possible data sources can improve this analysis?</td>
<td>The LGA is conducting further research on other data sources however suggestions from member councils is welcomed.</td>
<td>No comment.</td>
</tr>
<tr>
<td>4.</td>
<td>What further information could be considered to analyse and interpret estimated partial and global efficiency scores?</td>
<td>The LGA is conducting further research however suggestions from member councils is welcomed.</td>
<td>No comment other than that outlined through this submission.</td>
</tr>
</tbody>
</table>
Chapter 5 – Costs and efficiency improvements

Trends in, and possible drivers of, expenditure in the local government sector shows that the growth in local government operating expenditure over the last decade has been relatively high. Urban metropolitan and fringe councils consistently recorded higher growth in operating expenditure than other councils during this period. This growth has been greater than underlying measures of inflation and has been funded, in the main, by increases in rate revenue, thereby putting upward pressure on the cost of living for ratepayers.

5.1: Employee costs

The Commission has found that councils’ operating expenditure is mainly made up of employee costs and materials, contracts and other costs, which accounted for 35 per cent and 41 per cent of total sector operating expenditure in 2017-18. These proportions have not changed significantly since 2008-09.

Sector expenditure on employee costs increased more, in percentage terms, over the decade than any other expenditure category at an annual average increase of 4.5 per cent, although growth has moderated over the decade in both urban and rural councils.

<table>
<thead>
<tr>
<th>The Commission is seeking information and views on:</th>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
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</thead>
<tbody>
<tr>
<td>1. Are there any benefits from streamlining the current industrial relations arrangements by moving to sector-wide enterprise bargaining?</td>
<td>The LGA has started looking at opportunities to streamline processes within local government through an industry-wide industrial relations framework which enables a culture of meaningful, open and respectful engagement between employees, management and unions. Our work to date demonstrates there is an opportunity to align the sector workforce through a modernised industrial relations framework. An aligned workforce will provide individual councils with continued success and simultaneously deliver wellbeing to employees through shared values and commitments; support individual council’s strategic and business plans; secure a multi-skilled and engaged workforce; foster flexibility and continuous improvement in the local government sector; enhance productivity and significantly reduce duplicated costs and effort.</td>
<td>Agree with the LGA’s position/comments. The system has served us well but presently it is broken and amounts generally to a wage claim. Staff also see the problems with the system as it is inflexible and trying to fit multiple individual values and needs into a one size fits all box is outdated thinking in organisational management. There is little left to be bargained upon or away, the system now having been in place for many years. The system is also set up to work against contemporary and efficiency organisational culture models in that it is adversarial rather than collaborative. Fundamentally the system is not serving anyone well anymore and we need to find new ways and modernise our industrial relations framework for the benefit of communities, staff and Council. This reform however needs to be coupled with consideration of requirements for building the workforce for the next generations and thinking 20-30 years ahead so we can structure industrial relations, organisational culture and workplace planning at a sector level. We also need to make</td>
</tr>
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</table>
5.2: Quality and quantity of data

The Commission’s identification of cost drivers has been constrained by a lack of data, particularly with respect to outputs and quality. It has formed the provisional view, through consultation with councils, that increases in the scope, volume and quality of outputs have been a significant driver of growth in councils’ operating expenditure.

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<tr>
<th>The Commission is seeking information and views on:</th>
<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
</table>
| 1. How can councils be assisted to work collectively to improve the quantity and quality of the available data on inputs, outputs and outcomes for services? | The LGA would welcome a local government-led Local Government Efficiency Program, which would:  
- capture and report on local government performance measurement data in a consistent way  
- be based on a maturity model - that helps councils assess their current effectiveness and identifies the capabilities that are needed in order to improve their performance. The LGA are open to suggestions of improvements that can be made to further assist member councils. | Note the LGA’s position/comments.  
The Barossa Council firmly believes the reforms it is implementing through service reviews and research built around one integrated planning, delivery, reporting and improvement framework will deliver local government governance for the decades to come and will help address this question. The answer in our view lies in a system thinking approach not a silo approach. Reform needs to happen as outlined in LGA’s comments but the need for all the duplicated effort would reduce if we can drive our future as outlined in our submission. The Council reiterates we are only at the early stages of our internal reform program, however it is clear that enhancing what we currently have will only provide incremental improvement instead of driving a significant paradigm shift. For instance, the value of asset management plans is not the document itself, it’s the data contained within it. Same with long term plans. We advocate to get rid of them and embedded this information in for instance road service plans with service levels, targets and intervention points. This would afford councils with an opportunity to be both efficient and accountable, as a customer could go to one document to determine the service level that would be provided for all of Councils services. Presently, depending on the query, you might have to go to... |
5.3: Strengthening councils' accountability and transparency

South Australia's legislative framework, particularly the LG Act itself, not only recognises local government as a separate and legitimate sphere of government in its own right, but also provides councils with a high degree of autonomy to act as decision makers in their communities. The quality of councils' decision-making will therefore have a significant effect on the service mix that councils provide in their communities. This is especially important in relation to non-mandatory services, where councils' discretionary authority is greatest, but is also important when councils consider the scope and quality of service provision for mandatory services.

The Commission is seeking information and views on:

<table>
<thead>
<tr>
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<th>LGA Secretariat comments</th>
<th>Council comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How can the South Australian Government strengthen the accountability and transparency of councils? Possible instruments include: • funding; • legislation and monitoring of implementation through audits of the processes of local government decision making; and • an agreement with councils and regular dialogue to reinforce the expectation that councils will conduct audits of the processes of local government decision making.</td>
<td>The LGA would welcome a local government-led Local Government Efficiency Program, which would: • capture and report on local government performance measurement data in a consistent way • enhance integration of Asset Management Plans, Long Term Financial Plans and Strategic Management Plans • be based on a maturity model - that helps councils assess their current effectiveness and identifies the capabilities that are needed in order to improve their performance. The LGA are open to suggestions of improvements that can be made to further assist member councils.</td>
<td>Note the LGA's position/comments. See comments to question 1 at 5.2 Quantity and Quality of Data above. The Barossa Council also recognises that the transition to a model as described will take some time and will require significant change and rethinking of our systems which will need to be supported by the LGA and others as well as State agencies to integrate their requirements into the model rather than requiring additional plans and reporting.</td>
</tr>
<tr>
<td>2. Should councils be required to undertake an independent external audit of their expenditure and efficiency in the event of that they record relatively high operating expenditure growth in a given period?</td>
<td>A heavy-handed legislative response is not always required to achieve positive change within local government, the LGA proposes to use a best practice approach to encourage councils to make the best use of their audit committees. Consideration should be given to the cost to implement any proposed model and that this doesn't become an additional cost driver that works against local government's efforts to put downward pressure on council rates.</td>
<td>Agree with the LGA's position/comments. Such an approach would not be necessary with a service plan driven system utilised for benchmarking and ultimately the electoral processes. Further the Audit Committee already has a role in efficiency and economy audits, this part of the legislation could be reviewed to require the Audit Committee to review service efficiency based on a risk approach but determined through the Audit Committee annual setting of its program within the resources.</td>
</tr>
<tr>
<td>3. Would growth in operating expenditure over any three-year period (normalised for population growth) which current legislation requires councils to publicly report broadly on where their revenue comes from. However, councils are not required to adopt a revenue policy describing</td>
<td></td>
<td>Agree with the LGA's position/comments. See comments to 2 above.</td>
</tr>
</tbody>
</table>
exceeds the rise in the Local Government Price Index for that period be an appropriate trigger for such an audit?

what mix, of this suite of revenue options, it proposes to adopt for each of its services and why it has made such choices.

A revenue policy would create a single point of reference to enable the community to understand how a council proposes to pay for the services it chooses to deliver over a period of time, taking into account rates, grants, fees and charges and commercial activities.
7.2.1. DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.4
PUBLIC INTEREST DISCLOSURE POLICY
B8244
Author: Governance Advisor

PURPOSE
Council is asked to:
- receive and consider the draft Public Interest Disclosure Policy as attached;
- receive and endorse the Public Interest Disclosure Process, which will be approved by the Chief Executive Officer as per legislation;
- approve the repeal of the now superseded Whistleblowers Protection Policy; and
- endorse the repeal of the associated Whistleblower Protection: Blowing the Whistle Process.

RECOMMENDATION
(1) That Council receives, considers and approves the draft Public Interest Disclosure Policy, as attached at Attachment 1 to this report;
(2) That Council receives the draft Public Interest Disclosure Process, attached for Council’s information at Attachment 2 to this report, which will be approved by the Chief Executive Officer in accordance with legislation and administrative processes;
(3) That Council approves the repeal of the Whistleblower’s Protection Policy and endorses the repeal of the Whistleblower Protection: Blowing the Whistle Process by the Chief Executive Officer in accordance with administrative processes, which are attached for information at Attachment 3 and 4 to this report, respectively;

REPORT
Background
The Public Interest Disclosure Act 2018 (the “Act”) came into operation on 1 July 2019. The Act establishes a mechanism that manages and facilitates the disclosure of public interest information, and provides protections to those who make appropriate disclosures of such information.

The Act has repealed the Whistleblowers Protection Act 1993, and therefore, it is necessary for Council to consider repealing Council’s Whistleblowers Protection Policy and associated Whistleblower Protection – Blowing the Whistle Process, attached for information at Attachment 3 and 4 to this report.
Introduction
The Act has recently been amended to include a requirement for councils to have a procedure in place for the making of public interest disclosures and for Workers who deal with such disclosures.

Discussion
The draft Public Interest Disclosure Policy and Process are attached at Attachment 1 and 2 of this report, and establish a mechanism whereby:

- Appropriate disclosures can be made to one of the any three appointed Responsible Officers, whose names are included in the Process. Responsible Officers are the first point of contact with respect to public interest disclosures, both for Informants making disclosures and for Workers and Elected Members who may receive them;

- Appropriate disclosures that are received by Supervisors, Elected Members, Employees or officers of Council can be directed to the Responsible Officers for investigation, after making any mandatory reports to the OPI and satisfying any other procedural requirements of the Act, Independent Commissioner Against Corruption ("ICAC") Guidelines, PID Policy and Process;

- Following preliminary assessment of a disclosure, where it is identified that an investigation is warranted, the Responsible Officer, at their discretion may refer the matter to any of the following:
  - An assessor - a relevant senior Worker with the skills, qualifications, authorisation and delegation (whether directly from Council or sub-delegation by the Chief Executive Officer) to deal with the subject matter of the appropriate disclosure in accordance with Council’s policies, processes and / or usual operations; or
  - An independent investigator – a party external to Council (where necessary and appropriate)

By allowing the option for an appropriate senior Worker to undertake any necessary investigation in accordance with Council policy and process, it is ensured that the matter is investigated efficiently, in confidence, and that established Council processes are not circumvented. However, it should be noted that as an alternative, where it is necessary and appropriate in the circumstances, the matter may be referred to an independent, external party for investigation.

- Reporting requirements of the Act are stipulated, and complement internal reporting requirements (i.e. to the CEO or Mayor), in order to ensure that action is taken to appropriately deal with the issues raised by a disclosure.

To complement the whole-of-Council process change that the Policy and Process will cause, it is proposed that training be provided to Workers and Elected Members for general awareness, in addition to focus training for those who are likely to receive public interest disclosures. It is anticipated that further training will be rolled out in the coming weeks. It is noted that Elected Members have already received general awareness training via Council Workshop.

Summary and Conclusion
Council is now asked to:
- receive, consider and approve the draft Public Interest Disclosure Policy;
receive the draft Public Interest Disclosure Process, which will be approved by
the Chief Executive Officer in accordance with legislation and administrative
processes; and
approve the repeal of the Whistleblower’s Protection Policy and endorse the
repeal of the Whistleblower Protection: Blowing the Whistle Process by the
Chief Executive Officer in accordance with administrative processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – draft Public Interest Disclosure Policy (18/35498)
Attachment 2 – draft Public Interest Disclosure Process (18/35500)
Attachment 3 – Council’s current Whistleblowers Protection Policy (14/21784)
Attachment 4 – Council’s current Whistleblower Protect (14/21785)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

Corporate Plan
6.2 Ensure that Council’s policy and process frameworks are based on principles of
sound governance and meet legislative requirements.

Legislative Requirements
Public Interest Disclosure Act 2018
Independent Commissioner Against Corruption – Public Interest Disclosure Guidelines

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
The extent of the anticipated financial impact of the Public Interest Disclosure Policy
and Process are currently unquantifiable, as it will largely depend on the number of
appropriate disclosures received by Council. It is important to note that the
requirements of the Act closely reflect those of the Whistleblowers Protection Act,
albeit providing a wider scope for disclosures.

The financial impact has been minimized by ensuring that there are options in the
Policy and Process for investigations to be conducted internally by Workers in
accordance with already-established Council policy and process.

Where an appropriate disclosure is made, and funds are required to be expended, a
budget adjustment may be required, and will need to be authorised by Council in
accordance with current budgetary processes.

Resource
The Chief Executive Officer has appointed three Responsible Officers. It is unclear how
many disclosures Council will receive, and at this stage, it is intended that any
disclosures will be dealt with by Officers as part of their usual duties.

Risk Management
It is now a legislative requirement for Council to have a procedure on how to deal
with public interest disclosures. The Policy and Process are based on the LGA model
documents, however, some substantial changes have been made in order to ensure
compliance with the Act, and appropriateness (e.g. allowing investigations to be
conducted internally, in addition to having the option to appoint an independent
investigator if appropriate).
Risk is minimised by ensuring that Council has policies and processes in relation to the making and management of appropriate disclosures of public interest information. The Process also sets out risk management steps taken by Council to ensure protections are afforded to Informants.

**COMMUNITY CONSULTATION**

Community consultation is not required under legislation.
THE BAROSSA COUNCIL
PUBLIC INTEREST DISCLOSURE POLICY

Corporate Plan Link: 6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Policy Owner: Chief Executive Officer
Previous Approval Date(s): New Policy

Document Control Officer: Governance Advisor
Current Approval Date: DD/MM/2019

HPE Content Manager Ref: 18/35498*
Next Review Date: DD/MM/2021

1. Purpose

1.1 Council is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of Disclosures that reveal Public Interest Information.

1.2 The purpose of this Policy is to ensure that Council:

- properly fulfils its responsibilities under the Public Interest Disclosure Act 2018 (“the Act”);
- encourages and facilitates Disclosures of Public Interest Information and provides appropriate oversight in accordance with the objects and requirements of the Act, and of public interest disclosures about corruption, misconduct and maladministration in public administration;
- provides appropriate protection for those who make Disclosures in accordance with the Act; and
- recognises the need to appropriately support Informants, Responsible Officers and, as appropriate, those Public Officers affected by any allegation that affects them.

2. Scope

2.1 This Policy, along with the supporting Public Interest Disclosure Process, applies to appropriate Disclosures of Public Interest Information that are made in accordance with the Act by Public Officers, including, Elected Members, officers and Employees, and by members of the public, and is intended to complement the separate reporting framework under the Independent Commissioner Against Corruption Act 2012 (the “ICAC Act”).

2.2 This Policy is designed to complement the existing communication channels within Council, and operate in conjunction with existing policies, including:

- Fraud and Corruption Prevention Policy;
- Code of Conduct for Council Employees;
- Code of Conduct for Council Members;
3. Definitions

<table>
<thead>
<tr>
<th>Act</th>
<th>Public Interest Disclosure Act 2018</th>
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<tbody>
<tr>
<td>Assessor</td>
<td>Determined by the Responsible Officer at their discretion. A relevant senior Worker who has the skills, qualifications, authorisation and delegation (whether directly from Council or sub-delegation from the Chief Executive Officer) to deal with such matters in accordance with Council’s policies, processes and / or usual operations.</td>
</tr>
<tr>
<td>Business Days</td>
<td>A day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays and when Council’s principle office may be closed (eg. over the Christmas holiday period).</td>
</tr>
<tr>
<td>Commissioner</td>
<td>The person holding or acting in the office of the Independent Commissioner Against Corruption</td>
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<tr>
<td>Corruption in Public Administration</td>
<td>(as defined in section 5(1) of the ICAC Act)</td>
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<tr>
<td></td>
<td>(a) An offence against Part 7 Division 4 (Offences relating to Public Officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:</td>
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<td></td>
<td>(i) bribery or corruption of Public Officers;</td>
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<td>(ii) threats or reprisals against Public Officers;</td>
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<td>(iii) abuse of public office;</td>
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<td>(iv) demanding or requiring benefit on basis of public office;</td>
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<td>(v) offences relating to appointment to public office; or</td>
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<td></td>
<td>(b) an offence against the Public Sector (Honesty and accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or</td>
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<td>(ba) an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or</td>
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<td></td>
<td>(c) any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a Public Officer while acting in his or her capacity as a Public Officer or by a former Public Officer and related to his or her former capacity as a Public Officer, or by a person before becoming a Public Officer and related to his or her capacity as a Public Officer, or an attempt to commit such an offence; or</td>
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<td></td>
<td>(d) Any of the following in relation to an offence referred to in a preceding paragraph:</td>
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<tr>
<td></td>
<td>(i) aiding, abetting, counselling or procuring the commission of the offence;</td>
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<td></td>
<td>(ii) inducing, whether by threats or promises or otherwise, the commission of the offence;</td>
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<td></td>
<td>(iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;</td>
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<td></td>
<td>(iv) conspiring with others to effect the commission of the offence.</td>
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<tr>
<td>Council</td>
<td>The Barossa Council</td>
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<tr>
<td>Detriment</td>
<td>Includes –</td>
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<td>(a) injury, harm (including psychological harm), damage (including damage to reputation) or loss;</td>
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<td></td>
<td>(b) intimidation or harassment; or</td>
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<td></td>
<td>(c) discrimination, disadvantage or adverse treatment in relation to a person’s employment; or</td>
</tr>
<tr>
<td></td>
<td>(d) threats of reprisal (which may be expressed or implied, and/or conditional or unconditional)</td>
</tr>
<tr>
<td>Disclosure</td>
<td>Means an appropriate disclosure of public interest information made by an Informant to a Relevant Authority.</td>
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<td></td>
<td>For Environmental and Health Information -</td>
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<tr>
<td></td>
<td>A person makes an appropriate Disclosure of Environmental and Health Information if the disclosure is made to a Relevant Authority and the person -</td>
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<td></td>
<td>(i) believes on reasonable grounds that the information is true; or</td>
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<tr>
<td></td>
<td>(ii) is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated</td>
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<td></td>
<td>For Public Administration Information –</td>
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<tr>
<td></td>
<td>A person makes an appropriate Disclosure of Public Administration Information if they are a Public Officer and –</td>
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<tr>
<td></td>
<td>(i) the disclosure is made to a Relevant Authority; and</td>
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<td></td>
<td>(ii) the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.</td>
</tr>
<tr>
<td>Elected Member</td>
<td>A person who has been elected as a member of The Barossa Council. This includes the Mayor (unless specifically stated).</td>
</tr>
<tr>
<td>Employee</td>
<td>Refers to all Council's employees, whether they are working in a full-time, part-time or casual capacity.</td>
</tr>
<tr>
<td>Environmental and Health Information</td>
<td>Information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the Act).</td>
</tr>
<tr>
<td>Fraud</td>
<td>Includes an intentional dishonest act or omission done with the purpose of deceiving.</td>
</tr>
<tr>
<td>Guidelines</td>
<td>Refers to the Public Interest Disclosure Guidelines issued pursuant to section 14 of the Public Interest Disclosure Act 2018, and which are available on the Commissioner’s website (icac.sa.gov.au).</td>
</tr>
<tr>
<td>ICAC Act</td>
<td>Independent Commissioner Against Corruption Act 2012</td>
</tr>
<tr>
<td>Informant</td>
<td>A person who makes an appropriate Disclosure of Environmental and Health Information; or Public Administration Information (together referred to as Public Interest Information).</td>
</tr>
<tr>
<td>Maladministration (in public administration)</td>
<td>(i) conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or</td>
</tr>
<tr>
<td></td>
<td>(ii) conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and</td>
</tr>
</tbody>
</table>
| **Misconduct (in public administration)** | Contravention of a code of conduct by a Public Officer while acting in his/her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or other misconduct of a Public Officer while acting in his/her capacity as a Public Officer.

**Note:** Reference to “a code of conduct” includes Council’s Human Resource Policy and related codes of conduct, in addition to any legislated Code of Conduct for Employees. |
| **Office for Public Integrity (OPI)** | The office established under the ICAC Act that has the function to:

(i) receive and assess complaints about public administration from members of the public;

(ii) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and Public Officers;

(iii) refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;

(iv) give directions or guidance to public authorities in circumstances approved by the Commissioner;

(iv) perform other functions assigned to the Office by the ICAC. |
| **Policy** | Council’s Public Interest Disclosure Policy available on Council’s website [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) |
| **Process** | This Process – i.e., the Public Interest Disclosure Process available on Council’s website [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) |
| **Public administration** | The administration of government policy (Macquarie dictionary). Defined at section 4 of the ICAC Act 2012 means: without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration. |
| **Public Administration Information** | Information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of the Act). |
| **Public Interest information** | There are two types of Public Interest Information:

(a) Environmental and Health Information; and

(b) Public Administration Information |
| **Public Officer** | Includes:

- a Council Member of Council, including the Mayor; and
- an Employee or officer of Council;
- a person performing contract work for Council;
- a Volunteer of Council where they hold a delegation from Council or the Chief Executive Officer or in accordance with an Act, assist a Public Officer in the enforcement of the Act (it will be rare for a Volunteer to be a Public Officer) |

| Public Interest Disclosure Policy approved by Council on XX XX 2019 | This electronic copy is the approved version and is stored in Council’s Record Management System (HPE Content Manager). Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version. |
| © The Barossa Council 2019 | 460 |
Volunteer is defined as: A person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses) [As defined in the Work Health Safety Act 2012]

Volunteer is defined as: A person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses) [As defined in the Work Health Safety Act 2012]

<table>
<thead>
<tr>
<th>Regulations</th>
<th>Public Interest Disclosure Regulations 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Authority</td>
<td>A person or entity that receives an appropriate Disclosure of Public Interest Information in accordance with the Act, as set out in Appendix A to this Policy.</td>
</tr>
<tr>
<td>Responsible Officer</td>
<td>A person(s) designated by the Chief Executive Officer pursuant to Section 12 of the Act who is (are) authorised to receive and act upon Appropriate Disclosures of Public Interest Information, and who has completed the relevant training course approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019.</td>
</tr>
<tr>
<td>Supervisor</td>
<td>The person who is responsible for the management or supervision of the public officer who is the subject of a Disclosure of public administration information.</td>
</tr>
<tr>
<td>Victimisation</td>
<td>Occurs when a person causes Detriment to another on the ground, or substantially on the ground that the other person (or a third person) has made or intends to make an appropriate Disclosure of Public Interest Information.</td>
</tr>
</tbody>
</table>

4. Policy Statement

4.1 Council is committed to:

- referring, as necessary, appropriate Disclosures to another Relevant Authority;
- Where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the OPI in accordance with the Guidelines and the requirements of the ICAC Act;
- Facilitating the investigation of appropriate Disclosures in a manner which promotes fair and objective treatment of those involved and affected; and
- Rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

4.2 Confidentiality

4.2.1 The identity of an Informant must be maintained as confidential in accordance with the Act. A recipient of an appropriate Disclosure may only divulge the identity of an Informant in accordance with the Public Interest Disclosure Process.

4.2.2 An Informant may wish to remain anonymous, but in that event is required to ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

4.3 Disclosure Process

4.3.1 A Disclosure may be made to one of Council’s designated Responsible Officers in person, by telephone or in writing. The details of Council’s Responsible Officer can be found in the Public Interest Disclosure Process.

4.3.2 Nothing in this Policy prevents a person from making an appropriate Disclosure to a Relevant Authority external to Council (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion. It is recommended that an Informant have regard to factors at clause 6.4 of the Public Interest Disclosure Process when deciding where to direct a Disclosure.

4.4 The Responsible Officer
4.4.1 The Responsible Officer will receive and deal with Disclosures in accordance with the Process, Policy and the Act.

4.4.2 If an Informant believes that his/her Disclosure is not being dealt with appropriately or in accordance with the Policy or Process, they should contact the Responsible Officer in the first instance.

4.4.3 The role of the Responsible Officer is further set out in the Public Interest Disclosure Process.

4.5 Information to the Elected Body

4.5.1 As a matter of discretion, the Chief Executive Officer may inform the Elected Body, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation.

4.5.2 Factors the Chief Executive Officer will take into account in determining whether to inform the Elected Body under clause 4.5.1 and the level of detail provided in doing so include:

(i) If the Informant’s identity is known, the identity of the Informant if the Informant has consented to his/her identity being divulged or the exemptions under the Act apply;

(ii) if applicable, the identity of any person who is the subject of the Disclosure;

(iii) the impact (if any) of the investigation upon the Council’s achievement of its objectives under its Strategic Plan and/or policies; and

(iv) the impact of any action taken to finalise the matter upon the Council’s operations and/or budget.

4.5.3 In the event that the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon Employees and Human Resource processes, the Chief Executive Officer may not inform the Elected Body of the fact of the Disclosure and/or investigation, if the matter falls outside the roles and responsibilities of the Elected Members under the Local Government Act 1999.

4.6 Protection for the Informant

4.6.1 An Informant who makes an appropriate Disclosure is protected by:

(i) Immunity from any liability as a result of that disclosure. This would include criminal or civil liability (section 5(1) of the Act);

(ii) A prohibition on disclosure of his/her identity (section 8 of the Act);

(iii) A prohibition against Victimisation (section 9 of the Act);

(iv) A prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure (section 11 of the Act).

4.6.2 A person who knowingly makes a Disclosure that is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) is guilty of an offence and may be prosecuted, and does not receive protection under the Act, this Policy or the Public Interest Disclosure Process.

4.6.3 A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted. Victimisation may also be dealt with as a tort or as if it were an act of victimisation under the Equal Opportunity Act 1984, but only as one or the other, in accordance with section 9 of the Act.

4.6.4 Council will take action as appropriate in the circumstances to protect Informants from Victimisation, including acting in accordance with the risk management
clauses set out in the Public Interest Disclosure Process and/or referring the matter to SAPOL.

4.6.5 Any Employee or Elected Member of Council who:

(i) knowingly makes a disclosure that is false or misleading in a material particular; or

(ii) commits an act of Victimisation in relation to an Informant; or

(iii) acts otherwise that in accordance with this Policy or the Public Interest Disclosure Process (including with respect to divulging the identity of an Informant) in relation to a Disclosure

may also face investigation and disciplinary action in accordance with the relevant Code of Conduct and/or Human Resource Management Policy.

5. **Supporting Process**

Public Interest Disclosure Process

6. **Related Policies**

Code of Conduct for Council Members  
Code of Conduct for Employees  
Fraud and Corruption Prevention Policy  
Internal Review of Council Decisions Policy and Process  
Human Resource Management Policy  
Customer Service Policy  
Knowledge Management Policy

7. **Legislation and References**

Public Interest Disclosure Act 2018  
Public Interest Disclosure Regulations 2019  
Local Government Act 1999  
Independent Commissioner Against Corruption Act 2012  
ICAC Public Interest Disclosure Guidelines

8. **Review**

8.1 This Policy will be reviewed by the Council in consultation with the relevant stakeholders every two years annually or more frequently if legislation or Council’s need changes.

9. **Further Information**

9.1 This Policy is available on Council’s website at www.barossa.sa.gov.au. It can also be viewed electronically at Council’s principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

9.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council’s Complaints Handling Policy (see clause 9.1 above for availability).

Signed: ……………………………………..

Dated: ……………………………………..

Mayor Michael Lange
## APPENDIX A  Relevant Authorities

<table>
<thead>
<tr>
<th>Where the information relates to…</th>
<th>the relevant authority is…</th>
</tr>
</thead>
<tbody>
<tr>
<td>a public officer*</td>
<td>either:</td>
</tr>
<tr>
<td></td>
<td>• the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or</td>
</tr>
<tr>
<td></td>
<td>• the person who is in fact responsible for the management or supervision of the public officer; or</td>
</tr>
<tr>
<td></td>
<td>• the relevant responsible officer (as designated by the Council in accordance with section 12 of the PID Act)</td>
</tr>
<tr>
<td>*as defined and set out in Schedule 1 of the Independent Commissioner Against Corruption Act 2012 - relevantly, this includes members, officers and employees of local government bodies</td>
<td></td>
</tr>
<tr>
<td>a public sector agency or public sector employee</td>
<td>either:</td>
</tr>
<tr>
<td></td>
<td>• the Commissioner for Public Sector Employment; or</td>
</tr>
<tr>
<td></td>
<td>• the responsible officer for the relevant public sector agency</td>
</tr>
<tr>
<td>an agency to which the Ombudsman Act 1972 applies</td>
<td>the Ombudsman</td>
</tr>
<tr>
<td>a location within the area of a particular council established under the Local Government Act 1999</td>
<td>a member, officer or employee of that Council</td>
</tr>
<tr>
<td>a risk to the environment</td>
<td>the Environment Protection Authority</td>
</tr>
<tr>
<td>an irregular and unauthorised use of public money or substantial</td>
<td>the Auditor-General</td>
</tr>
<tr>
<td>the commission, or suspected commission, of any offence</td>
<td>a member of the police force</td>
</tr>
<tr>
<td>a judicial officer</td>
<td>the Judicial Conduct Commissioner</td>
</tr>
<tr>
<td>a member of Parliament</td>
<td>the Presiding Officer of the House of Parliament to which the member belongs</td>
</tr>
<tr>
<td>a person or a matter of a prescribed class (no prescribed persons/classes have been identified)</td>
<td>an authority declared by the regulations to be a relevant authority in relation to such information</td>
</tr>
<tr>
<td>Where the information relates to…</td>
<td>the relevant authority is…</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>public interest information - being:</td>
<td>• the OPI;</td>
</tr>
<tr>
<td>• environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or</td>
<td>• a Minister of the Crown; or</td>
</tr>
<tr>
<td>• public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)</td>
<td>• any other prescribed person or person of a prescribed class</td>
</tr>
</tbody>
</table>
1. **Chief Executive Officer’s Statement of Intent**

This Process has been prepared in accordance with the requirements of sections 12(4) of the Public Interest Disclosure Act 2018 (the “Act”). As Chief Executive Officer of The Barossa Council, and the Principal Officer for the purposes of the Act, I expect that the implementation and operation of the Act will support:

- transparency and accountability in Council’s administrative and management practices; and
- the Disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration.

This Process and Council’s Public Interest Disclosure Policy are designed to enable that to occur by ensuring that proper procedures are in place for the making and managing of a Disclosure, and by providing appropriate protections for those who make a Disclosure.

The Barossa Council, its Members, Employees and officers support the intent of the Act and the protection of Informants who make Disclosures in accordance with the objectives of the Act, and the genuine and efficient consideration and action in relation to information provided in a Disclosures.

Any questions about this Process or Council’s Public Interest Disclosure Policy should be directed in the first instance to the Responsible Officer/s, whose details are contained in clause 6.5 of this Process.

**Martin McCarthy**  
Chief Executive Officer

2. **Overview**

This Process provides guidance for:

- Informants seeking to make an appropriate Disclosure of Public Interest Information in accordance with the Act and Council’s Public Interest Disclosure Policy; and
- The Barossa Council’s (“Council’s”) Responsible Officers, Elected Members, Employees and officers who receive and action appropriate Disclosures in accordance with the requirements of the Act and the Independent Commissioner Against Corruption’s Public Interest Disclosure Guidelines (the “Guidelines”).
3. Core Components

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Receipt of a Disclosure by an Employee, Elected Member or Officer of Council.................... 9
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Investigation Procedure .................................................................................................................. 12
Notification of Action ..................................................................................................................... 14
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4. Definitions

<table>
<thead>
<tr>
<th>Act</th>
<th>Public Interest Disclosure Act 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td>Determined by the Responsible Officer at their discretion. A relevant senior Worker who has the skills, qualifications, authorisation and delegation (whether directly from Council or sub-delegation from the Chief Executive Officer) to deal with such matters in accordance with Council’s policies, processes and / or usual operations.</td>
</tr>
<tr>
<td>Business Days</td>
<td>A day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays and when Council’s principle office may be closed (e.g. over the Christmas holiday period).</td>
</tr>
<tr>
<td>Commissioner</td>
<td>The person holding or acting in the office of the Independent Commissioner Against Corruption</td>
</tr>
<tr>
<td>Corruption in Public Administration [as defined in section 5(1) of the ICAC Act]</td>
<td>(a) An offence against Part 7 Division 4 (Offences relating to Public Officers) of the Criminal Law Consolidation Act 1935, which includes the following offences: (i) bribery or corruption of Public Officers; (ii) threats or reprisals against Public Officers; (iii) abuse of public office; (iv) demanding or requiring benefit on basis of public office; (v) offences relating to appointment to public office; or</td>
</tr>
</tbody>
</table>

Public Interest Disclosure Process approved by CEO on XX XX 2019  Page 2 of 20
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(b) an offence against the *Public Sector (Honesty and accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence; or

(ba) an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or

(c) any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a Public Officer while acting in his or her capacity as a Public Officer or by a former Public Officer and related to his or her former capacity as a Public Officer, or by a person before becoming a Public Officer and related to his or her capacity as a Public Officer, or an attempt to commit such an offence; or

(d) Any of the following in relation to an offence referred to in a preceding paragraph:

(i) aiding, abetting, counselling or procuring the commission of the offence;

(ii) inducing, whether by threats or promises or otherwise, the commission of the offence;

(iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;

(iv) conspiring with others to effect the commission of the offence.

<table>
<thead>
<tr>
<th>Council</th>
<th>The Barossa Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detriment</td>
<td>Includes –</td>
</tr>
<tr>
<td></td>
<td>(a) injury, harm (including psychological harm), damage (including damage to reputation) or loss;</td>
</tr>
<tr>
<td></td>
<td>(b) intimidation or harassment; or</td>
</tr>
<tr>
<td></td>
<td>(c) discrimination, disadvantage or adverse treatment in relation to a person’s employment; or</td>
</tr>
<tr>
<td></td>
<td>(d) threats of reprisal (which may be expressed or implied, and/or conditional or unconditional)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disclosure</th>
<th>Means an appropriate disclosure of public interest information made by an Informant to a Relevant Authority.</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Environmental and Health Information</td>
<td>A person makes an appropriate Disclosure of Environmental and Health Information if the disclosure is made to a Relevant Authority and the person –</td>
</tr>
<tr>
<td></td>
<td>(i) believes on reasonable grounds that the information is true; or</td>
</tr>
<tr>
<td></td>
<td>(ii) is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For Public Administration Information</th>
<th>A person makes an appropriate Disclosure of Public Administration Information if:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(i) they are a Public Officer; and</td>
</tr>
<tr>
<td></td>
<td>(ii) the disclosure is made to a Relevant Authority; and</td>
</tr>
<tr>
<td></td>
<td>(iii) the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.</td>
</tr>
</tbody>
</table>

| Elected Member | A person who has been elected to The Barossa Council. This includes the Mayor (unless specifically stated) |
Employee | Refers to all Council’s employees, whether they are working in a full-time, part-time or casual capacity.
---|---
Environmental and Health Information | Information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the Act).
Fraud | Includes an intentional dishonest act or omission done with the purpose of deceiving.
Guidelines | Refers to the Public Interest Disclosure Guidelines issued pursuant to section 14 of the Public Interest Disclosure Act 2018, and which are available on the Commissioner’s website (icac.sa.gov.au)
ICAC Act | Independent Commissioner Against Corruption Act 2012
Informant | A person who makes an appropriate Disclosure of Environmental and Health Information; or Public Administration Information (together referred to as Public Interest Information).
Maladministration (in public administration) | (i) conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
(ii) conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and
(iii) includes conduct resulting from impropriety, incompetence or negligence; and is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct (in public administration) | Contravention of a code of conduct by a Public Officer while acting in his/her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or other misconduct of a Public Officer while acting in his/her capacity as a Public Officer.
Office for Public Integrity (OPI) | The office established under the ICAC Act that has the function to:
(i) receive and assess complaints about public administration from members of the public;
(ii) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and Public Officers;
(iii) refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated;
(iv) give directions or guidance to public authorities in circumstances approved by the Commissioner;
(iv) perform other functions assigned to the Office by the ICAC.
Policy | Council’s Public Interest Disclosure Policy available on Council’s website www.barossa.sa.gov.au
Process | This Process – i.e. the Public Interest Disclosure Process available on Council’s website www.barossa.sa.gov.au
Public Administration

The administration of government policy (Macquarie dictionary). Defined at section 4 of the ICAC Act 2012 means: without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.

Public Administration Information

Information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of the Act).

Public Interest information

There are two types of Public Interest Information:
(a) Environmental and Health Information; and
(b) Public Administration Information

Public Officer

[See section 4 and Schedule 1 of the ICAC Act]

Includes:
- a Member of Council, including the Mayor; and
- an Employee or officer of Council;
- a person performing contract work for Council;
- a Volunteer of Council where they hold a delegation from Council or the Chief Executive Officer or in accordance with an Act, assist a Public Officer in the enforcement of the Act (it will be rare for a Volunteer to be a Public Officer)

Volunteer is defined as: A person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses) [As defined in the Work Health Safety Act 2012]

Regulations

Public Interest Disclosure Regulations 2019

Relevant Authority

A person or entity that receives an appropriate Disclosure of Public Interest Information in accordance with the Act, as set out in Appendix A to the Policy.

Responsible Officer

A person(s) designated by the Chief Executive Officer pursuant to Section 12 of the Act who is (are) authorised to receive and act upon Appropriate Disclosures of Public Interest Information, and who has completed the relevant training course approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019.

Supervisor

The person who is responsible for the management or supervision of the public officer who is the subject of a Disclosure of public administration information.

Victimisation

Occurs when a person causes Detriment to another on the ground, or substantially on the ground that the other person (or a third person) has made or intends to make an appropriate Disclosure of Public Interest information.

5. Responsibilities

The Chief Executive Officer

5.1 The Chief Executive Officer is responsible for:

5.1.1 Ensuring that one or more appropriately qualified Employees are designated as Responsible Officers of Council for the purposes of the Act and undertake any training required by the Regulations; and

5.1.2 Ensuring the name and contact details of each Responsible Officer of Council are made available to Employees, officers and Elected Members, by including these details in this Process; and

5.1.3 Ensuring that this Process is prepared and maintained in accordance with the Act and Guidelines.

The Responsible Officers

5.2 A person designated as a Responsible Officer must:
5.2.1 receive appropriate Disclosures relating to the Council and ensure compliance with the Policy, Process, Guidelines and the Act, in relation to any such Disclosures;

5.2.2 deal with Disclosures in accordance with this Process, the Guidelines and the Act;

5.2.3 make appropriate recommendations to the Chief Executive Officer and the Document Control Officer in accordance with Council’s Policy Framework, in relation to dealing with Disclosures, including any suggested changes to the Policy and this Process;

5.2.4 provide advice to Elected Members, Employees and officers in relation to the administration of the Act;

5.2.5 liaise as required with the Informant and any person conducting an investigation in relation to any investigation process undertaken in accordance with the Process, and provide support to the Informant and facilitate any protection (as necessary and appropriate in the circumstances of the Disclosure) in accordance with the Policy, Process and Act; and

5.2.6 complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations (noting the Commissioner may not deliver the training)

and may carry out any other functions relating to the Act.

5.3 In making any determination or taking any action under this Policy or pursuant to the Process, the Responsible Officer:

5.3.1 May seek legal advice (with the approval of the CEO or Director – and if the Disclosure relates to the CEO, then with the approval of a Director) and/or guidance from SAPOL (or other appropriate agency) or the Ombudsman in relation to the most appropriate course of action to pursue; and

5.3.2 is authorised to incur costs in accordance with the Council’s Budget for that purpose, with the approval of the CEO or Director, unless the Disclosure relates to the CEO – then with the approval of a Director.

Elected Members, Employees and officers of Council

5.4 Elected Members, Employees and officers of Council are responsible for:

5.4.1 ensuring that they comply with this Process and the Policy when dealing with any Disclosure, including complying with directions from the Responsible Officer; and

5.4.2 immediately referring any Disclosure made to them by a member of the public or a Public Officer to the Responsible Officer, unless it has been made to them in their role as the Supervisor of a Public Officer who is the subject of a Disclosure (refer to clauses 9 and 10 of this Process).

6. Contacting the Responsible Officer

6.1 The Responsible Officer may be contacted in person, by telephone on 8563 8444 (ask to be re-directed to the PID Act Responsible Officer) or in writing. All correspondence sent in writing must be marked “Confidential – Public Interest Disclosure” and addressed to the Responsible Officer (see list below at clause 6.5), PO Box 867, Nuriootpa SA 5355.

6.2 It is the Informant’s responsibility to ensure that any correspondence is appropriately marked as being confidential. Any postal correspondence that is not marked as being confidential and addressed to a Responsible Officer may be unknowingly opened by Council’s Records department, and may not receive the same level of confidentiality.

6.3 Where a Disclosure is made by telephone an Informant, the recipient of the Disclosure will take a file note of the conversation, and where possible, ask the Informant to verify the notes for instance by signing or email verification or other acceptable communication.
6.4 If an Informant believes that his/her Disclosure is not being dealt with appropriately or in accordance with the Policy or Process, they should contact the Responsible Officer in the first instance.

6.5 Council’s designated Responsible Officers are:

Name: Joanne Thomas  
Position: Director, Corporate and Community Services  
Email: jthomas@barossa.sa.gov.au  
Phone: 8563 8450

Name: Wayne Hampel  
Position: Coordinator, Customer Support  
Email: whampel@barossa.sa.gov.au  
Phone: 8563 8425

Name: Rugiyya Martin  
Position: Governance Advisor  
Email: rmartin@barossa.sa.gov.au  
Phone: 8563 8408

7. **Confidentiality**

7.1 The identity of an Informant must be maintained as confidential in accordance with the Act. The obligation to maintain confidentiality applies despite any other statutory provision, or a common law rule, to the contrary.

A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

7.1.1 The recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person (eg. SAPOL, SafeWork SA, SA Ambulance, Environment Protection Agency); or

7.1.2 The recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI; or

7.1.3 Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or

7.1.4 The Informant consents to his/her identity being disclosed. This should be in writing where reasonably practicable.

**Divulging Information related to the Disclosure**

7.2 The Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) be maintained as confidential, but before making a decision to release or divulge any information provided as part of an appropriate Disclosure, consideration must be given to whether divulging the information would result in, or be construed as an act of Victimisation (refer to clause 16 of this Process).
7.3 In the event that a decision to release or divulge any information provided as part of an appropriate Disclosure is made, it must be done with the Chief Executive Officer’s consent (or the consent of a Director if the Disclosure relates to the Chief Executive Officer) and the Employee or Elected Member making that decision must document the rationale for release as a file note, recorded and stored in accordance with clause 15 of this Process.

Anonymous Disclosure

7.4 In the event that an Informant wishes to remain anonymous, the recipient of a Disclosure should notify the Informant that the matter will be referred to a Responsible Officer (if this is the case) as a matter of urgency, and encourage the Informant to provide consent and sufficient contact details in order for the Responsible Officer to contact them, if the Informant cannot be immediately transferred to the Responsible Officer.

7.5 Informants wishing to remain anonymous are required to ensure that the Disclosure is sufficiently supported by necessary details and evidence to enable the matter to be properly investigated, and that they are prepared to speak directly to the Responsible Officer.

8. Making a Disclosure

8.1 In relation to Council, the Act provides protection for Informants where Disclosures are made:

   8.1.1 To the Responsible Officer, Elected Member, Employee of Council - By a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area; and/or

   8.1.2 To the Responsible Officer or Supervisor of the public officer who is the subject of the Disclosure - By a public officer with a reasonable suspicion about public administration information regarding either a location within the Council area or a public officer who may be an Elected Member, Employee or officer of Council.

8.2 Disclosures should generally, and wherever possible, be made or directed in the first instance to the Responsible Officer, who has the responsibility for receiving appropriate Disclosures. For the process on how Elected Members, Employees and officers should deal with Disclosures of Public Interest Information which relate to a location with the Council area, refer to clause 9.

Determining where to direct Disclosures

8.3 Nothing in this Process prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to Council (see Appendix A of the Policy). This is a choice to be made by the Informant at his/her discretion.

8.4 The following are relevant considerations for an Informant in determining where to direct a Disclosure:

   8.4.1 When choosing to make a Disclosure internally, Disclosures relating to an Elected Member, officer or Employee, including the Chief Executive Officer, should usually be made to the Responsible Officer;

   8.4.2 Any Disclosure relating to a person designated as a Responsible Officer should be made to another Responsible Officer, or failing this, to a Relevant Authority external to the Council (such as the OPI – refer to Appendix A of the Policy);

   8.4.3 Any Disclosure relating to a public officer who is an Elected Member, officer or Employee may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the Act), for the management or supervision of the public officer who is the subject of the Disclosure (i.e. the Supervisor);

   8.4.4 If there is a reasonable suspicion of Corruption, or of Maladministration or Misconduct that is serious or systemic, it must be reported to the OPI in accordance with the ICAC Act and ICAC Direction & Guidelines for Public Officers (available on the ICAC website icac.sa.gov.au);
8.4.5 Any Disclosure relating to Maladministration or Misconduct that does not meet the threshold for obligated reporting by a public officer, may be reported to OPI in accordance with the Act and/or ICAC Act;

8.4.6 If a Disclosure contains allegations of Fraud or Corruption, the Informant should report the matter in accordance with Council’s Fraud and Corruption Policy, which provides that:

- If the Disclosure relates to Corruption in public administration it will be reported to the OPI; and
- If the Disclosure relates to Fraud, it may be reported to the Responsible Officer or directly to SAPOL.

Secure Receipt of Disclosures

8.5 The following steps will be taken to ensure that a Disclosure is received securely:

8.5.1 Records Management Employees and Customer Support Employees receiving any postal items marked ‘Confidential – PID Responsible Officer’ or ‘Confidential – Public Interest Disclosure’ must refer the item to one of Council’s Responsible Officers without opening the item;

8.5.2 Any correspondence, notes, supporting documents or any other information relating to the Disclosure must be stored securely in accordance with clause 15 of this Process;

8.5.3 Any information that is stored in Council’s Customer Request Management System must be stored with strict access controls, as a confidential Customer Request entry; and

8.5.4 Employees, officers, Elected Members and Responsible Officers must ensure that any discussions or communication regarding a Disclosure, where these are necessary, are conducted in such a way as not to breach any of the confidentiality requirements of the Act, which are outlined in the Policy and Process.

Referrals to Council from external Relevant Authorities

8.6 Where a matter is referred to the Council by an external Relevant Authority as a result of a Disclosure received by that external Relevant Authority, the matter will be dealt with in accordance with the Act and Guidelines.

8.7 The Responsible Officer will be the primary point of contact for liaising with any external Relevant Authority making the referral. The Policy and Procedure should be followed as closely as possible when dealing with such referrals, subject to necessary modifications at the Responsible Officer’s discretion.

9. Receipt of a Disclosure by an Employee, Elected Member or Officer of Council

9.1 A flowchart outlining the Disclosure Process is at Appendix 1 to this Process.

9.2 If an Elected Member, Employee or officer receives a Disclosure of public interest information relating to a location within the Council area, the recipient of the Disclosure must:

9.2.1 If the content of the Disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (e.g. SAPOL, SafeWork SA, SA Ambulance, Environment Protection Authority). The Responsible Officer must be notified in the event that this measure is taken and kept appraised of any developments. However, in doing so, the Elected Member, Employee or officer must also have regard to clause 7 of this Process;

9.2.2 If the Elected Member, Employee or officer forms a reasonable suspicion that the matter involves Corruption, or serious or systemic misconduct or maladministration, comply with his or her reporting obligations as a Public Officer under the ICAC Act, by reporting the matter to the OPI;
9.2.3 Ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer, and in doing so advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and

9.2.4 Refer the Disclosure to a Responsible Officer and, in doing so comply with the wishes of the Informant with respect to whether details of their identity may be divulged;

9.2.5 Notify the OPI of the Disclosure in accordance with Guideline 1(4) of the Guidelines. (refer to Appendix 2). The unique reference number provided by the OPI should be provided to the Responsible Officer, and if the Disclosure is referred to another agency, then to that agency.

Supervisors who receive Disclosures relating to a Public Officer should refer to clause 10 of this Process.

The Responsible Officer should provide guidance and support to the Elected Member, Employee or officer who receives the Disclosure to ensure compliance with this Process, the Guidelines and the Act.

### 10. Receipt of Disclosure and Preliminary Assessment of Disclosure by Responsible Officer or Supervisor

#### Receipt of Disclosures

10.1 If the Disclosure has been made directly to the Responsible Officer or Supervisor, without having gone through an Elected Member, or other Employee or Officer of Council, upon receipt of the Disclosure, the Responsible Officer or Supervisor must:

10.1.1 If the content of the Disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (eg. SAPOL, SafeWork SA, SA Ambulance, Environment Protection Authority). However, in doing so, the Responsible Officer or Supervisor must also have regard to clause 7 of this Process;

Where the Disclosure has been received by the Supervisor, the Responsible Officer must be notified in the event that this measure is taken and kept appraised of any developments;

10.1.2 If the Responsible Officer or Supervisor forms a reasonable suspicion that the matter involves Corruption, or serious or systemic misconduct or maladministration, comply with his or her reporting obligations as a Public Officer under the ICAC Act, by reporting the matter to the OPI in accordance with the ICAC Act;

10.1.3 Where the Disclosure has been received by the Supervisor, the Supervisor should ask the Informant whether they consent to the details of their identity being provided to a Responsible Officer, and in doing so advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and

The Supervisor should inform the Responsible Officer of receipt of the Disclosure and, in doing so comply with the wishes of the Informant with respect to whether details of their identity may be divulged;

#### Acknowledgment of Receipt of the Disclosure

10.2 Where the identity of the Informant is known to the Responsible Officer (or Supervisor if the Disclosure is made to the Supervisor) or is reasonably ascertainable, the Responsible Officer (or Supervisor where relevant) will acknowledge receipt of the Disclosure in writing within 5 business days of the Disclosure being received by Council, and in doing so will provide a copy of the Policy and Process to the Informant (or by providing digital copies or links to the documents where the acknowledgment is sent by email).

#### Considerations of Preliminary Assessment

Public Interest Disclosure Process approved by CEO on XX XX 2019
This electronic copy is the approved version and is stored in Council’s Electronic Record Management System. Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.
10.3 Upon receipt of a Disclosure, the Responsible Officer (or Supervisor where relevant) will undertake a preliminary assessment to determine if the information disclosed justifies further action, including a decision as to whether the Disclosure:

10.3.1 Is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure);

10.3.2 Involves a matter which has already been investigated or acted upon by a Relevant Authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure);

10.3.3 Requires referral to another Relevant Authority external to the Council; or

10.3.4 Warrants investigation or further action in accordance with Council’s policies and processes and/or referral to an Assessor or Investigator for a formal investigation and report to Council or the Chief Executive Officer for further action as required.

**Reporting by the Responsible Officer and Supervisor**

10.4 Where the Disclosure relates to public administration information about a Public Officer who is an Elected Member, Employee or officer of Council and it is made to the Supervisor, the Supervisor will conduct the Preliminary Assessment instead of the Responsible Officer. The Supervisor will report the outcome of his/her determination following the Preliminary Assessment to the Responsible Officer to action, using the Supervisor’s Preliminary Assessment Report.

10.5 Where the Disclosure is made to the Supervisor, as soon as possible after conducting the preliminary assessment and notifying the applicant in accordance with clause 10.2 of this Process, the Supervisor will notify the OPI of the Disclosure in accordance with Guideline 1(4) of the Guidelines, (refer to Appendix 2). If the Disclosure was referred to another agency the unique reference number provided by the OPI should be provided to that agency. The unique reference number provided by the OPI should also be provided to the Responsible Officer.

10.6 Following the Preliminary Assessment, or receipt of the Supervisor’s Preliminary Assessment Report (as the case may be), the Responsible Officer must report the outcome of his/her (or the Supervisor’s) determination using the Preliminary Assessment and Determination Report, to the Chief Executive Officer, unless the Disclosure relates to the Chief Executive Officer, then the report should be made to the Mayor.

10.6.1 Any report prepared in accordance with this Clause will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7 of this Process apply.

10.7 Where the Responsible Officer determines the Disclosure warrants referral to an external body or another Relevant Authority, the Responsible Officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or Relevant Authority to take that action.

10.7.1 Where the Preliminary Assessment is being undertaken by the Supervisor, the Supervisor will include this recommendation to his/her Supervisor’s Preliminary Assessment Report to the Responsible Officer for the Responsible Officer to action.

10.8 Where the Responsible Officer determines the Disclosure requires any other action to ensure the matter that is the subject of the Disclosure is properly addressed, the Responsible Officer will include in his/her Preliminary Assessment and Determination Report, the details of that other recommended action.

10.8.1 Where the Preliminary Assessment is undertaken by the Supervisor, the Supervisor will include this recommendation in his/her Supervisor’s Preliminary Assessment Report to the Responsible Officer for the Responsible Officer to action.
11. Notification of Preliminary Assessment

11.1 If the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of his/her determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made, and in any event within 30 days of receipt of the Disclosure (refer to Notification of Outcome to Informant following Preliminary Assessment and Determination). In doing so, the Responsible Officer must advise the Informant of:

11.1.1 Any action that has been, or will be taken in relation to the Disclosure; or

11.1.2 If no action is being taken in relation to the Disclosure, the reason/s why.

11.2 If the Responsible Officer fails to notify the Informant in accordance with this clause, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the Act.

11.3 If the Informant is dissatisfied with the Responsible Officer’s determination, it is open to him/her to report the Disclosure to another Relevant Authority external to Council.

11.4 If the Disclosure was made directly to the Responsible Officer, or if the Responsible Officer is aware that the Disclosure has not been reported to the OPI in accordance with Guideline 1 of the Guidelines, as soon as reasonably practicable following the Preliminary Assessment and notification to the Informant of the matters determined in the Preliminary Assessment, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify the OPI of the Disclosure, and in doing so, include all necessary information required under Guideline 1(4) of the Guidelines (refer Appendix 2).

11.4.1 The unique reference number issued by the OPI must be provided to any other person or Relevant Authority to which the Disclosure may be referred. In doing so, the Responsible Officer must act in accordance with clause 7 of this Process.

11.5 If the Disclosure came to the Council by way of a referral from a Minister, and if, following the Preliminary Assessment the Responsible Officer determines that no action is to be taken, the Responsible Officer must ensure that the Minister is notified and the reason/s for the decision to take no action.

12. Investigation Procedure

Referral to an Assessor

12.1 Where the Responsible Officer determines, following the Preliminary Assessment, that a Disclosure warrants an investigation under Council’s policies and processes, then it will be forwarded to the Assessor, who will be a relevant senior Worker who has the skills, qualifications, authorisation and/or delegation (whether directly from Council or sub-delegation from the Chief Executive Officer) to deal with such matters in accordance with Council’s policies, processes and/or usual operations.

12.2 Where a relevant Council policy or procedure for investigating a Disclosure of that kind applies, that policy or procedure will apply in conjunction with the Public Interest Disclosure Policy and this Process. However, nothing in this Process derogates the responsibilities and obligations conferred by the Act and Guidelines, including reporting and confidentiality requirements, and timelines for notifying the Informant at prescribed stages of the management of the Disclosure, which will continue to apply.

12.3 The Assessor shall be determined by the Responsible Officer at their discretion.

Examples of referrals to relevant Assessors include:

- If the Disclosure relates to a Public Officer, and investigation under the relevant Code of Conduct or the Human Resource Management Policy is warranted. The Assessor will be the relevant officer or Elected Member under the respective policy for investigation;
- If the Disclosure relates to an environmental or health matter, then the Disclosure must be investigated and/or dealt with in accordance with organisational processes and...
practices based on legislative requirements that best address the subject matter of the Disclosure, and relevant authorisations required to undertake investigation.

12.4 In most cases, for environmental and health matters, the Assessor will be the Manager Health Services for investigation. However, where there is another senior officer who has the necessary delegations and authorisations to investigate the Disclosure, then the Disclosure may be referred to that senior officer.

Referral to an Independent Investigator

12.5 Alternatively, where the Responsible Officer determines it necessary and appropriate, the Responsible Officer may refer the Disclosure to an Independent Investigator who is external to Council, for investigation. If no other Council policies or processes apply, the Independent Investigator may be appointed in the same way as an external reviewer under Council’s Internal Review of Council Decisions Policy and Process. In conducting their investigation, the Independent Investigator must consider the factors in this Process.

Investigation procedure

12.6 The objectives of the investigation process are:

12.6.1 In appropriate circumstances, to investigate the substance of the Disclosure and to determine whether there is evidence in support of the matter/s raised, or, alternatively, to refute the allegations raised in the Disclosure;

12.6.2 To collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;

12.6.3 To consider the information collected and to draw conclusions objectively and impartially;

12.6.4 To observe procedural fairness in the treatment of any person who is the subject of the Disclosure; and

12.6.5 To make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

12.7 Any investigation must be conducted in confidence. Normally, the Assessor or Independent Investigator will not be provided with the identity of the Informant. However, where the identity of the Informant is divulged to the person conducting the investigation, for example, in order to ensure that the matter is properly investigated (as per clause 7.1.3 of this Process), the Assessor or Independent Investigator must keep the identity of the Informant confidential unless the circumstances in clause 7 apply.

12.8 The Assessor or Independent Investigator will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of his/her investigation report to the Responsible Officer.

12.9 Where it is unlikely that the investigation will be completed within 90 days from the receipt of the Disclosure, the Responsible Officer should, within the 90 day period, provide the Informant of written notice of an extension of time, and notify the Informant when the investigation is expected to conclude, and when the Informant to expect to receive notification of any action taken.

Reporting following the conclusion of the investigation

12.10 Upon finalising an investigation the Assessor or Independent Investigator must prepare an investigation report to the Responsible Officer that will contain the following details where applicable (refer Investigation Report):

12.10.1 The allegation(s);

12.10.2 An account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;

12.10.3 The conclusions reached and the basis for them; and
12.10.4 Any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.

The report must be accompanied by:

12.10.5 The transcript or other record of any verbal evidence taken, including tape recordings; and

12.10.6 All documents, statements or other exhibits received by the Assessor or Investigator and accepted as evidence during the course of the investigation.

12.11 Any report prepared in accordance with this clause will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7 of this Process apply.

Action Taken

12.12 The Responsible Officer must take whatever action is, in his/her discretion, considered appropriate in the circumstances having regard to the matters identified in the Investigation Report, including but not limited to:

12.12.1 If the matter relates to a Disclosure of public administration information, referring the matter to the Chief Executive Officer and the Human Resource Department for disciplinary action and/or investigation;

12.12.2 If the matter relates to a Disclosure of environmental and health information, referring the matter to the Chief Executive Officer and the relevant Director for prioritisation and remediation/action;

12.12.3 Ensuring that appropriate action is taken in accordance with the Assessor or Independent Investigator’s Report.

However, noting that the final determination with respect to any action taken, lies with the officer, Employee or Council with the appropriate delegations and authorisations to take such action, in accordance with Council Policies, Processes and legislation.

13. Notification of Action

13.1 If the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of any action taken (including investigation), or that no action is being taken, in writing as soon as is reasonably practicable after any action identified in the Preliminary Assessment and Determination Report or Investigation Report has been taken and, in any event, within either:

13.1.1 90 days of receipt of the Disclosure; or

13.1.2 Such longer period as may be specified by written notice given by the Responsible Officer to the Informant in writing within that 90 day period.

Refer to the Notification of Action.

13.2 The notice described in clause 12.1, should include:

13.2.1 Any action that has been, or will be taken in relation to the Disclosure; or

13.2.2 If no action is being taken in relation to the Disclosure the reason/s why.

13.3 If the Responsible Officer fails to notify the Informant in accordance with this clause, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the Act.

13.4 If the Informant is dissatisfied with the responsible Officer’s determination or the action taken it is open to him/her to report the Disclosure to another Relevant Authority external to the Council.

Reporting

13.5 As soon as reasonably practicable following the action being taken and notification of action being provided to the Informant, the Responsible Officer must use the dedicated online
notification form at [icac.sa.gov.au](http://icac.sa.gov.au) to notify OPI of the action taken in relation to the Disclosure and in doing so, must ensure that the details required by Guideline 2 of the Guidelines are included in the OPI notification.

This step must also be followed if the matter is referred to Council by another agency or Relevant Authority.

13.6 If the Disclosure came to the Council by way of a referral from a Minister, the Responsible Officer must ensure that the Minister is also notified of the action taken in relation to the Disclosure, and the outcome of any such action.

### 14. Final Report and Recommendation

14.1 Upon finalising any action required in relation to a Disclosure, the Responsible Officer must prepare a Final Report that will contain the following details, to the Chief Executive Officer (or Mayor if the Disclosure relates to the CEO) to action as s/he considers appropriate:

14.1.1 The subject of the Disclosure;

14.1.2 An account of the steps taken by the Responsible Officer in accordance with this Process, including, where appropriate, enclosing a copy of any Investigation Report;

14.1.3 Conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them; and

14.1.4 Any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.

14.2 The Final Report prepared in accordance with this clause must not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7 of this Process apply.

14.3 The Chief Executive Officer may, at his/her discretion, inform the Elected Members, on a confidential basis, about a Disclosure in accordance with clause 4.5 of the Policy.

### 15. Secure Handling and Storage of Information

15.1 The Responsible Officer and any person who receives a Disclosure, or conducts an investigation relating to a Disclosure must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained, including notes of all discussions, phone calls and interviews. The files cannot be named or labelled in such a way that identifies the Informant. All correspondence, documents, reports, and other information relating to a Disclosure must be stored in Council's EDRMS with restricted access controls.

15.2 The Responsible Officer and any person who receives a Disclosure, or conducts an investigation relating to a Disclosure must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained, including notes of all discussions, phone calls and interviews. The files cannot be named or labelled in such a way that identifies the Informant. All correspondence, documents, reports and other information relating to a Disclosure must be stored in Council's EDRMS with restricted access controls.

15.3 In performing his/her duties, the Responsible Officer will maintain a confidential container in Council’s EDRMS with restricted access controls, of information (including written documents, audio or video files or other information) that relates to a Disclosure and/or is a product of the associated investigation or reporting process. The files cannot be labelled or named in such a way that identifies the Informant.

In the event that a person’s appointment as a Responsible Officer is terminated, the person must provide all information to the newly-appointed Responsible Officer or another Responsible Officer and having done so, will continue to be bound by a duty of confidentiality in respect of an Informant’s identity and the information received as a result of the Disclosure.

15.4 Elected Members, Employees or officers who may receive Disclosures must ensure that all information, documents and notes are forwarded to the Responsible Officer for secure storage and permanently deleted or removed from the Elected Member, Employee or officer’s computer, email systems and files.
15.5 Supervisors who receive Disclosures of public administration information must forward all information, documents and notes to the Responsible Officer with their Supervisor’s Preliminary Assessment Report and delete or remove any information relating to the Disclosure from their email systems and files.

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<tr>
<th>16.</th>
<th>Protection for the Informant</th>
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<tr>
<td>16.1</td>
<td>Council will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation, and/or from being hindered or obstructed in making a Disclosure. Such action may include acting in accordance with the following risk minimisation steps:</td>
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<tr>
<td>16.1.1</td>
<td>Awareness and/or training, as appropriate, to all Workers and Elected Members on the Policy and Process;</td>
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<tr>
<td>16.1.2</td>
<td>Talking or writing to any affected parties;</td>
</tr>
<tr>
<td>16.1.3</td>
<td>Ensuring transparency, clarity and accessibility in terms of Council’s policies and process for dealing with Public Interest Disclosures, rights and protections to Informants, and rights and responsibilities of those affected by, or are the subject-matter of a Disclosure.</td>
</tr>
<tr>
<td>16.1.4</td>
<td>Referring the matter to the Chief Executive Officer for proposed reassigning of work tasks or other human resource adjustments pertaining to the person who is the subject matter of the Disclosure, or where appropriate the Informant or other Worker, in accordance with Council’s Human Resource Framework;</td>
</tr>
<tr>
<td>16.1.5</td>
<td>As set out in this Process and/or by referring the matter to SAPOL and/or another Relevant Authority or agency as appropriate – e.g. OPI;</td>
</tr>
<tr>
<td>16.1.6</td>
<td>Disciplinary action by Council or Chief Executive Officer for any failure to comply with the requirements of this Process or the Policy (including with respect to divulging the identity of an Informant), in accordance with the Human Resource Framework and relevant Codes of Conduct;</td>
</tr>
<tr>
<td>16.1.7</td>
<td>When making policy and procedure, or operational decisions, ensuring that consideration is given to the matters contained in this Policy and Process.</td>
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<tr>
<th>17.</th>
<th>Training</th>
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<tr>
<td>17.1</td>
<td>Council’s Responsible Officers will have training in the Public Interest Disclosure Act and reporting, approved by the Independent Commissioner Against Corruption (noting the Commissioner may not undertake the training).</td>
</tr>
<tr>
<td>17.2</td>
<td>Council’s Workers, Elected Members and officers will have general awareness training at the commencement of the Policy and Process, and refresher training as necessary. New Workers will have training incorporated into their induction as required.</td>
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<tr>
<th>18.</th>
<th>Documents to Implement Process</th>
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<tr>
<td>18.1</td>
<td>All records created from these tools must be retained within a confidential EDRMS container in accordance with the current version of the General Disposal Schedule.</td>
</tr>
<tr>
<td>18.2</td>
<td>Acknowledgment of Receipt to the Informant – refer to clause 10.2</td>
</tr>
<tr>
<td>18.3</td>
<td>Preliminary Assessment and Determination Report (completed by the Responsible Officer) – refer to clause 10.6</td>
</tr>
<tr>
<td>18.4</td>
<td>Supervisor’s Preliminary Assessment Report (completed by the Supervisor where applicable) – refer to clause 10.4</td>
</tr>
<tr>
<td>18.5</td>
<td>Notification of Outcome to Informant following Preliminary Assessment and Determination – refer to clause 11.1</td>
</tr>
</tbody>
</table>
18.6 Notification of Extension of Timeframe – refer to clause 12.9
18.7 Investigation Report – refer to clause 12.10
18.8 Notification of Action – refer to clause 13.1
18.9 Notification of Action to the Minister (where the Disclosure is a referral from the Minister) – refer to clause 13.6
18.10 Responsible Officer’s Final Report – refer to clause 14.1
18.11 Register of Information and Materials Associated with a Disclosure
18.12 Instrument of Appointment as a Responsible Officer

19. Legislation and References
Public Interest Disclosure Act 2018
Public Interest Disclosure Regulations 2019
Independent Commissioner Against Corruption Act 2012
Local Government Act 1999
ICAC Public Interest Disclosure Guidelines

20. Review
19.1 This Process will be reviewed by the Document Control Officer in consultation with the relevant stakeholders, within two (2) years or more frequently if legislation or Council’s need changes.

SIGNED: ............................................          DATE: ............................................
Chief Executive Officer

Appendix 1 - PID Process Flowchart
[See following page]
If you are the Responsible Officer ("RO") and the Disclosure has been made directly to you

*Knowledge receipt of Disclosure in writing to the informant, within 5 business days of Council receiving the Disclosure and provide copies or links to the Policy or Process

Follow clause 10.1 of the Process

Undertake Preliminary Assessment of Disclosure to determine matters at 10.3 of the Process OR **where the Disclosure was made to the Supervisor, RO receives Supervisor's Preliminary Assessment Report

Produce the Preliminary Assessment and Determination report and reports outcome of RO or Supervisor's determination following Preliminary Assessment to the CEO (or Mayor if Disclosure is re. CEO)

Refer Disclosure to external body or another Relevant Authority, where necessary, ensuring that necessary information to enable action is communicated to the most appropriate person or Relevant Authority

Notify informant in writing of the outcome of the Preliminary Assessment as soon as possible within 30 days of receipt of the Disclosure. The notification should advise the informant of any action that has been or will be taken in relation to the Disclosure; OR if no action will be taken then the reason why.

Failure to do so will result in the informant being entitled to make a protected Disclosure to MP or journalist

If content of Disclosure suggests that there is an imminent risk of serious physical injury or death to a person or public generally, then EM, E, O refers matter to most appropriate agency (e.g. SAPOL, SA Ambulance, SafeWork, EPA etc.) having regard to confidentiality requirements (clause 7 of the Process):

If the EM, E, O has a reasonable suspicion of Corruption or serious or systemic Misconduct or Maladministration (i.e. if ICAC reporting requirements are triggered) then make report to OPI using online form – icac.sa.gov.au

Report the Disclosure to OPI in accordance with Guidelines 1(4) of the Guidelines (see Appendix 2); and make sure that this information, including the unique reference number provided by the OPI, is noted and provided to the RO, and if the Disclosure was referred to another agency (e.g. SAPOL, SafeWork SA, SA Ambulance or EPA) then to that agency as well

If no, then explain that Disclosure will be made anonymously and that RO will not be able to report in accordance with requirements of Act and matter may not be properly investigated.

Ask the informant if they consent to the details of their identity being disclosed to the RO. Advise informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated

If yes, then forward identity of Informant and the details of the Disclosure to the RO

Go to * for further action undertaken by RO

Report the Disclosure to OPI in accordance with Guideline 1(4) of the Guidelines (see Appendix 2); and make sure that this information, including the unique reference number provided by the OPI, is noted and provided to the RO, and if the Disclosure was referred to another agency then to that agency as well

Process the Preliminary Assessment and Determination report and reports outcome of RO or Supervisor’s determination following Preliminary Assessment to the CEO (or Mayor if Disclosure is re. CEO)

Assessor/Independent Investigator conducts investigation in accordance with Council policies and processes, and provides Investigation Report to RO

Take appropriate action – refer to clause 12.12 of the Process

Make report to OPI in accordance with Guideline 2, as soon as practicable following action being taken and notification of action being provided to the informant (see clause 12.9 of the Process)

If the Disclosure was a referral from the Minister, notify the Minister of any action taken in relation to the Disclosure. Minister should also be notified if determined that no action will be taken

RO prepares Final Report to CEO (or Mayor if Disclosure relates to CEO) and includes action taken and what remedial action should be taken by the Council – refer clause 14

CEO takes further action or refer matter to Council for further action – in accordance with the appropriate Council policies and processes.

Go to ** for further action undertaken by RO

If you are a Supervisor and a Disclosure relating to a public officer whom you supervise, has been made to you

If content of Disclosure suggests that there is an imminent risk of serious physical injury or death to a person or public generally, then refer matter to most appropriate agency (e.g. SAPOL, SA Ambulance, SafeWork, EPA etc.) having regard to confidentiality requirements (clause 7 of the Process); and notify the RO and keep RO appraised of developments.

If the Supervisor has a reasonable suspicion of Corruption or serious or systemic Misconduct or Maladministration (i.e. if ICAC reporting requirements are engaged) then make report to OPI using online form – icac.sa.gov.au

Ask the informant if they consent to the details of their identity being disclosed to the RO. Advise informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated

Acknowledge receipt of Disclosure in writing to the informant, within 5 business days of Council receiving the Disclosure and provide copies or links to the Policy or Process

**Go to ** for further action undertaken by RO

PUBLIC INTEREST DISCLOSURE PROCESS FLOWCHART
Appendix 2 – Extracts of the ICAC PID Guidelines

Full Guidelines are available via icac.sa.gov.au

Guideline 1(4) – Receipt, assessment & notification of appropriate disclosures (section 7 of the Act)

[Information to provide to the OPI pursuant to clause 9.2.5 (where Disclosure received by Elected Member, Employee or Officer); clause 10.5 (where Disclosure made to Supervisor); or clause 11.4 (where Disclosure made to Responsible Officer)]

4. The recipient of the disclosure must notify the OPI of the appropriate disclosure as soon as reasonably practicable after the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the ICAC website (icac.sa.gov.au) and must include in that information:

(a) the date the disclosure was received;
(b) the name and contact details of the recipient of the disclosure;
(c) a summary of the content of the disclosure;
(d) the assessment made of the disclosure;
(e) the action taken by the recipient of the disclosure including:
   (i) whether the disclosure was referred to another relevant authority, public authority, public officer or other person; and
   (ii) if the disclosure was referred to another relevant authority, public authority, public officer or other person:
      (1) the date of the referral;
      (2) the identity of the relevant authority, public authority, public officer or other person to whom the disclosure was referred;
      (3) the manner of referral; and
      (4) the action to be taken by that relevant authority, public authority, public officer or other person (if known).

(f) if no action was taken by the recipient of the disclosure, the reason why no action was taken; and

(g) whether the identity of the information is known only to the recipient of the disclosure or if the identity of the informant has been communicated to a relevant authority, public authority, public officer or other person (and if so, the reasons why such communication was made).

5. The recipient of the disclosure must retain the unique reference number issued by the OPI after the making of a notification and must ensure this unique reference number is provided to any other person or authority to whom the disclosure is referred.
Guideline 2 – Notification of Action Taken

[Informant to provide to the OPI pursuant to clause 13.5 of the Process, by the Responsible Officer, once Action has been taken in relation to the Disclosure; or where the Responsible Officer has received a Disclosure referred to Council from another Relevant Authority]

This guideline applies in relation to the notification to the OPI of the outcome of any action taken upon receipt of, or referral of, an appropriate disclosure of public interest information.

The recipient of the disclosure of, if the recipient of the disclosure has referred the disclosure to some other person or authority, then that other person or authority, must notify the OPI as soon as reasonably practicable via the online notification form (icac.sa.gov.au) the following:

(a) The unique reference number issued by the OPI upon notification of the original disclosure;
(b) The name and contact details of the notifier;
(c) The name and contact details of the person or authority responsible for taking the action;
(d) What (if any) findings were made in respect of the disclosure;
(e) The nature of the action taken (if any);
(f) The outcome of any action (if applicable);
(g) Whether the identity of the informant was disclosed to a person other than the original recipient of the disclosure; and
(h) Whether the informant was notified of the action taken and, if so, when and how that notification was made.
1. Purpose

1.1 The Barossa Council ("Council") is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of Disclosures that reveal Public Interest information.

1.2 The purposes of this Policy are to ensure that Council:

1.2.1 Properly fulfils its responsibilities under the Whistleblowers Protection Act 1993 ("the Act");

1.2.2 Encourages and facilitates Disclosures of Public Interest information which may include occurrences of Maladministration and Waste within Council, and Corrupt or illegal conduct in general so that internal controls may be strengthened;

1.2.3 Provides a process by which Disclosures may be made so that they are properly investigated; and

1.2.4 Recognises the need to appropriately support:

- the Whistleblower,
- the Responsible Officer who facilitates the receipt and any subsequent Appropriate Authority investigation of the Disclosure and,
- as appropriate, those Public Officers affected by any allegation.

1.2.5 Promotes continuous improvement of internal controls and decision making processes within Council.

2. Scope

2.1 This Policy applies to Appropriate Disclosures of Public Interest information that are made by Elected Members, Council Employees and members of the public in accordance with the Act.

2.2 This Policy is intended to complement the reporting framework under the Independent Commissioner Against Corruption (ICAC) Act.
2.3 Council is committed to referring as necessary Appropriate Disclosures to the Appropriate Authority (see Definitions below for pathway of referrals). However:

- Where the Disclosure relates to actual or reasonably suspected Corruption, serious or systemic Maladministration or serious or systemic Misconduct it must be reported directly to the Office for Public Integrity (OPI) in accordance with the ICAC’s Directions and Guidelines. For reporting Corruption: refer to the Fraud and Corruption Prevention Policy and Reporting Fraud and Corruption Process.

- The Responsible Officer and the Whistleblower are unable to discuss with anyone the fact of reporting to the OPI unless authorised by the ICAC under section 56 of the ICAC Act.

2.4 Council’s Responsible Officer(s) will facilitate any investigation of Appropriate Disclosures of Public Interest information in a manner which promotes fair and objective treatment of those involved.

2.5 Council commits to rectify any substantiated wrongdoing to the extent practicable in all the circumstances.

3. Definitions

| Appropriate Authority | • a Minister of the Crown;  
|                       | • a member of the police force – where information relates to illegal activity;  
|                       | • the Auditor-General – where information relates to irregular or unauthorised use of public money;  
|                       | • the Ombudsman – where information relates to a Public Officer;  
|                       | • a Responsible Officer, where information relates to a matter falling within the sphere of responsibility of a Local Government body;  
|                       | • or any other person to whom, in the circumstances of the case, it is reasonable and appropriate to make the Disclosure (eg a Council Employee such as the Chief Executive Officer, to whom the Whistleblower feels comfortable making the Disclosure) and/or the Office for Public Integrity where the Disclosure relates to Corruption, serious or systemic Maladministration or serious or systemic Misconduct in public administration. |

| Appropriate Disclosure | Is made if - (a) the person: either believes on reasonable grounds that the information is true; or is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so that its truth may be investigated; and (b) the Disclosure is made to an Appropriate Authority. |

| Corruption | (a) An offence against Part 7 Division 4 (Offences relating to Public Officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:  
|            | (i) bribery or corruption of Public Officers;  
|            | (ii) threats or reprisals against Public Officers;  
|            | (iii) abuse of public office;  
|            | (iv) demanding or requiring benefit on basis of public office;  
|            | (v) offences relating to appointment to public office.  
|            | (b) Any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a Public Officer while acting in his or her capacity as a Public Officer or by a former Public Officer and related to his or her former capacity as a Public Officer, or by a person before

Whistleblowers Protection Policy approved by Council on 20 May, 2014

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becoming a Public Officer and related to his or her capacity as a Public Officer, or an attempt to commit such an offence; or
(c) Any of the following in relation to an offence referred to in a preceding paragraph:
   (i) aiding, abetting, counselling or procuring the commission of the offence;
   (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
   (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
   (iv) conspiring with others to effect the commission of the offence.

Detriment
   Includes but is not limited to:
   (i) injury, damage or loss; or
   (ii) intimidation or harassment; or
   (iii) discrimination, disadvantage or adverse treatment in relation to a person's employment; or
   (iv) threats of reprisal.

Directions and Guidelines
   Refers to the Directions and Guidelines issued pursuant to section 20 of the Independent Commissioner Against Corruption (ICAC) Act 2012, and which are available on the Commissioner's website (www.icac.sa.gov.au).

Employee
   Person employed directly by Council working on a permanent full-time, permanent part-time or casual basis in exchange for remuneration. This includes contractors and consultants.

Fraud
   An intentional dishonest act or omission done with the purpose of deceiving.

Independent Assessor
   The person responsible for investigating a Disclosure made to a Responsible Officer. The Independent Assessor will be appointed by the Responsible Officer on a case-by-case basis (depending on the nature of the Disclosure) in accordance with this Policy and, if required, upon recommendation from the Local Government Association. The Council may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case, the Responsible Officer must have regard to this list in appointing the Independent Assessor.

Immunity
   An undertaking given by Council (in accordance with the Whistleblowers Protection Act 1993) to a Whistleblower in relation to action it does not intend to take against a Whistleblower as a result of receiving an Appropriate Disclosure of Public Interest information from the Whistleblower.

Maladministration (in public administration)
   Defined in the Whistleblowers Protection Act 1993 to include impropriety or negligence. Defined at section 4 of ICAC Act 2012 to mean:
   (i) conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
   (ii) conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and
   (iii) includes conduct resulting from impropriety, incompetence or negligence; and is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

Misconduct (in public administration)
   Defined at Section 4 of the ICAC Act to mean contravention of a code of conduct by a Public Officer while acting in his or her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or other misconduct of a Public Officer while acting in his or her capacity as a Public Officer.
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<td>(iv) perform other functions assigned to the Office by the Commissioner.</td>
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<th>Persons against whom an adverse decision may be made must be informed of any allegations against them in as much detail as possible -</th>
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<td>(i) wherever possible those persons must be provided with an opportunity to put their case, and to hear the case against them, whether at an oral hearing or otherwise;</td>
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<td>(ii) where a decision has to be made between competing interests, all parties to a matter must be heard and all arguments considered;</td>
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<td>(iii) no such person judges their own case or a case in which they have a direct interest; and</td>
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<td></td>
<td>(iv) decision-makers must act fairly and without bias.</td>
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| Public administration | The administration of government policy (Macquarie dictionary). Defined at section 4 of the ICAC Act 2012 means: without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration. |

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<td>(a) that an adult person, a Council or other Government Agency, is or has been involved in:</td>
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<td>• an illegal activity; or</td>
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<td>• an irregular and unauthorised use of public money; or</td>
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<td>• substantial mismanagement of public resources; or</td>
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<td></td>
<td>• conduct that causes a substantial risk to public health or safety, or to the environment; or</td>
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<td></td>
<td>(b) that a Public Officer is guilty of maladministration in or in relation to the performance of official functions.</td>
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<th>Public Officer</th>
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<td>• an Elected Member of Council, including the Mayor; and</td>
</tr>
<tr>
<td></td>
<td>• an Employee or Officer of Council.</td>
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</tbody>
</table>

Council’s Volunteers will be Public Officers where they: |
(a) hold a delegation from Council or the CEO or |
(b) in accordance with an Act, assist a Public Officer in the enforcement of the Act. |
Responsible Officer

A person(s) appointed pursuant to Section 302B of the Local Government Act 1999 who is (are) authorised to receive and act upon public interest information received from a Whistleblower. Council must ensure that at least one member of the staff of the Council (with qualifications prescribed by the Regulations) is designated as a Responsible Officer for the Council for the purposes of the Act.

Council’s Responsible Officers are:

- Director Corporate and Community Services;
- Manager, Operations; and
- Governance Advisor.

Victimisation

Occurs when a person causes detriment to another on the ground (or substantially on the ground) that the other person (or a third person) has made or intends to make an Appropriate Disclosure of Public Interest information.

Waste

The waste of public resources (including public money), which occurs as a result of the substantial mismanagement, irregular or unauthorised use of public resources.

Whistleblower

Any person who makes an Appropriate Disclosure of Public Interest information.

Volunteer

Person who undertakes an activity on behalf of Council for no financial reward. Includes work experience students.

4. Policy Statement

4.1 Protection for the Whistleblower

4.1.1 Council will take all reasonable steps to protect from Victimisation any Whistleblower who makes an Appropriate Disclosure. In the event that a Whistleblower is victimised, Council will immediately refer the matter to the SA Police. Once the Victimisation has been proven, and if the perpetrator is an Elected Member or Council Employee the matter will also be referred for penalty under the relevant Code of Conduct.

4.1.2 Whistleblowers will not be personally disadvantaged by dismissal, demotion or any form of harassment or discrimination as a result of making an Appropriate Disclosure.

4.1.3 The Act provides that Council gives the Whistleblower Immunity from criminal or civil liability (see paragraph 3 Definitions).

4.1.4 Confidentiality

The identity of a Whistleblower will be maintained as confidential in accordance with the Act. Such confidentiality will remain in all circumstances, unless the Whistleblower consents to his/her identity being disclosed, or Disclosure is otherwise required so that the matter may be properly investigated.

The Act does not expressly require any other information relating to a Disclosure (ie the nature of the allegations) to be maintained as confidential. This allows the Responsible Officer to advise the Chief Executive Officer of the content of the Disclosure. However, if the Disclosure is about the Chief Executive Officer, the Responsible Officer will refer the matter to the State Ombudsman for investigation as the Ombudsman deems appropriate and accordingly advise the Mayor.
4.2 Anonymous Disclosure

In the event that an anonymous Disclosure is made, the Whistleblower must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated. Accordingly, if an allegation is not supported by sufficient evidence it will not be referred by the Responsible Officer to the Appropriate Authority or Independent Assessor for investigation.

4.3 Appropriate Disclosure

An Appropriate Disclosure of Public Interest information must be made in accordance with the Whistleblower Protection: Blowing the Whistle Process ("the Process").

4.4 Assessment of Disclosure

The Responsible Officer will determine the nature of the Public Interest information contained within the Disclosure in accordance with the Process. The Responsible Officer:

- may seek legal advice from Council's Lawyers and/or seek guidance from SAPolice or the Ombudsman in relation to the best course of action to pursue while being mindful of Procedural Fairness to the parties involved in the Disclosure; and

- is authorised to incur costs in accordance with the Council's budget for this purpose.

4.5 Information to the Elected Body

4.5.1 Except for matters which relate to a mandatory reporting obligation to the Office for Public Integrity in accordance with the ICAC Directions and Guidelines, the CEO or Responsible Officer may, as a matter of discretion and subject to paragraph 4.5.2 (1) below, inform the Elected Body on a confidential basis, of the fact that a Disclosure has been made and referred to the Appropriate Authority.

4.5.2 Factors the CEO will take into account in determining whether to inform the Elected Body and the level of detail provided in doing so are as follows:

1. the identity of the person subject of the Disclosure (if the person is an Elected Member then the allegations will be handled in accordance with the Handling Allegations of Elected Member Breach of the Behavioural Code Process);

2. the impact (if any) of the investigation upon Council's achievement of its objectives under its Strategic Plan and/or policies;

3. the nature of the impact of any action taken to finalise the matter upon the Council's operations and/or budget; and

4. if the Disclosure is confined only to issues impacting upon Council staff and human resources processes, the CEO will not inform the Elected Body of the fact of the Disclosure and/or investigation since these matters fall outside the roles and responsibilities of Elected Members under the Local Government Act 1999.

Whistleblowers Protection Policy approved by Council on 20 May, 2014

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4.6 False Disclosures

4.6.1 There is no protection in the Act for people who knowingly make False Disclosures or are reckless as to whether or not their Disclosures are true. Those who do or are so are guilty of an offence and may be prosecuted.

4.6.2 Additionally, a Public Officer who is an Elected Member or Employee of Council who knowingly makes a False Disclosure, or is reckless as to whether the Disclosure is true, in addition to being guilty of an offence, may face disciplinary action taken by Council under the relevant Code of Conduct.

5. Supporting Documentation

Independent Commissioner Against Corruption's Directions and Guidelines
Process for Handling Allegations of Elected Member Breach of the Behavioural Code
Whistleblower Protection: Blowing the Whistle Process
Whistleblower Protection: Responsible Officer Checklist

6. Related Policies

Code of Conduct for Council Members
Code of Conduct for Employees
Fraud and Corruption Prevention Policy
Internal Review of Council Decisions Policy

7. References

Freedom of Information Act 1991
Independent Commissioner Against Corruption Act 2012
Local Government Act 1999
Whistleblowers Protection Act 1993

8. Review

This Policy shall be reviewed by Council, in consultation with the relevant stakeholders, every three years or more frequently if legislation or Council needs change.

9. Further Information

This Policy is available for inspection at the Council offices at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. It is also available for inspection, download or printing, free of charge, from Council’s web site: www.barossa.sa.gov.au.

Any grievances in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council, PO Box 867, Nuriootpa SA 5355.

SIGNED: ........................................ DATED: ........................................

Mayor Brian Hurn

Whistleblowers Protection Policy approved by Council on 20 May, 2014

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THE BAROSSA COUNCIL
WHISTLEBLOWER PROTECTION:
BLOWING THE WHISTLE PROCESS

1. Overview

1.1 This Process provides guidance for:

- anyone wishing to disclose Public Interest Information and obtain the protections under the Whistleblower Protection Act ("the Act") for doing so; and
- The Barossa Council's (Council's) Responsible Officer(s) (ROs) who are tasked to receive and assess these Disclosures.

1.2 Any allegations of Fraud, Corruption or criminal conduct will be automatically referred to the Appropriate Authority and not assessed by the RO or Independent Assessor.

2. Core Components

- Protections for the Whistleblower (page 4)
- Where to Make a Disclosure (page 5)
- Preliminary Assessment and Referrals by Responsible Officer (page 7)
- Investigation by Independent Assessor (page 8)
- Information to Elected Body (page 9)
- Handling of Information (page 10)

3. Definitions

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| Appropriate Disclosure | Is made if (a) the person: - either believes on reasonable grounds that the information is true; or is not in a position to form a belief on reasonable grounds about the truth of the information but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so |

Whistleblower Protection: Blowing the Whistle approved by the Chief Executive Officer on 20 May 2014
| Corruption | (a) An offence against Part 7 Division 4 (Offences relating to Public Officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

   (i) bribery or corruption of Public Officers;
   (ii) threats or reprisals against Public Officers;
   (iii) abuse of public office;
   (iv) demanding or requiring benefit on basis of public office;
   (v) offences relating to appointment to public office.

   (b) Any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a Public Officer while acting in his or her capacity as a Public Officer or by a former Public Officer and related to his or her former capacity as a Public Officer, or by a person before becoming a Public Officer and related to his or her capacity as a Public Officer, or an attempt to commit such an offence; or

   (c) Any of the following in relation to an offence referred to in a preceding paragraph:

      (i) aiding, abetting, counselling or procuring the commission of the offence;
      (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
      (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
      (iv) conspiring with others to effect the commission of the offence.

| Detriment | Includes but is not limited to:

   (i) injury, damage or loss; or
   (ii) intimidation or harassment; or
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| Directions and Guidelines | Refers to the Directions and Guidelines issued pursuant to section 20 of the Independent Commissioner Against Corruption (ICAC) Act 2012, and which are available on the Commissioner’s website (www.icac.sa.gov.au).

| Employee | Person employed directly by Council working on a permanent full-time, permanent part-time or casual basis in exchange for remuneration. This includes contractors and consultants.

| Fraud | An intentional dishonest act or omission done with the purpose of deceiving.

| Independent Assessor | The person responsible for investigating a Disclosure made to a Responsible Officer. The Independent Assessor will be appointed by the Responsible Officer on a case-by-case basis (depending on the nature of the Disclosure) in accordance with this Policy and, if required, upon recommendation from the Local Government Association. The Council may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case, the Responsible Officer must have regard to this list in appointing the Independent Assessor.

| Immunity | An undertaking given by Council (in accordance with the Whistleblowers Protection Act 1993) to a Whistleblower in relation to action it does not intend to take against a Whistleblower as a result of receiving an Appropriate Disclosure of Public Interest information from the Whistleblower.
| **Maladministration (in public administration)** | Defined in the Whistleblowers Protection Act 1993 to include impropriety or negligence. Defined at section 4 of ICAC Act 2012 to mean:

(i) conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or

(ii) conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and

(iii) includes conduct resulting from impropriety, incompetence or negligence; and is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

| **Misconduct (in public administration)** | Defined at Section 4 of the ICAC Act to mean contravention of a code of conduct by a Public Officer while acting in his or her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or other misconduct of a Public Officer while acting in his or her capacity as a Public Officer.

| **Office for Public Integrity (OPI)** | The office established under the ICAC Act that has the function to:

(i) receive and assess complaints about public administration from members of the public;

(ii) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and Public Officers;

(iii) make recommendations as to whether and by whom complaints and reports should be investigated;

(iv) perform other functions assigned to the Office by the Commissioner.

| **Procedural Fairness** | Persons against whom an adverse decision may be made must be informed of any allegations against them in as much detail as possible -

(i) wherever possible those persons must be provided with an opportunity to put their case, and to hear the case against them, whether at an oral hearing or otherwise;

(ii) where a decision has to be made between competing interests, all parties to a matter must be heard and all arguments considered;

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| **Public administration** | The administration of government policy (Macquarie dictionary). Defined at section 4 of the ICAC Act 2012 means: without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.
Public Interest information

Information that tends to show -

(a) that an adult person, a Council or other Government Agency, is or has been involved in:
   - an illegal activity; or
   - an irregular and unauthorised use of public money; or
   - substantial mismanagement of public resources; or
   - conduct that causes a substantial risk to public health or safety, or to the environment; or
(b) that a Public Officer is guilty of maladministration in or in relation to the performance of official functions.

Public Officer

Includes:

- an Elected Member of Council, including the Mayor; and
- an Employee or Officer of Council.
- Council's Volunteers will be Public Officers where they:
  (a) hold a delegation from Council or the CEO or
  (b) in accordance with an Act, assist a Public Officer in the enforcement of the Act.

Responsible Officer

A person(s) appointed pursuant to Section 302B of the Local Government Act 1999 who is (are) authorised to receive and act upon public interest information received from a Whistleblower. Council must ensure that at least one member of the staff of the Council (with qualifications prescribed by the Regulations) is designated as a Responsible Officer for the Council for the purposes of the Act.

Council's Responsible Officers are:

Director Corporate and Community Services;
Manager, Operations; and
Governance Advisor.

Victimisation

Occurs when a person causes detriment to another on the ground (or substantially on the ground) that the other person (or a third person) has made or intends to make an Appropriate Disclosure of Public Interest information.

Waste

The waste of public resources (including public money), which occurs as a result of the substantial mismanagement, irregular or unauthorised use of public resources.

Whistleblower

Any person who makes an Appropriate Disclosure of Public Interest information.

Volunteer

Person who undertakes an activity on behalf of Council for no financial reward. Includes work experience students.

4. Process

4.1 Protection for the Whistleblower

(1) A Whistleblower is a person who:
   - makes a Disclosure about Public Interest Information to an Appropriate Authority;
   - has reasonable grounds to believe that the Public Interest Information is true, or that it may be true and is of sufficient significance to justify the Disclosure, and
   - wishes to be protected against Detriment or Victimisation for making such a Disclosure.

(2) If the elements in paragraph 4.1(1) above are fulfilled, the Whistleblower will receive the following specific legislative protections if they assist with any investigation by an Appropriate Authority in relation to the Disclosure:

Whistleblower Protection: Blowing the Whistle approved by the Chief Executive Officer on 20 May 2014
immunity from civil or criminal liability for making a Disclosure
- identity will remain confidential unless his or her consent is given in writing to release and/or it is necessary for the effective investigation of the matter
- documents relating to the Disclosure are exempted from release under a *Freedom of Information Act 1991* request
- a person who takes a detrimental action (see *Definitions*) against them in reprisal for making a Disclosure may be found guilty of a criminal offence.

(3) Apart from the Whistleblower’s identity and subject to paragraph 4.1(2) above, the Act does not expressly require any other information relating to a Disclosure (ie the nature of the allegations) to be maintained as confidential.

4.2 Where to Make a Disclosure

Council has created an internal support structure where those wishing to make a Disclosure may obtain advice and support from one of three Responsible Officers (ROs):

- Director, Corporate and Community Services
- Manager, Operations
- Governance Advisor

The following are considerations for the Whistleblower in determining where to direct a Disclosure - with or without the assistance of the ROs as is appropriate in the circumstances.

(1) **Criminal matters (including Corruption, Maladministration, Misconduct and Fraud)**

When the Public Interest Information contains allegations of:

- Corruption, or serious and systemic Maladministration or Misconduct in Public Administration – the Disclosure should be made by the Whistleblower to the Office for Public Integrity (OPI), but it remains open to them to report to an RO if they are more comfortable in doing so (and the RO will report to the OPI in accordance with the *ICAC Act 2012*).

However, if the Whistleblower is also a Public Officer they must report to the OPI and may also report to the RO, but are not able to disclose to the RO that they have or intend to report to the OPI as this would breach the confidentiality provisions of the *ICAC Act 2012* at section 56.

- Maladministration or Misconduct in Public Administration which is not of a serious or systemic nature – the Disclosure may be made directly to the OPI or to the RO who will refer it to the Appropriate Authority in accordance with the *Whistleblowers Protection Act 1993 and ICAC Act 2012*;

- Fraud – the Disclosure must be reported to the Anti-Corruption branch of the SA Police, with or without the assistance of the RO;

- Other criminal conduct – the Disclosure must be reported directly to the SA Police, with or without the assistance of the RO.
(2) **Non-criminal matters**

The following are options where the Disclosure does not involve a criminal matter as described in paragraph 4.2(1) above and the Whistleblower chooses to make a Disclosure within Council’s internal support structure to an RO. Note that a Whistleblower may make a Disclosure to an Appropriate Authority external to Council at any time (see Definitions for pathways of referral).

When the Public Interest Information relates to:

- an Elected Member or Employee (excluding the CEO or person acting in that position) - the Disclosure should be made to one of the ROs.
- the CEO or person acting in that position - the Disclosure should be made to the Ombudsman (with the assistance of the RO if required).
- an RO - the Disclosure should be made to one of the other ROs or to an Appropriate Authority external to Council.

### 4.3 Making a Disclosure to a Responsible Officer

(1) Before a Whistleblower makes a Disclosure, he or she may wish to discuss the process of whistleblowing with one of the ROs – without giving any facts of their matter. At this time, the RO will act in accordance with the **Whistleblower Protection: Responsible Officer Checklist** (“the Checklist”). Without receiving any of the specific facts of the Disclosure, the Checklist allows the RO to discuss overall process and expectations of the potential Whistleblower.

(2) If, after such discussion, the Whistleblower chooses to make a Disclosure, or if they wish to make a Disclosure without any initial discussion with an RO, then the following should occur:

- the Disclosure should be directed to one of the ROs and may be made:
  - in person, or
  - by telephone on 8563 8444, or
  - in writing addressed: “CONFIDENTIAL – Whistleblowers Responsible Officer, PO Box 867, Nuriootpa SA 5355” (and include the name of a preferred RO if appropriate). *The Records Staff will not open the correspondence but forward it immediately to the RO whose name is addressed on the envelope, or in the absence of a name, then to the Director, Corporate and Community Services.*
  - where a Disclosure is made by telephone or in person, the RO will take notes of the conversation and ask the Whistleblower to verify and sign the notes (at a later date as agreed by the Whistleblower and RO).

(3) Disclosures can be made anonymously, in which case it is important for the Whistleblower to include sufficient details and evidence for the matter to be referred to the Appropriate Authority for assessment and possible investigation.

*Whistleblower Protection: Blowing the Whistle approved by the Chief Executive Officer on 20 May 2014*
(4) Where the identity of the Whistleblower is known to the RO or is reasonably ascertainable, the RO will acknowledge receipt of the Disclosure in writing within 5 days. At that time, the RO will provide to the Whistleblower a copy of Council’s Whistleblower Protection Policy and this Process document, if they have not already been provided.

4.4 Preliminary Assessment and Referrals by the Responsible Officer

(1) The RO will determine the nature of the Public Interest Information contained within the Disclosure and either:

(i) undertake a preliminary assessment to determine whether it is frivolous or vexatious in which case no further action will be taken in relation to the Disclosure; or

(ii) refer the matter to an Independent Assessor for a formal investigation and report to Council (see paragraph 4.5); or

(iii) refer the matter to an Appropriate Authority external to Council (see pathway of referrals in Definitions) and where the Disclosure contains allegations of Corruption, serious and/or systemic Misconduct, or serious and/or systemic Maladministration the referral must be in accordance with the Independent Commissioner Against Corruption's Directions and Guidelines.

In making such determination the RO:

- may seek legal advice from Council’s lawyers and/or guidance from the SA Police or the Ombudsman, and

- is authorised to incur costs in accordance with the Council’s budget for this purpose.

(2) The RO must report the outcome of his/her determination to the CEO (except if the referral has been made to the Officer for Public Integrity under the Directions and Guidelines). If the Disclosure is about the:

- CEO - the RO will report to the Mayor that s/he has referred the matter to the Ombudsman

- Mayor - the RO will report to the CEO and Deputy Mayor as to the existence of the Disclosure and act further in accordance with paragraph 4.6 below.

(3) The RO will inform the Whistleblower of his or her determination in writing within 5 days of the determination being made. If the Whistleblower is dissatisfied with the RO’s determination, the Whistleblower may report the Disclosure to an Appropriate Authority external to Council.
4.5 *Investigation by Independent Assessor*

(1) In the event that the RO determines that the Disclosure warrants further investigation, the RO will appoint an Independent Assessor (IA) upon recommendation from the Local Government Association or, if one has been endorsed by Council's Elected Body, from that list of pre-approved investigators, and be authorised to incur costs in accordance with the Council’s budget for this purpose.

(2) The objectives of the IA’s investigation process are:

- to collate information relating to the allegation as quickly as possible - this may involve taking steps to protect or preserve documents, materials and equipment;
- to consider the information collected and to draw conclusions objectively and impartially;
- to observe procedural fairness for any person who is subject of the Disclosure; and
- to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

(3) The RO will brief the IA to investigate and prepare a final report which will contain the following:

- the allegation(s)
- an account of all relevant information received, including any rejected evidence, and the reason for rejection
- conclusion reached and the basis for such conclusion
- any recommendations arising from the conclusion
- any remedial action to be taken by Council
- transcript or other record of any verbal evidence taken (including tape recordings)
- all documents, statements, or other exhibits received and accepted by the IA as evidence during the investigation.

The report will not disclose particulars that will or are likely to lead to the identification of the Whistleblower.

The investigation process will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.

(4) The IA must advise the Whistleblower that the *Whistleblower Protection Act* at section 6(3) requires that the Whistleblower assist with certain investigations that may result from his or her Disclosure and should the Whistleblower fail, without reasonable excuse, to assist with an investigation process the protections afforded to the Whistleblower under the Act may be forfeited.

(5) Upon receipt of a Disclosure, the IA will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing within 5 days, and provide them with an opportunity to respond to the Disclosure within 5 days (either in writing or in person).

However, the full details of any allegations contained in the Disclosure need not be brought to the person’s attention if the IA considers that doing so will compromise the success of any subsequent investigation.
At all times, the investigation will be conducted in confidence and the IA will keep the identity of the Whistleblower confidential unless the release of his/her identity is necessary to ensure the proper investigation of the Disclosure.

The RO will liaise with the IA and Whistleblower in relation to any investigation process and will ensure that the Whistleblower has reasonable support and protection as is possible in the circumstances.

During any interview with the IA, the person who is subject of the Disclosure may be accompanied by any support person including a legal, union or other representative. Any costs incurred in relation to obtaining such support are the personal expenses of the person who is subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.

The IA will keep the RO informed of the expected timeframes for completion of the investigation and the provision of a report for the CEO to refer to Council as appropriate (see paragraph 4.6 below).

The RO will notify the Whistleblower of the progress of any investigation where possible and if the law permits, of the final outcome.

4.6 Information to the Elected Body

(1) Except for Disclosures referred to the OPI under ICAC's mandated reporting requirements, the CEO may, as a matter of discretion and subject to sub-paragraph (2) below, inform the Elected Body on a confidential basis, of the fact that an investigation of a Disclosure is taking place or has taken place and the outcome of the investigation.

(2) Factors the CEO will take into account in determining whether to inform the Elected Body and the level of detail provided in doing so are as follows:

- the identity of the person subject of the Disclosure - if the person is an Elected Member then the investigation and reporting of the matter will be undertaken in accordance with the Process for Handling Allegations of Elected Member Breach of the Behavioural Code;
- in the event the Disclosure and investigation process is confined only to issues impacting upon Council staff and human resources processes, the CEO will not inform the Elected Body of the fact of the Disclosure and/or investigation since these matters fall outside the roles and responsibilities of Elected Members under the Local Government Act 1999;
- the impact (if any) of the investigation upon Council's achievement of its objectives under its Strategic Plan and/or policies; and
- the nature of the impact of any action taken to finalise the matter upon the Council's operations and/or budget.
4.7 Handling of Information

(1) The RO will ensure accurate records of the Disclosure process are maintained including notes of all discussions, phone calls, and interviews. It is recommended that the Whistleblower sign written records of interviews and interviews be taped, but only where the Whistleblower has consented to this. Witness statements should also be signed.

(2) All such information will be recorded in a register which is to remain confidential and be securely stored separately to Council's Electronic Documents Records Management System. At the conclusion of the matter, all records will be scanned into a confidential file and the originals placed in a locked file with access to both restricted to the CEO (or Mayor if the CEO is not the subject of the Disclosure) and the RO.

(3) In the event that an officer's appointment as an RO is terminated, that officer must provide the information to the newly-appointed RO and having done so will continue to be bound by a duty of confidentiality in respect of the Whistleblower's identity and the information received.

6. Training

Elected Members, Employees and Volunteers receive awareness of the Whistleblower Protection Policy and this supporting process at Induction. The ROs receive LGA training regarding the Whistleblower Protection Act and their responsibilities under it.

7. Records Management

All records of the Disclosure must be confidentially saved in accordance with the Record Management Policy and General Disposal Schedule, with access restricted to the CEO, (or Mayor if Disclosure is related to the CEO), and the RO.

8. Related Documents

Independent Commissioner Against Corruption: Directions and Guidelines
Process for Handling Allegations of Elected Member Breach of the Behavioural Code
Fraud and Corruption Prevention Policy / Reporting Fraud and Corruption Process
Records Management Policy
Whistleblower Protection Policy / Whistleblower Protection: Checklist for Responsible Officer(s)

9. References

Local Government Association's Model Whistleblower Protection Policy
Independent Commissioner Against Corruption Act 2012
Whistleblower Protection Act 1993

10. Review

This Process shall be reviewed by the Process Owner, in consultation with stakeholders, every three (3) years or more frequently if legislation or Council needs change.

SIGNED...................................................................DATED:..............................................................

Chief Executive Officer

Whistleblower Protection: Blowing the Whistle approved by the Chief Executive Officer on 20 May 2014
7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.5
UPDATE TO DELEGATIONS REGISTER – PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT
B8824 and B8826

Author: Governance Advisor

PURPOSE
Council is asked to delegate the additional and amended powers to the Chief Executive Officer, which are now available under the Planning, Development and Infrastructure Act 2016.

RECOMMENDATION

(1) Revocation of Delegations

(a) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the Planning, Development and Infrastructure Act 2016, as specified in the extract contained in Attachment 2 of this report.

(2) Delegations made under the Planning, Development and Infrastructure Act 2016

(a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the extract of the proposed Instrument of Delegation (annexed to the Report and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 and Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 and marked Attachment 2 and 3 respectively) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified in the extract of the proposed Instrument of Delegation.

(b) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the proposed Instrument of Delegation.

(3) Delegations made under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority
In exercise of the power contained in Section 100 of the Planning Development and Infrastructure Act 2016 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation (annexed to the Report and entitled Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority and marked Attachment 4) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit in accordance with relevant legislation, unless otherwise indicated herein or in the proposed Instrument of Delegation.

REPORT

Background
Council may only exercise those powers and functions which are conferred on it by legislation. The ways in which Council may exercise its powers and functions are:

- When the Elected Body itself exercises the power or function at a formally constituted meeting; and
- When the legislation enables it, a power or function may be delegated pursuant to an Instrument of Delegation and exercised in the name of a delegate.

Used well, delegations greatly assist Council by enabling the Elected Body to progress with the strategic element of local government and leave day-to-day operations and administration to the staff who have the relevant expertise and experience to deal with such matters – thus improving the effectiveness and efficiency.

Introduction
The Barossa Council’s Delegations Register is reviewed each financial year in accordance with Section 44(6) of the Local Government Act 1999, and by way of best practice, quarterly and amended in the event that the Local Government Association’s (“LGA”) Quarterly Reviews of urgent updates recommend that amended Instruments of Delegation be immediately adopted. Council’s most recent annual review of delegations occurred in May earlier this year.

The review before Council today is as a result of the LGA issuing amended and new Instruments of Delegation under the Planning, Development and Infrastructure Act 2016 (the “Act”), as a result of section 156 of the Act becoming operational, which applies to all swimming pools throughout the State. The corresponding Section 71AA of the Development Act has also now been repealed.

The LGA has issued Circular 38.14, which provides further information on the updates to its Delegations Instruments, and is attached at Attachment 1 to this report.

Attachments 2, 3, and 4 are extracts from Council’s delegations software, which show the updated and new Instruments of Delegation under the Act.

Discussion
As a result of section 156 of the Planning, Development and Infrastructure Act 2016 becoming operational, and section 71AA of the Development Act 1993 being repealed, the LGA has issued two new Instruments of Delegation and updated its Instrument of Delegation under the Planning, Development and Infrastructure Act
2016 (the “Act”). The new and updated Instruments of Delegation are described below:

- **Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 (new and updated)**
  New powers and amended powers as a result of the section 156 of the Act becoming operational.

- **Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority (new)**
  Powers and functions of Council as a relevant authorities that are applicable.

**Summary and Conclusion**
Council is now asked to delegate the additional and amended powers to the Chief Executive Officer, which are now available under the **Planning, Development and Infrastructure Act 2016**, as specified in this report and attachments.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

- **Attachment 1** – LGA Circular 38.14 – New Delegations under the Planning, Development and Infrastructure Act 2016 (19/58608)
- **Attachment 2** – Extract – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 (19/58596)
- **Attachment 3** – Extract – Instrument of Delegation under the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (19/58595)
- **Attachment 4** – Extract – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority (19/58598)

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

*How We Work – Good Governance*

**Corporate Plan**
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

**Legislative Requirements**
Local Government Act 1999
Planning, Development and Infrastructure Act 2016

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial**
There are no financial considerations.

**Resource**
Facilitation of these delegations to the Chief Executive Officer will be undertaken according to officer’s existing duties.

**Risk**
The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by the Local Government Association.
It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- The exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- The cost of a successful challenge to a decision made without lawful delegation will likely be borne by Council
- Where the unlawful exercise of the power has caused loss or damage, Council may be liable for such loss or damage.

**COMMUNITY CONSULTATION**

There is no legislative requirement to consult with the community in this situation, nor, in officers’ opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council’s website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer.
New Delegations under the Planning, Development and Infrastructure Act 2016 - Circular 38.14

To
Chief Executive Officer
Governance Officers
Planning - Building Staff
Policy and Strategic Planning Staff

Date
19 September 2019

Contact
Alicia Stewart
Email: alicia.stewart@lga.sa.gov.au

Response Required
No

Summary
Two new delegation templates have been prepared under the Planning, Development and Infrastructure Act 2016: one for powers of a council as a council, designated authority, or designated entity, and one for powers of a council as a relevant authority. New draft resolutions for the making of these delegations have also been prepared. Please see the circular for further explanation and links to the new templates.

New Instruments of Delegation
Two new instruments of delegation have been prepared as follows:

1. Instrument of delegation under the Planning, Development and Infrastructure Act 2016 (PDI Act) of powers of council as (i) a council, (ii) a designated authority (iii) a designated entity (Instrument A1).

Instrument A1 contains powers and functions of a council in its role as set out above under the PDI Act that have commenced and are applicable and relevant as at 1 July 2019.

Instrument A1 does not contain powers and functions under the PDI Act where there are equivalent powers and functions under the Development Act 1993 (the Development Act) that can for the time being continue to be exercised by councils.

New Instrument A1 is available here.

2. Instrument of delegation under the PDI Act of powers of a council as a relevant authority (Instrument B1).

Instrument B1 contains the powers and functions of a council as a relevant authority that have commenced and are applicable and relevant to councils as at 1 July 2019. As more provisions in the PDI Act become applicable to councils, Instrument B1 will be amended.

New Instrument B1 is available here.

Councils will be aware that section 71AA of the Development Act has been repealed. Section 156 of the PDI Act has commenced and applies in relation to all swimming pools throughout the State (that is, it is not limited to out of council areas only). The Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019 are also now operational, which provide the details as to the requirements for safety features for swimming pools.

In relation to swimming pool safety inspections, due to the repeal of section 71AA of the Act, if a swimming pool does not comply with the new requirements under the PDI Act and associated regulations, then this would constitute a breach of section 156(4) of the PDI Act (and not a breach of section 71AA of the Development Act because that section has been repealed).

Instrument A1 contains the power to issue an enforcement notice pursuant to section 213 of the PDI Act. Accordingly, if it is discovered that a swimming pool doesn’t comply with the new requirements (under the PDI Act and associated regulations) then the council (or the delegate if the power has been delegated) could issue an enforcement notice pursuant to section 213 of the PDI Act. In relation to other breaches of the Development Act, these can be enforced in the usual way under the Development Act whilst the relevant Development Act provision allegedly being breached remains operational.

New draft resolutions
New draft resolutions have also been prepared for the delegation templates. Please note there is a different draft resolution for each instrument – the draft resolution that references section 44 of the Local Government Act 1999 is to be used with Instrument A1 and the draft resolution that references section 100 of the PDI Act is to be used with Instrument B1.

New draft resolutions are available here.

Councils should, before making the delegations in Instrument A1 and B1, revoke any previous delegations made for powers and functions under the PDI Act.

For more information please contact Stephen Smith (Stephen.smith@lga.sa.gov.au) or Alicia Stewart (alicia.stewart@lga.sa.gov.au).
## Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016

### NEW Provisions

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<td>16.2</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>The power pursuant to Section 130(14) of the PDI Act to, if the Council has, in relation to any matters referred to the Council under Section 130(5) of the PDI Act, expressed opposition to the proposed development in its report under Section 130(6) of the PDI Act, withdraw the Council’s opposition.</td>
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</table>
| 282885 | Planning, Development and Infrastructure Act 2016 | s210(1) | 26. Appointment of Authorised Officers  
26.1 The power pursuant to Section 210(1) of the PDI Act to:  
26.1.1 appoint a person to be an authorised officer for the purposes of the PDI Act; and  
26.1.2 appoint a person who holds the qualifications prescribed by the regulations to be an authorised officer for the purposes of the PDI Act if the Council is required to do so by the regulations. |
| 282886 | Planning, Development and Infrastructure Act 2016 | s210(2) | 26. Appointment of Authorised Officers  
26.2 The power pursuant to Section 210(2) of the PDI Act to make an appointment of an authorised officer subject to conditions. |
| 282887 | Planning, Development and Infrastructure Act 2016 | s210(3) | 26. Appointment of Authorised Officers  
26.3 The power pursuant to Section 210(3) of the PDI Act to issue each authorised officer an identity card:  
26.3.1 containing a photograph of the authorised officer; and  
26.3.2 stating any conditions of appointment limiting the authorised officer's appointment. |
| 282888 | Planning, Development and Infrastructure Act 2016 | s210(5) | 26. Appointment of Authorised Officers  
26.4 The power pursuant to Section 210(5) of the PDI Act to, at any time, revoke an appointment which the Council has made, or vary or revoke a condition of such an appointment or impose a further such condition. |
<p>| 282889 | Planning, Development and Infrastructure Act 2016 | s213(1) | 27. Enforcement Notices |
| 282890 | Planning, Development and Infrastructure Act 2016 | s213(2) | 27. Enforcement Notices |
| 282891 | Planning, Development and Infrastructure Act 2016 | s213(5) | 27. Enforcement Notices |
| 282892 | Planning, Development and | s213(6) | 27. Enforcement Notices |</p>
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<tbody>
<tr>
<td>Infrastructure Act 2016</td>
<td>27.4</td>
<td>The power pursuant to Section 213(6) of the PDI Act to recover the reasonable costs and expenses incurred by the Council (or any person acting on behalf of the Council) under Section 213 of the PDI Act, as a debt due from the person whose failure gave rise to the action.</td>
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<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>27.</td>
<td>Enforcement Notices</td>
</tr>
<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>27.5</td>
<td>The power pursuant to Section 213(7) of the PDI Act, if an amount is recoverable from a person by the Council under Section 213 of the PDI Act to, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person.</td>
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<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>28.</td>
<td>Applications to Court</td>
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<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>28.1</td>
<td>The power pursuant to Section 214(1) of the PDI Act to apply to the Court for an order to remedy or restrain a breach of the PDI Act or the repealed Act (whether or not any right of that person has been or may be infringed by or as a consequence of that breach).</td>
</tr>
<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>28.2</td>
<td>The power pursuant to Section 214(2) of the PDI Act to consent to proceedings under Section 214 of the PDI Act being brought in a representative capacity on behalf of the Council.</td>
</tr>
<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>28.3</td>
<td>The power pursuant to Section 214(4) of the PDI Act to make an application without notice to any person and to make an application to the Court to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under Section 214 of the PDI Act.</td>
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<tr>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>28.4</td>
<td>Applications to Court</td>
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<td>Planning, Development and Infrastructure Act 2016</td>
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<td>Planning, Development and Infrastructure Act 2016</td>
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<td>282898</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s214(9)</td>
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<td>282899</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s214(10)</td>
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<td>282900</td>
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<td>282901</td>
<td>Planning, Development and Infrastructure Act 2016</td>
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<td>282902</td>
<td>Planning, Development and Infrastructure Act 2016</td>
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<tr>
<td>28.10</td>
<td>PDI Act 2016</td>
<td>The power pursuant to Section 214(17) of the PDI Act to apply to the Court to vary or revoke an order previously made under Section 214 of the PDI Act.</td>
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<td>29.1</td>
<td>PDI Act 2016</td>
<td>The power pursuant to Section 219(1) of the PDI Act to commence proceedings for an offence against the PDI Act.</td>
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<td>30.1</td>
<td>PDI Act 2016</td>
<td>The power pursuant to Section 223(2) of the PDI Act to make an application to the Court for an adverse publicity order.</td>
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</table>
| 30.2    | PDI Act 2016 | The power pursuant to Section 223(4) of the PDI Act, if the offender fails to give evidence to the Council in accordance with Section 224(1)(b) of the PDI Act to:  
  30.2.1 take the action or actions specified in the order; and  
  30.2.2 authorise a person in writing to take the action or actions specified in the order. |
| 282908  | Planning, Development and Infrastructure Act 2016 | s223(5) | 30.3 | The power pursuant to Section 223(5) of the PDI Act, if:  
30.3.1 the offender gives evidence to the Council in accordance with Section 223(1)(b) of the PDI Act; and  
30.3.2 despite the evidence, the delegate is not satisfied that the offender has taken the action or actions specified in the order in accordance with the order, to apply to the court for an order authorising the Council, or a person authorised in writing by the Council, to take the action or actions and to authorise a person in writing to take the action or actions. |
<p>| 282908  | Planning, Development and Infrastructure Act 2016 | s223(6) | 30.4 | The power pursuant to Section 223(6) of the PDI Act, if the Council, or a person authorised in writing by the Council, takes an action or actions in accordance with Section 223(4) of the PDI Act or an order under Section 223(5) of the PDI Act, to recover from the offender an amount in relation to the reasonable expenses of taking the action or actions, as a debt, due to the Council. |
| 282909  | Planning, Development and Infrastructure Act 2016 | s225(1) | 31.1 | The power pursuant to Section 225(1) of the PDI Act, subject to Section 225 of the PDI Act, if the delegate is satisfied that a person has committed an offence by contravening a provision of the PDI Act, to, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of the contravention. |
| 282910  | Planning, Development and Infrastructure Act 2016 | s225(2) | 31.2 | The power pursuant to Section 225(2) of the PDI Act, in respect of a |</p>
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<td>282911</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s225(3)</td>
<td>Civil Penalties</td>
<td>31.3 The power pursuant to Section 225(3) of the PDI Act to serve on the person a notice in the prescribed form advising the person that the person may, by written notice to the Council, elect to be prosecuted for the contravention.</td>
</tr>
<tr>
<td>282912</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s225(13)</td>
<td>Civil Penalties</td>
<td>31.4 The power pursuant to Section 225(13) of the PDI Act to seek the authorisation of the Attorney-General to the commencement of proceedings for an order under Section 225 of the PDI Act.</td>
</tr>
<tr>
<td>282913</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s225(17)</td>
<td>Civil Penalties</td>
<td>31.5 The power pursuant to Section 225(17) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 225 of the PDI Act.</td>
</tr>
<tr>
<td>282914</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s228(7)</td>
<td>Make Good Orders</td>
<td>32.1 The power pursuant to Section 228(7) of the PDI Act to apply to the Court to vary or revoke an order under Section 228 of the PDI Act.</td>
</tr>
<tr>
<td>282915</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s229(5)</td>
<td>Recovery of Economic Benefit</td>
<td>33.1 The power pursuant to Section 229(5) of the PDI Act to apply an amount paid to the Council in accordance with an order under Section 229(1) of the PDI Act for the purpose of acquiring or developing land as open space and to hold it in a</td>
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</table>
| 282916 | Planning, Development and Infrastructure Act 2016 | s230(1) | 34. Enforceable Voluntary Undertakings  
34.1 The power pursuant to Section 230(1) of the PDI Act to accept (by written notice) a written undertaking given by a person in connection with a matter relating to a contravention or alleged contravention by the person of the PDI Act. |
| 282917 | Planning, Development and Infrastructure Act 2016 | s230(4) | 34. Enforceable Voluntary Undertakings  
34.2 The power pursuant to Section 230(4) of the PDI Act if the delegate considers that a person has contravened an undertaking accepted by the Council, to apply to the Court for enforcement of the undertaking. |
| 282918 | Planning, Development and Infrastructure Act 2016 | s230(7) | 34. Enforceable Voluntary Undertakings  
34.3 The power pursuant to Section 230(7) of the PDI Act to agree in writing with a person who has made an undertaking to:  
34.3.1 vary the undertaking; or  
34.3.2 withdraw the undertaking. |
| 282919 | Planning, Development and Infrastructure Act 2016 | s230(11) | 34. Enforceable Voluntary Undertakings  
34.4 The power pursuant to Section 230(11) of the PDI Act to accept an undertaking in respect of a contravention or alleged contravention before proceedings in respect of that contravention have been finalised. |
| 282920 | Planning, Development and Infrastructure Act 2016 | s230(12) | 34. Enforceable Voluntary Undertakings  
34.5 The power pursuant to Section 230(12) of the PDI Act if the delegate |
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<tr>
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<th>Planning and Design Code</th>
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<tr>
<td>230(14)</td>
<td>PDI</td>
<td>The power pursuant to Section 230(14) of the PDI Act to seek an authorisation from the Commission for the Council to act under Section 230 of the PDI Act.</td>
<td>The power pursuant to Section 239(1) of the PDI Act if a charge on land is created under a provision of the PDI Act in favour of the Council, to deliver to the Registrar-General a notice in a form determined by the Registrar-General, setting out the amount of the charge and the land over which the charge is claimed.</td>
<td>The power pursuant to Section 240(1) of the PDI Act to apply to the Registrar General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, to register or record in an appropriate manner the transfer to the Council of an asset, right or liability by regulation, proclamation or notice under the PDI Act.</td>
<td>Planning and Design Code</td>
</tr>
</tbody>
</table>
The power pursuant to Clause 9(6)(a) of Schedule 8 of the PDI Act to apply to the Minister for approval to commence the process under Section 25 of the repealed Act.

**CHANGED Provisions**

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<tr>
<th>#</th>
<th>Delegation Source</th>
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<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
<th>Delegate / Authorised Officer</th>
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<td>158088</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s7(5)(b)</td>
<td>3. Environment and Food Production Areas – Greater Adelaide</td>
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<td>3.1 The power pursuant to Section 7(5)(b) of the PDI Act, in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</td>
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<td>3.1.1 to seek the concurrence of the Commission in the granting of the authorisation;</td>
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<td>3.1.2 to concur in the granting of the development authorisation to the development;</td>
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<td>3.1.3 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</td>
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<td>158089</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s35(1)(a)</td>
<td>45. Planning Agreements</td>
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<td>45.1 The power pursuant to Section 35(1)(a) of the PDI Act and subject to Section 35 of the PDI Act to enter into an agreement (a planning agreement) with the Minister relating to a specified area of the State in accordance with Section 35 of the Act.</td>
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<tr>
<td>158090</td>
<td>Planning,</td>
<td>s35(3)</td>
<td>45. Planning Agreements</td>
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</tbody>
</table>

AM, DDES, MDS. This power remains with CEO - no further sub-delegation.
The power pursuant to Section 35(3) of the PDI Act to, in a planning agreement, include provisions that outline the purposes of the agreement and the outcomes that the agreement is intended to achieve and to provide for:

- the setting of objectives, priorities and targets for the area covered by the agreement; and

The constitution of a joint planning board including, in relation to such a board:

- the membership of the board, being between 3 and 7 members (inclusive); and
- subject to Section 35(4) of the PDI Act, the criteria for membership; and
- the procedures to be followed with respect to the appointment of members; and
- the terms of office of members; and
- conditions of appointment of members, or the method by which those conditions will be determined, and the grounds on which, and the procedures by which, a member may be removed from office; and
- the appointment of deputy members; and
- the procedures of the board; and
| 158098 | Planning, Development and Infrastructure Act 2016 | s44(6)(a) | **Community Engagement Charter** |
| 158103 | Planning, Development and Infrastructure Act 2016 | s167(7) | **Adoption of Scheme** |
| 158105 | Planning, Development and Infrastructure Act 2016 | s169(9) | **Funding Arrangements** |
| 158107 | Planning, Development and Infrastructure Act 2016 | s177(4) | **Contributions by Constituent Councils** |
| 158109 | Planning, Development and Infrastructure Act 2016 | s180(7) | **Imposition of Charge by Councils** |

**57.** The power pursuant to Section 44(6)(a) of the [PDI Act](#), to, in accordance with the Charter, make submissions in relation to any proposal to prepare or amend a designated instrument under Part 5 Division 2 Subdivision 5 of the [PDI Act](#) that is relevant to the Council (unless the proposal has been initiated by the Council).

**919.** The power pursuant to Section 167(7) of the [PDI Act](#) to consult [make](#) with [submissions to](#) the Minister in relation to a variation to an outline of a scheme.

**1420.** The power pursuant to Section 169(8)(9) of the [PDI Act](#) to [approve](#) [make](#) [submissions to](#) the [Commission](#) in relation to a funding arrangement that provides for specifically or relevantly includes the collection of contributions under subdivision 8 in relation to prescribed infrastructure Council.

**1421.** The power pursuant to Section 177(4) of the [PDI Act](#) to consult [make](#) with [submissions to](#) the Minister in relation to the Council’s share.

**1422.** The power pursuant to Section 180(7) of the [PDI Act](#), if the Council incurs costs in recovering a charge as a debt, to claim the reimbursement of those costs (insofar as they are reasonable) from the relevant fund established under subdivision 9, Division 1, Part 13 of the [PDI Act](#).
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<td>Authorised Works</td>
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<td>4323.3 The power pursuant to Section 187(5)(b) of the PDI Act to consult make with submissions to the relevant road maintenance authority in relation to the matter.</td>
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<tr>
<td>158113</td>
<td>s187(6)</td>
<td>Authorised Works</td>
<td>AM, DDES, DWES, MDS, MES</td>
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<td>4323.4 The power pursuant to Section 187(5)(b)(6) of the PDI Act, in a case of emergency, to only comply with Section 187(5)(b) of the PDI Act to such extent as is practicable in the circumstances.</td>
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<td>158116</td>
<td>s189(1)</td>
<td>Acquisition of Land</td>
<td>AM, DDES, DWES, MDS</td>
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<td>4525.1 The power pursuant to Section 189(1) of the PDI Act, to:</td>
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<td>25.1.1 seek the consent of the Minister to acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969; and</td>
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<td>25.1.2 with the consent of the Minister, acquire land for a purpose associated with infrastructure works under and in accordance with the Land Acquisition Act 1969.</td>
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<tr>
<td>172141</td>
<td>s73(2)(b)(iv)</td>
<td>Preparation and Amendment</td>
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<td>9.1 The power pursuant to Section 73(2)(b)(iv) of the PDI Act to:</td>
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<td>9.1.1 seek the approval of the Minister to initiate a proposal to amend a designated instrument; and</td>
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<tr>
<td>172142</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s73(6)</td>
<td><strong>9.1.2</strong> initiate a proposal to amend a designated instrument with the approval of the Minister, acting on the advice of the Commissioner.</td>
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<td><strong>6A</strong></td>
<td>Preparation and Amendment</td>
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<td>9.2</td>
<td>The power pursuant to Section 73(6) of the PDI Act where the Council is authorised or approved under Section 73 of the PDI Act, and after all of the requirements of Section 73 of the PDI Act have been satisfied:</td>
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<tr>
<td>9.2.1</td>
<td>to prepare a draft of the relevant proposal; and</td>
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<td>9.2.2</td>
<td>to comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and</td>
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<td><strong>6A</strong></td>
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<tr>
<td>9.2.3</td>
<td>to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board – to consult with the joint planning board; and</td>
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<td><strong>6A</strong></td>
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<td>9.2.4</td>
<td>to the extent that paragraph (b) of Section 73(6) of the PDI Act does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally) – to take reasonable steps to give:</td>
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<td><strong>DDES, MDS, PP</strong></td>
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2.4.1 an owner or occupier of the land; and
2.4.2 an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and
2.5 to consult with any person or body specified by the Commission and any other person or body as the delegate thinks fit; and
2.6 to carry out such investigations and obtain such information specified by the Commission; and
2.7 to comply with any requirement prescribed by the regulations.

Preparation and Amendment

The power pursuant to Section 73(8) of the Act to, after the Council has furnished a report to the Minister under Section 73(7) of the PDI Act, ensure that a report is published on the SA planning portal in accordance with any practice direction that applies for the purposes of Section 73 of the PDI Act (including information about any change to the original proposal that the delegate considers should be made) and
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<td>Planning, Development and Infrastructure Act 2016</td>
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<td>Parliamentary Scrutiny</td>
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<td>172147</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s83(1)</td>
<td>Panels Established by Joint Planning Boards or Councils</td>
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</table>

**For Preparation and Amendment (s73(8))**

The power pursuant to Section 73(9) of the PDI Act, after the Council has furnished a report to the Minister, to enter into an agreement with the Minister to ensure that a copy of the report is published on the SA planning portal in accordance with a person practice direction that applies for the purposes of recovery of costs incurred by the Council in relation to an amendment of the Planning and Design Code or a design standard under Section 73 of the Act (subject to the requirement to charge costs under Section 73(4)(b) of the PDI Act if relevant).

**For Parliamentary Scrutiny (s74(8))**

The power pursuant to Section 74(8) of the PDI Act if the ERD Committee is proposing to suggest an amendment under Section 74(4) of the PDI Act and the amendment is specifically relevant to the Council, to provide a comment and a response within the period of 2 weeks.

**For Panels Established by Joint Planning Boards or Councils (s83(1))**

The power pursuant to Section 83(1) of the PDI Act in relation to an assessment panel appointed by the Council under Division 1 of Part 6 of the PDI Act, to:

This power remains with CEO - no further sub-delegation.
12.1.1 appoint more than 1 assessment panel and if the delegate does so, to clearly specify which class of development each assessment panel is to assess;

12.1.2 determine:

12.1.2.1 the membership of the assessment panel, being no more than 5 members, only 1 of which may be a member of a [Council](#), and, if the delegate thinks fit, on the basis that the assessment panel will be constituted by a different number of members depending on the particular class of development that is being assessed by the assessment panel; and

12.1.2.2 the procedures to be followed with respect to the appointment of members; and

12.1.2.3 the terms of office of members; and

12.1.2.4 conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office; and
1.2.5 the appointment of deputy members; and

1.2.6 who will act as the presiding member of the panel and the process for appointing an acting presiding member.

### Panels Established by Minister

**172151** Planning, Development and Infrastructure Act 2016 s84(1)(c)(ii)(A) Panels Established by Minister

**13.1** The power pursuant to Section 84(1)(c)(ii)(B(A) of the PDI Act to make submissions to request the Minister about the constitution of a regional assessment panel in relation to the area combined areas of the Council (and part of the more area) other councils.

This power remains with CEO - no further sub-delegation

### DELETED Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
<th>Conditions and Limitations</th>
<th>Delegate / Authorised Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>158106</td>
<td>Planning, Development and Infrastructure Act 2016</td>
<td>s169(9)</td>
<td>10. Funding Arrangements</td>
<td></td>
<td>AM, DDES, DWES, MDS, MES</td>
</tr>
</tbody>
</table>
Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017

NEW Provisions

<table>
<thead>
<tr>
<th>#</th>
<th>Delegation Source</th>
<th>Section</th>
<th>Item Delegated / Authorisation</th>
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<th>Delegate / Authorised Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>281967</td>
<td>Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017</td>
<td>r8(1)(c)</td>
<td>Adoption of DPAs</td>
<td>40.1 The power pursuant to Regulation 8(1)(c) of the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (the Transitional Provisions Regulations) to apply to the Minister under Regulation 8 of the Transitional Provisions Regulations in accordance with any requirement determined by the Minister.</td>
<td></td>
</tr>
</tbody>
</table>
### Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority

**NEW Provisions**

<table>
<thead>
<tr>
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<th>Conditions and Limitations</th>
<th>Delegate / Authorised Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>281966</td>
<td>Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority</td>
<td>s7(5(a) and (d))</td>
<td>1. Environment and Food Production Areas – Greater Adelaide</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1.1 The power pursuant to Section 7(5)(a) and (d) of the Planning, Development and Infrastructure Act 2016 (the PDI Act), in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1.1.1 to seek the concurrence of the Commission in the granting of the development authorisation to the development;</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>1.1.2 to, if the proposed development will create additional allotments to be used for residential development, refuse to grant development authorisation in relation to the proposed development.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.6 AUSTRALIA DAY 2020 – AMENDMENT TO SEPTEMBER 2019 RESOLUTION – ALTERNATIVE VENUE

B9790

PURPOSE
To amend the resolution to hold the Australia Day 2020 event now at the Nuriootpa High School gymnasium.

RECOMMENDATION
That Council amend resolution 2018-22/311 to:

“That Council move the 2020 Australia Day event to Nuriootpa High School Gymnasium and allocates a further $10,000 to support additional costs of hosting the event”.

REPORT
At the September 2019 meeting of Council it resolved to host the Australia Day event in 2020 at the Nuriootpa Centennial Park due to the unavailability of the Tanunda Show Hall.

When scoping out the needs of the venue change a contractor suggested the Nuriootpa High School gymnasium might be a good alternative as it already has the necessary audio and stage. On a site visit undertaken on Thursday 3 October, it was determined that we also have access to chairs and the set up would be simpler. Further if the weather is not in our favour (heat or wind or rain) the inside venue provides a lower risk solution. It will be able to accommodate approximately 600 people.

The school has offered the hire at no cost other than cleaning up and setting and packing up. It has been suggested that Council (which the Chief Executive Officer can do under delegation) could make a contribution to the school and Vine Inn “Social Justice Fund” of $500-$1000 instead to recognise the support being provided; Council will save these costs easily by not having to hire a stage, there will be less audio set up and chairs are available, should Council take up this option.

The proposed amendment is being submitted pursuant to Regulation 21 (1) of the Local Government (Procedures at Meetings) Regulation 2013 which prescribes that “the Chief Executive Officer may submit a report to the Council recommending the revocation or amendment of a resolution passed since the large general election of the Council”.

The original motion 2018-22/311 states:
That Council move the 2020 Australia Day event to Nuriootpa Centennial Park and allocates a further $10,000 to support additional costs of hosting the event.

It is proposed that the amended motion read (it is considered an amendment as it has the same effect of moving the Australia Day location and providing funds for the hosting at the new location):

That Council move the 2020 Australia Day event to Nuriootpa High School Gymnasium and allocates a further $10,000 to support additional costs of hosting the event.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
September 2019 report to Council

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community and Culture

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nothing further than outlined in the report of September 2019 or in the body of this report.

**COMMUNITY CONSULTATION**

No community consultation is required and the community will be notified of the changes through normal Australia Day publicity.
7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.5
AUSTRALIA DAY 2020
B9790

PURPOSE
To determine where to hold the 2020 event as the Tanunda Show Hall shall not be available in 2020 due to significant upgrade works being undertaken.

RECOMMENDATION
That Council move the 2020 Australia Day event to Nuriootpa Centennial Park and allocates a further $10,000 to support additional costs of hosting the event.

REPORT
Australia Day is a civic and ceremonial event held since amalgamation at the Show Hall as the only facility large enough owned by Council to hold a community wide event.

The Show Hall will not be available in 2020 due to the significant upgrades and renovations of the hall currently underway.

It is suggested that Nuriootpa Centennial Park located near the club rooms is an appropriate location as it has access to commercial kitchen, toilets and general parking and facilities that can cater for the event. Alternative locations considered are:

1. Bethany reserve, however this is significantly exposed and should the weather be against the event it will be difficult to manage.
2. Village Green, for similar reasons not considered appropriate and lack of catering and kitchen facilities.
3. All halls, none are large enough.
4. Private venues, will be prohibitively costly.

Also Council has been asked to consider, see attachment, a donation to other local events held. There are three that are held by community groups, whilst they are not the official Council event these serve a community purpose for those communities. The events are Mount Pleasant, Eden Valley and Williamstown. Williamstown group applied for some funding as part of the community new initiatives in the 2019/20 budget for $600. Council if it wished to support these events would need to make an additional budget allocation. Should members wish to support that outcome it can consider it in the 2020/21 budget or include a resolution to the following affect in the resolution above.
That Council support the three community Australia Day celebrations at Mount Pleasant, Eden Valley and Williamstown to the value of $X on condition that the funds are provided to a legal entity of the organisers, register for GST and that they acquit the funds annually.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Correspondence from Cr Barrett.

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community and Culture

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial and Resource
At this time no financial costs have been incurred, it is estimate some additional costs to hire marques or other equipment will be required.

Risk Management
Nil

**COMMUNITY CONSULTATION**
No community consultation is required and the community will be notified of the changes through normal Australia Day publicity.
7.2.1 - DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.7
HILLS AREA HEALTH ADVISORY COUNCIL INC. – APPOINTMENT OF LOCAL GOVERNMENT REPRESENTATIVE

B9230

PURPOSE
Council has been provided an opportunity to nominate a Local Government representative to the Hills Area Health Advisory Council Inc (HAHAC).

RECOMMENDATION
That Cr ……………………….. be appointed as the Local Government representative to the Hills Area Health Advisory Council Inc. for the remainder of the term of the current Council or until further reviewed or changed.

OR

That Council receive and note the invitation and decline to provide a nomination noting that Council already participates on the Barossa and Districts Area Health Advisory Council Inc and it considers it more appropriate that the opportunity be made available for the Councils predominately residing in hills advisory area.

REPORT
The Hills Health Advisory Council Inc. (“HAHAC”) is an incorporated health advisory body established by the Minister under the Health Care Act 2008. The HAHAC relays ideas and views from the community to local health services.

The HAHAC membership includes a representative from Local Government from either Barossa, Mt Barker, Adelaide Hills or Alexandrina Councils to date Council has not been directly involved in the Board. The correspondence is at the Attachment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Letter from the Hills Health Advisory Council Inc.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Health and Wellbeing
3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state and federal government.

4.1 Advocate, to state and federal health bodies, for sustained access to allied and primary healthcare services and facilities.

Legislative Requirements
There are no legislative requirements.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**
There are no financial, resource or risk management considerations with respect to the appointment of an Elected Member as the Local Government representative to the HAHAC.

**COMMUNITY CONSULTATION**
Community consultation is not required.
Dear Mr McCarthy,

**NOMINATION FOR A LOCAL GOVERNMENT MEMBER OF THE HILLS AREA HEALTH ADVISORY COUNCIL INC**

The Health Care Act 2008 enables the Minister for Health to establish Health Advisory Councils (HAC). In relation to country health services, the Minister has established Health Advisory Councils in 42 local areas across country South Australia, some of which are incorporated (and therefore able to hold assets) and others are unincorporated. The enclosed Fact Sheet explains the role of country Health Advisory Councils.

Our Constitution requires that one member of our HAC be nominated by the Adelaide Hills Council, Mount Barker Council, Barossa Council and Alexandrina Council for a 3 year term. Please find attached the relevant clause, which outlines the request for two persons to be nominated for consideration by the HAC.

Could you please consider this request and forward your nominations on the enclosed form to Returning Officer, Hills Area Health Advisory Council, C/- Gumeracha DSM Hospital, PO Box 16, GUMERACHA SA 5233 by no later than 5pm on 29th October, 2019.

In the event that no nominations are received by the date requested, then the Advisory Council will appoint a suitable person to be that Member.

Appointments will be confirmed at the Annual General Meeting to be held at 7.00pm on 11th November, 2019 in the Day Centre at the Mount Pleasant District Hospital, Hospital Road, Mount Pleasant.

If you have any enquiries about this matter please contact Sally Bradshaw, Hills Area HAC Administration Support on 8209-9200 or email sally.bradshaw@sa.gov.au

Yours sincerely,

Kathryn Hourigan
PRESIDING MEMBER
HILLS AREA HEALTH ADVISORY COUNCIL
SCHEDULE 3
INCORPORATED HEALTH ADVISORY COUNCIL
LOCAL GOVERNMENT MEMBER NOMINATION FORM

To the Presiding Member of the:  
(Insert full name of Health Advisory Council or select from drop-down list on e-form)

The:  
(Insert name of district council or councils as appropriate)

together hereby nominate the following two (2) persons to be considered for appointment under clause 22 of the constitution of the:  
(Insert full name of Health Advisory Council or select from drop-down list on e-form)

Name 1:  
Address:  

Name 1:  
Address:  

☐ 1. Evidence in writing of the consent of the nominee is attached.
☐ 2. A current curriculum vitae for the nominee is also attached.

ENDORSED BY:

Name:  
Signature:  
Date:  

Name:  
Signature:  
Date:  

Authorised representative of local council
Hills Area Health Advisory Council Fact Sheet

The Health Care Act 2008 changed the governance arrangements for the public health system in South Australia from 1 July 2008. This fact sheet describes the key changes under the Health Care Act 2008, outlines the roles and functions of country Health Advisory Councils (HACs) and highlights some of the main administrative requirements for the operation of country HACs.

What is the purpose of the Health Care Act 2008?

The Health Care Act 2008 aims to create a unified integrated health system for South Australia, with improved state wide coordination and integration of public health services. The Health Care Act 2008 aims to reduce fragmentation and duplication of services and streamlines governance arrangements, underpinning the implementation of South Australia's Health Care Plan.

What are some of the key changes under the Health Care Act 2008?

As of 1 July 2008:

- The Chief Executive of the Department of Health has direct responsibility and accountability for managing South Australia's public health system;
- Local Health Network Chief Executive Officers (CEOs) report directly to the Chief Executive of the Department of Health;
- The legal entity known as Barossa Hills Fleurieu Local Health Network has been established. The Barossa Hills Fleurieu Local Health Network is responsible for the planning and delivery of health services.
- Health Advisory Councils have been established across South Australia to give regional and other communities continued direct input into the health priorities.

What is a Health Advisory Council ('HAC')?

- The Health Care Act 2008 provides for the establishment of Health Advisory Councils (HACs) to ensure that the strong links between communities and their health services are maintained. HACs are either incorporated or unincorporated advisory bodies and are governed by their own constitutions or rules, as appropriate.
- Health Advisory Councils (HACs) undertake an advocacy role on behalf of the community, provide advice, and perform other functions, as determined under the Health Care Act 2008. They give local country communities continued direct input into their health priorities and planning.

What is the role of local Health Network Advisory Councils?

Under section 18 of the Health Care Act 2008, the role of HACs are to:

Advocate for community interests;

- Provide advice about health services from a consumer, volunteer, carers or the community perspective;
- Provide advice about health goals, issues, priorities, plans and strategic initiatives;
- Provide advice or assistance about the development or implementation of systems designed to support the delivery of health services;
- Provide information to, and consult with, consumers, volunteers, carers and the community;
- Encourage community participation in programs that support health services and promote the importance of carers and volunteers in achieving successful outcomes;
- Consult with other bodies that are interested in the provision of health services within the community;
- Provide advice to the Minister about any matter referred to it by the Minister or the Chief Executive; and
- Participate in the consultation or assessment process associated with the selection of senior staff of a relative entity.
The specific functions of a HAC are also detailed in the HAC's constitution or rules.

**How are HACs governed?**

HACs were given the option of being incorporated or unincorporated. Each HAC is governed by a constitution (if incorporated) or set of rules (if unincorporated). The *Health Care Act 2008* also contains provisions relating to the governance of HACs.

**What is the difference between an incorporated and unincorporated HAC?**

The difference between incorporated and unincorporated HACs is that incorporated HACs have the ability to hold and deal with assets.

**What are the requirements in relation to assets?**

Incorporated HACs are able to hold assets for the benefit, purposes and use of the relevant site/s of the Barossa Hills Fleurieu Local Health Network i.e. health units within the HAC's local area.

Incorporated HACs are required to adhere to terms and conditions approved by the Minister, which outline how incorporated HACs must hold their assets. The constitutions of incorporated HACs also detail information about assets.

**What are the requirements for HAC meetings?**

HACs are required under the terms of their constitution or rules to hold at least four ordinary meetings each year. These meetings must be arranged and conducted in accordance with the constitution or rules of the HAC. Special meetings of the HAC may also be called. An Annual General Meeting must be held each year.

**What are the rules concerning membership?**

The constitution or rules outline the specific detail for the relevant HAC but generally, each HAC will comprise not fewer than six members and not more than 15 members, appointed in accordance with the constitution or rules, and ensuring that a majority of members are selected or appointed on the basis of being members of the community (as defined in the constitution or rules).

Councils may have up to eight resident members as well as one member appointed by the HAC following nomination by local government and one member appointed by the HAC following nomination by local member/s of Parliament. The HAC may consist of one member who is a medical practitioner and one member from a health unit, who are both nominated by an election process detailed in the constitution and rules. In addition, the Minister has discretion to appoint three members to the HAC.

Councils should have a balance of skills, qualifications and experience. There cannot be more than two medical practitioners as members at any one time. There should also be a gender balance in membership as far as practicable.

**What is the role of HAC Members and the Presiding Members?**

Each HAC has a Presiding Member who is nominated by the HAC and appointed by the Minister to call and chair the meetings of the HAC. The Presiding Member should also ensure the HAC adheres to relevant policies, its constitution or rules, terms and conditions and the *Health Care Act 2008* when carrying out its functions.

Each HAC may also have a Nominated Officer who is responsible for ensuring meetings are called when requested by the Presiding Member or other members.

**What are HAC's reporting requirements?**

Each HAC has annual reporting obligations under the *Health Care Act 2008*. Incorporated HACs must ensure that they keep proper accounts of their financial affairs and financial statements pertaining to each financial year to allow for annual auditing.

An annual report on the HAC's activities must be delivered to the Minister within 3 months after the end of the financial year for tabling in Parliament.

Incorporated HACs should ensure that their financial records are readily accessible and up to date as the Minister can request a report on their financial status at any time.

The accounts of each HAC must also be produced to members at each Annual General Meeting.

**For Further Information**

If you require any further information please contact Secretariat, Office of the Presiding Member, Hills Area Health Advisory Council on 8209 9200.
7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1 MONTHLY FINANCE REPORT (AS AT 30 SEPTEMBER 2019)

B411

Author: Accountant

**PURPOSE**
The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

**RECOMMENDATION**
That the Monthly Finance Report as at 30 September 2019 be received and noted.

**REPORT**

Discussion
The Monthly Finance Report (as at 30 September 2019) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1: Monthly Finance Report 30 September 2019

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Corporate Plan**

How We Work – Good Governance

6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

**Legislative Requirements**

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)

LGA Information paper no. 25 – Monitoring Council Budget Performance
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
To enable Council to make effective and strategic financial decisions, a regular up-to-date high level financial report is provided.

COMMUNITY CONSULTATION
Community Consultation was part of the original budget adoption process in June 2019, as per legislation. This report is advising Council of the monthly finance position compared to that budget.
Uniform Presentation of Finances

OPERATING ACTIVITIES:

Operating Income 38,457 32,610
Less Operating Expenses 21.52% (37,737) (8,119)
Operating Surplus / (Deficit) 720 24,491

CAPITAL ACTIVITIES:

Net Outlays on Existing Assets
Capital Expenditure on Renewal and Replacement of Existing Assets 1) 2.72% (6,139) (167)
Add back Depreciation, Amortisation & Impairment 7,864 1,916
Add back Proceeds from Sale of Replaced Assets 305 12
Subtotal 1,830 1,761

Net Outlays on New and Upgraded Assets
Capital Expenditure on New and Upgraded Assets 1) 5.45% (12,700) (692)
Add back Amounts Received Specifically for New and Upgraded Assets 5,194 1,857
Add back Proceeds from Sale of Surplus Assets 0 390
Subtotal (7,506) 1,555

Net Lending/(Borrowing) for the Financial Year (4,956) 27,807
Total % Capital Budget Spent 4.56%

NOTES
1) 2019/20 Capital Expenditure spent to end of September includes:
   Angaston Hall Flooring $13k
   Barossa Bushgardens Quad Bike $11k
   Bridges $35k
   CWMS $14k
   Depot Upgrades $1k
   Drainage $15k
   Footpaths $13k
   Mt Pleasant Main Street $2k
   Nuriootpa Centennial Park Authority Change Rooms $9k
   Nuriootpa Office LED Lighting Replacement $2k
   Road Resheeting $25k
   Reserves Irrigation $18k
   Sealed Roads $46k
   The Big Project - Angaston Railway Precinct $379k
   The Big Project - Barossa Culture Hub $21k
   The Big Project - Lyndoch Recreation Park $4k
   The Big Project - Tanunda Recreation Park - Oval $4k, Show Hall Upgrade $43k, Electrical Upgrade/Lighting $90k
   The Big Project - Buildings Implementation $60k
   Williamstown QVJP Bridge Entrance $18k

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7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1 ADELAIDE WINE CAPITAL CYCLE TRAIL PROJECT - PROJECT UPDATE

**B6668**

Author: Project Officer (secondment from RDA Barossa)

**PURPOSE**

To provide Elected Members with an update on the Adelaide Wine Capital Cycle Trail and proposed combined Council grant application to the Community Investment stream of the Commonwealth Government’s Building Better Regions Fund. The project update includes:

- The intent and scope of the project
- The project consortium members
- Business Case development
- Current project tasks
- Project activities that are currently underway
- The proposed route (general outline – Refer [Attachment 1](#))
- Status of progress for each trail section for the overall route
- Common challenges for Councils across the trail network
- Stakeholder consultation update
- Summary and conclusion

**RECOMMENDATION**

That Council:

1. Receive and note the project update report on the Adelaide Wine Capital Cycle Trail Project.

2. Confirm its support to submitting a grant application to the Community Investment Stream – Round 4, of the Federal Government Building Better Regions Fund (BBRF4) when released.

3. Commit an additional $10,000 ex GST in 2019/20 to the collective pool of funds across the 6 Councils in the project to fund 60% of the project scope to finalise the Business Case.

4. Note that this additional commitment has also been sought from the other 5 project partner Councils already part of the Adelaide Wine Capital Cycle Trail Project Memorandum of Understanding arrangements. Collectively, this additional $60,000 ex GST will be combined with the residual $40,000 ex GST of unspent funds already committed, to bid for a $70,000 ex GST BBRF4 grant, such that a $170,000 ex GST project can be implemented to make the Adelaide Wine Capital Cycle Trail “shovel-ready”.

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Note that this additional $10,000 ex GST commitment will only be payable by The Barossa Council if all other 5 partner Councils make the same additional $10,000 ex GST commitment, and only in the case that a BBRF4 grant is secured (likely announcement early 2020).

Note that should either of the pre-conditions in item (5) of the resolution not occur, Council’s additional $10,000 ex GST commitment will be re-considered by Council, with withdrawal of this additional commitment being an option for consideration by all 6 Councils at that time.

Requires Officers to make the necessary Quarter 1 Budget Adjustment allocations to implement recommendation (3) above and report as part of the periodic financial update process.

Require officers to provide a further update to Council on the outcome of the decision by all partner Councils by the December 2019 Council Meeting.

REPORT

Background

The bike economy is growing, with more than 3 million visitors to Australia choosing to cycle, generating $254M in economic benefit for Australian communities. The health benefits for Australia is estimated at over $150M, with the bike economy growing at a rate of 5.3 per cent per annum.

South Australia has over 120 bike related businesses and is home to five of the top nine cycle tourism destinations in Australia. The 2019 Santos Tour Down Under has generated a record economic impact of $70.7M, an 11 percent increase on last year’s event. The event also attracted a record 48,000 event specific visitors and 837 full time jobs. Even in smaller rural economies such as Melrose in the Southern Flinders Ranges, the economic benefit from mountain biking tourism is assessed at $2.1M per annum.

The South Australian Government recognises the increasing relevance of cycling across a variety of industry and community sectors. This led to the South Australian bike summit and subsequent Bike Economy Report in 2019. The summit identified the opportunity of South Australia’s cycling economy to add value to existing world class products, services and experiences such as the food and wine tourism sector. It also identified that many cycling assets and trail networks exist, but more could be done to link, improve and expand the network, and provide better information and structured visitor experiences that involve cycling to activate the visitor economy.

This situation has created a position of opportunity to improve community health and regional economic development through cycling tourism and has led to the development of the Adelaide Wine Capital Cycle Trail Project as a key inter-regional project anchored by the appeal of South Australia’s four notable wine regions and their proximity and links to Adelaide.

Introduction

The Adelaide Wine Capital Cycle Trail Project aims to create a world-renowned cycle tourism pilgrimage through South Australia, linking the food and wine tourism regions of Clare, Barossa and the Adelaide Hills to McLaren Vale in the first instance. Like Spain’s famous trail – the “Camino de Santiago”, the project seeks to capitalise on existing trail network infrastructure and expand that network to strategically link tourism businesses and support the development of new tourism experiences.
The strength of the project is the potential to increase the destination appeal for a variety of visitors who seek healthy, active holidays and to increase the dispersal of visitors to lesser known areas within our food and wine tourism regions. The project also seeks to link many small rural and peri-urban communities with a safe cycling and walking network to improve community health through providing safe and affordable leisure options.

The project will add value to the South Australian Tourism Commission initiative – The Epicurean Way and the Australian Government’s interest in building cycling networks to build better regions. The project’s intent is recognised in the objectives of the South Australian Tourism Commission Infrastructure Strategy and the Department of Industry and Skills Bike Economy Report.

**Project Consortium**
A Memorandum of Understanding (MOU) ([Attachment 2](#)) has been formed to position a regional collaboration between the City of Onkaparinga, District Council of Mount Barker, Adelaide Hills Council, The Barossa Council, Light Regional Council, the Clare and Gilbert Valleys Council, Seppeltsfield Road Business Alliance (SRBA) and Regional Development Australia – Barossa, Gawler, Light and Adelaide Plains (BGLAP). Each Local Government Partner has previously contributed $12,500 to develop the Business Case. The purpose of the partnership is to charter the progress of the Project, optimise the network of relationships with industry, government and community and jointly collaborate to secure funding, rather than compete at a local level. The Project is also positioned to deliver strategic objectives of the State and Australian Government, and as such will seek grant funding from relevant programs for strategic planning and capital projects. Opportunities for direct funding approaches will also be explored. The Project also aims to recognise strategic infrastructure objectives identified in each partner’s strategic plans and long-term financial plans.

**Business Case Development**
Member Councils, through the MOU, have agreed to co-fund the preparation of business case, cost benefit analysis, mapping and cost accounting for project infrastructure and a consultant has been instructed. The business case, market research and supporting documents will identify a preferred route and associated fit-for-purpose cycle infrastructure that will link each wine region. The cost benefit analyse will be delivered in a modular fashion, such that each Council understands the estimated costs and benefits for the sections of the trail through their Council. This modular approach is intended to inform co-contribution proposals (if necessary) for future capital funding bids, as well as leave each Council with project deliverables that are explicitly relevant and separable to each Council area.

**Grant Application Submission**
RDA - BGLAP has input resources to assist the development of a consortium of Councils grant application to the Building Better Regions Fund – Community Infrastructure Program, Round 4. The Barossa Council is leading the coordination of the project and working with RDA - BGLAP to progress the project with funding partners. Light Regional Council’s Management has considered the risks associated with being the primary grant applicant on behalf of the consortia and has agreed to present a recommendation to its Council to play that regional role, subject to appropriate commitments from each Council towards joint grant funding obligations.

**Current Project Tasks**
The four major project task areas to be completed to support a bid for capital funding are:

1. Route planning and cost accounting for capital works;
2. Business case and cost benefit analysis preparation;
3. Building Government, industry and community support; and
4. Branding and Communications collateral to promote the project as a consistent proposition.

**Project Tasks currently underway**

1. Market Research (different markets for different trail sections)
2. Route Development/Scoping Capital Infrastructure
3. Branding and Communications
4. Project Partnership Model – Governance and Management
5. Stakeholder Consultation / Consortium Partnership

**The Proposed Route**

*Attachment 1* shows the high-level trail network map as far as Mt Barker. Further work is underway to investigate route options to McLaren Vale and on to Aldinga as the final destination link to Coast Park. Current investigations for each trail segment are outlined in Table 1 below. *Attachment 3* shows other network opportunities that link State and Regional trail networks, some which require further augmentation and funding. These are shown to outline the potential to further expand the network to connect other communities and trail networks linking Adelaide.

The initial intent of the proposed route was to identify a series of trail head destination points between Clare and McLaren Vale that have potential to provide a level of tourism service and infrastructure supporting trails for tourism and community recreation.

**Status of Progress for each trail section for the overall route**

<table>
<thead>
<tr>
<th>Section</th>
<th>Council/Agent</th>
<th>Activity</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clare to Riverton</td>
<td>CGVC/ CRTC</td>
<td>RP, RM, RC (Further Upgrades)</td>
<td>Active</td>
</tr>
<tr>
<td>Riverton to Tarlee</td>
<td>CGVC</td>
<td>RP, RM, RC (New Infrastructure)</td>
<td>Active</td>
</tr>
<tr>
<td>Tarlee to Kapunda</td>
<td>CGVC/ LRC</td>
<td>RP, RM, RC</td>
<td>Active</td>
</tr>
<tr>
<td>Kapunda to Greenock</td>
<td>LRC</td>
<td>RP, RM, RC (Road Reserve)</td>
<td>Active</td>
</tr>
<tr>
<td>Greenock to Tanunda</td>
<td>LRC/ SRBA/ TBC</td>
<td>RP, RM, RC, BC</td>
<td>Active</td>
</tr>
<tr>
<td>Lyndoch to Williamstown</td>
<td>TBC</td>
<td>RP, RM, RC (New Infrastructure)</td>
<td>Active</td>
</tr>
</tbody>
</table>

---

1 Some route sections do not need private land holder approval only DPTI, DEW, SA Water or Forestry SA support
<table>
<thead>
<tr>
<th>Route</th>
<th>Status</th>
<th>Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Williamstown to Mt Pleasant</td>
<td>TBC</td>
<td>RP, RM, RC (New Infrastructure)</td>
</tr>
<tr>
<td>Mt Pleasant to Birdwood</td>
<td>TBC/AHC</td>
<td>RP, RM, RC (New Infrastructure)</td>
</tr>
<tr>
<td>Birdwood to Mt Torrens</td>
<td>AHC</td>
<td>RP, RM, RC (New Infrastructure)</td>
</tr>
<tr>
<td>Balhannah to Littlehampton (via Hahndorf)</td>
<td>AHC/MBC</td>
<td>RP, RM (New Infrastructure)</td>
</tr>
<tr>
<td>Littlehampton to Mt Barker</td>
<td>MBC</td>
<td>RP, RM (New Infrastructure)</td>
</tr>
<tr>
<td>Mt Barker to Clarendon</td>
<td>MBC/CO</td>
<td>RP (New Infrastructure)</td>
</tr>
<tr>
<td>Clarendon to McLaren Vale</td>
<td>CO</td>
<td>RP (New Infrastructure)</td>
</tr>
<tr>
<td>McLaren Vale to Willunga</td>
<td>CO</td>
<td>RP (Upgrades)</td>
</tr>
<tr>
<td>Willunga to Aldinga</td>
<td>CO</td>
<td>RP (New Infrastructure)</td>
</tr>
</tbody>
</table>

**Common Challenges for Councils across the Trail Network**
The partnership between MOU signatories provides strength in approaching State Government as a collective voice on common points of interest including:
- Access to Crown Land to build trail links;
- Disposal of Crown Land where Council is a suitable and willing landowner;
- Developing a trail network with a common brand and trail standard (sign systems, path quality) to match visitor needs and expectations;
- Cost sharing on public infrastructure that provides a benefit for all South Australians and visitors to our State;
- Engaging regional and state wine and tourism industry groups; and
- Lobbying Australian Government for capital investment in regional development.

**Stakeholder Consultation**
On 28th February 2018, representatives of the project team presented the project concept to relevant State Government Agencies, which included attendees from:
- SA Tourism Commission;
- Office of Recreation and Sport;
- Department of Environment Water and Natural Resources;
- PIRSA/Regions SA;
- Forestry SA;
- Department of Planning, Transport and Infrastructure; and
- Department of State Development (apology but briefed on concept).

The objective was to brief and raise awareness of the project and the opportunity for ongoing discussion and collaboration in the lead up to getting the project bid investment ready.

The common points of interest for State Agencies were:
- Linking Wine Regions;
- Linking Communities;
- Addressing gaps in the Regional Trail Network (linking existing trails);
- Tourism as an Economic Development Tool; and
- Building the Cycling Economy in South Australia linking keynote events such as the Tour Down Under.
The project was presented as adding value to, and supporting the following State initiatives:

- Food and Wine Experiences - enhancing the Epicurean Way;
- Premium Food and Wine Exports – visitors being able to experience places that constitute a wine story;
- Adelaide as a Wine Capital of the World – offering a premium wine-tourism trail
- Diversify Agribusinesses – to grow jobs in tourism and agriculture;
- Mt Lofty Ranges World Heritage Bid – experience the working agrarian landscapes and a culture of innovation and creativity that stemmed from the story of systematic colonisation; and
- Envisable Lifestyle and Community Wellbeing – attracting investment, new residents and supporting community development.

This introduction to the project was well received by the State Agencies in attendance, who all had interest in the project concept moving forward.

Additional feedback in 2019 is that the State Government is keen to support capital projects over funding strategic planning for the project. It does want to see an advanced business plan including details of the governance and management structure for the trail, industry and community consultation, and a cost – benefit analysis.

**Project Deliverables to Finalise Business Case**

Members of the Project Working Party reviewed the project deliverables to present a ‘shovel ready’ project. The components and their cost are detailed in Table 2. While some components have begun, there is a need to develop a highly professional and well-conceived Business Case with supporting documents to withstand the rigorous assessment conducted on major projects by State and Australian Government. Approximately $40K in partnership funding remains, leaving a gap of $60K to create a competitive 60:40 split between proponent funding and grant request. The total cash contribution is $100K ex GST and the grant amount requested is $68K ex GST. The 60:40 split is the current standard recognised to be successful based on recent BBRF Round 3 successful projects.

**Table 2: Project Deliverables to Finalise the Business Case (all costs ex GST)**

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Cost</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mapping Services and Graphics</td>
<td>$15K</td>
<td>Detailed route map for each Council Area to match the Regional Map</td>
</tr>
<tr>
<td>Detailed Investigation of Projects across the trail network</td>
<td>$24K</td>
<td>Detail network investment – path construction, trail head infrastructure, signage system etc.</td>
</tr>
<tr>
<td>Branding, Promotion and Marketing Communications</td>
<td>$30K</td>
<td>Public Relations / Marketing Collateral</td>
</tr>
<tr>
<td>Cost accounting for capital infrastructure</td>
<td>$24K</td>
<td>Quantity Surveying of capital works along primary route</td>
</tr>
<tr>
<td>Cost-Benefit Analysis</td>
<td>$50K</td>
<td>Demonstrate feasibility impact</td>
</tr>
<tr>
<td>Public/Industry Consultation</td>
<td>$15K</td>
<td>Awareness, ownership, partnership support, project collaboration</td>
</tr>
<tr>
<td>Bid documentation</td>
<td>$10K</td>
<td>Compile bid documents</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$168K</td>
<td>60% = $100K total partner funding required leaving a funding gap of $60,000</td>
</tr>
</tbody>
</table>

549
Summary and Conclusion
This document provides an updated briefing to Councils regarding the Adelaide Wine Capital Cycle Trail project.

The Project Working Party is seeking endorsement to submit a joint Council application to the Community Infrastructure Stream of the Building Better Regions Fund (BBRF). To submit a competitive consortium grant application required 60% of the cash contribution.

The Project Working Party is requesting a financial contribution of $10,000 ex GST from each member Council to supplement existing project funds held to fund approximately 60% of total business case and bid development cost that is subject of the BBRF round 4 grant application.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Adelaide Wine Capital Cycle Trail Network Map (19/59826)
Attachment 2: MOU – Adelaide Wine Capital Cycle Trail Project (19/38233)
Attachment 3: Network Opportunities – State and Regional Trails (19/57170)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- How We Work – Good Governance

Corporate Plan
1.2 Work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service
3.1 Provide regional and local walking and cycling connections between open spaces.
3.3 Ensure Council’s sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.
3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.
3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan
6.4 Ensure that decisions regarding expenditure of Council’s budget are based on an assessment of whole of life cost, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements
Local Government Act 1999
Development Act 1993
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
Consortium financial commitment to the development of the Business Case and Cost Benefit Analysis is outlined in the MOU.

The additional $10,000 ex GST contribution to be allocated from the anticipated operating surplus for the 2018/19 financial year and the uncommitted cash arising from the surplus. If that approach is approved, a first quarter adjustments will be completed to assign the additional funds as potential capital expenditure to the project.

Overall Project Financial costs for the project are to be summarised in the Business Case which is not yet complete.

Resource
- RDA - Barossa, have contributed funding towards the production of the regional network map.
- Seppeltsfield Road Business Alliance, through the Barossa Grape & Wine Association, received a PIRSA Grant of $25K that was matched by Light Regional Council towards investigations and preparation of a business case for the Seppeltsfield Road Shared Path section of the Adelaide Wine Capital Cycle Trail.

Risk Management
Outlined in the Project Plan and subject to ongoing review by the project team.

COMMUNITY CONSULTATION
Route sections and investment in capital infrastructure for the proposed trail network have been raised with local communities as part of other project proposals or asset management initiatives. Consultation and provision of information to date includes:

- Riesling Trail Management Committee
- Rattler Trail Committee
- Seppeltsfield Road Business Alliance
- Barossa Council -‘Big Project’ consultation – Southern Barossa Alliance, Mt Pleasant Progress Association
- Amy Gillet Trails Extension (Mt Torrens to Birdwood)
- Mt Barker Trail Network

Future consultation requirements will need to be determined as part of the ongoing planning and development process.

Broader community and industry consultation is a deliverable of the grant funding and will be the subject of a consultation plan and strategy.
ADELAIDE WINE CAPITAL CYCLE TRAIL
LINKING WINE TOURISM REGIONS TO ADELAIDE

MAP LEGEND
- Proposed Route Connection
- Existing Sealed Shared Path
- Existing Compacted Gravel Shared Path
- Roads
- Township

SYMBOLS LEGEND
RIDE. Free and independent, point to point, experienced cyclists
DISCOVER. Family and friends, safety is important, short getaway
JOURNEY. Visit destinations to discover "self", try new things
EXPERIENCE. Couples and singles, high spend, distinctive offer
EXPLORE. Indulgence and reward on a quick visit, find new places

DISTANCE
TOURISM
BUSINESSES

RIDE.
Free and independent,
point to point, experienced cyclists

DISCOVER.
Family and friends,
safety is important, short getaway

JOURNEY.
Visit destinations to
discover "self", try new things

EXPERIENCE.
Couples and singles,
high spend, distinctive offer

EXPLORE.
Indulgence and reward
on a quick visit, find new places
Partnership Group Memorandum of Understanding

Regional Cycle Trail Initiative – Funding of Business Case / Grant Application and Evidence Gathering / Submissions – November 2017

1. Purpose and Scope
1.1 To document the shared objectives and governance arrangements for the funding of Business Case development with consultant Section 51
1.2 Scope for the full Cycle Trail Initiative will be documented separately for agreement between the parties

2. Objectives
2.1 Partner to fund the deliverables of the Contracted Works identified in the:
   - Section 51 Proposal – Cycle Path Infrastructure – Regions of and Linkages through: Barossa, Clare, Adelaide Hills, Seppeltsfield; Mount Barker (the Project)
   - Associated Services Agreement (Contract Ref: CO263/2017)
   - Agreed outcomes of the Seppeltsfield Road Business Alliance Barossa Grape and Wine Association Funding that align with the Regional Cycle Trail Initiative
2.2 Produce documentation that demonstrates the potential nation building outcomes of the Project to support federal funding applications
2.3 Engage a consultant with the credentials and track record of success and federal network to secure the scale of funding required to deliver the Project

3. Partner Organisations
The Memorandum of Understanding (MOU) is between:
3.1 Adelaide Hills Council (AHC) rep: Peter Bice, Director Engineering & Assets pbice@ahc.sa.gov.au
3.2 Clare and Gilbert Valleys Council (CGVC) rep: Leanne Kunoth, Manager Governance & Community l.kunoth@cgvc.sa.gov.au
3.3 Light Regional Council (LRC) rep: Kieren Chappell, GM Economic Dev kchappell@light.sa.gov.au
3.4 District Council Mount Barker (MB) rep: David Cooney, Manager Open Space & Environment dcooney@mountbarker.sa.gov.au NB: at the time of signing this MOU MB is in the process of scoping potential linkage options to include in the regional approach and any financial contribution is on hold pending its assessment of the potential cost / benefits of inclusion.
3.5 Seppeltsfield Road Business Alliance (SRBA)
3.6 The Barossa Council (TBC) rep: Jo Thomas, Director, Community Projects jthomas@barossa.sa.gov.au
3.7 It is noted that RDA Barossa will fund the high level inter-regional map as an overview of the project.

4. Roles and Responsibilities
4.1 The Partnership Group and each constituent partner is accountable for:
4.1.1 Providing funding for the Contracted Works (the Works) as follows:
   - AHC – up to $12,525 ex GST
   - CGVC – up to $12,525 ex GST
   - SRBA – up to $12,525 ex GST (NB: this is funding to which LRC has made a prior contribution)
   - TBC – up to $12,525 ex GST
   - MB – up to $12,525 ex GST
   Any variations to funding to be agreed by all parties in writing prior to expenditure.
   A provision of up to $3,500 ex GST has been made for consultant travel and is included in the above figures.
Each partner warrants that it has approved funding for its component of the Contracted Works.
4.1.2 TBC will produce the contract documentation for the services to be entered into with Section 51 on behalf of the Partnership Group and distribute for approval prior to release to the consultant. The contract relationship will be between TBC and Section 51. This MOU will determine the relationship between TBC and the partners. TBC will notify the Partnership Group in writing of any variations to its contract with Section 51.
4.1.3 TBC will invoice each partner in advance for its component of the funding (excluding travel costs) upon execution of the contract agreement with Section 51 and will hold the funds solely for the purposes of payment of the Contracted Works. Any residual sums to be returned to the partners at the conclusion of the Contracted Works.
4.1.4 The travel costs will be invoiced separately when quantified and at the end of the Contracted Works process.
4.1.5 TBC will take the role of contract superintendent on behalf of the partners

Attachment 2

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4.1.6 Each partner will respond to requests for input, authorisation and sign off of documentation (including consultant invoices) in a timely manner and within a maximum 5 working day timeframe.
4.1.7 TBC will be responsible for distribution of documentation to each partner where the consultant has not provided copies to all partners.
4.1.8 Raising any issues or concerns in relation to the consultant, Contracted Works, Objectives and outcomes arising from the scope of this MOU in a timely manner and including all partners in correspondence.
4.1.9 Each partner will notify the Partnership Group if something happens that will impact on the Project, Partnership and Project success.
4.1.10 It is noted that RDA Barossa will fund the high level inter-regional map as an overview of the project.

5. Governance
5.1 Each Partner authorises TBC to make payment from designated funds held subject to requirements of section 4 of this MOU.
5.2 Broader governance arrangements to be documented in detail in the Scope referenced in s1.2.

6. Communication
Communication will be based on the following principles:
6.1 the partners value a working relationship based on straight talk and good consultative processes with each other and the community.
6.2 the partners will commit to ensuring that all public announcements material to the themes of this MOU and associated projects/the role of the agencies involved are the subject of prior consultation and approval before public release with all the MOU Partner Organisations.
6.3 the partners understand the importance of appropriate confidentiality to good project governance and commit to ensuring the integrity of processes where commercial or sensitive material is exchanged or discussed. If in doubt about the confidentiality of a matter, the partners will check with each other before release of any information.
6.4 the partners understand that as government agencies, AHC, CGVC, LRC, MB and TBC are bound by disclosure requirements as legislated through the Freedom of Information Act 1991 and this needs to be a consideration in determining communication and information sharing processes.
6.5 the partners understand that as government agencies, AHC, CGVC, LRC, MB and TBC are bound by consultation requirements legislated under the Local Government Act 1999 and this needs to be a consideration in determining consultation strategies.

7. Monitoring and Review
7.1 Contract document will include arrangements for monitoring and reviewing performance of the Project
7.2 Partnership meetings will provide a regular agenda item for monitoring and reviewing performance of the contract

8. Conflict Resolution
8.1 If a disagreement arises the partners will apply the following principles:
Discuss the situation in respectfully
Be specific about the issue that is causing disagreement – who, when, what, where,
Discuss how the issue impacts on individuals, the partners, the project.
Determine the specific cause of the conflict
Ask the partners for suggested solutions
Agree on the action to be taken

9. Authorisation
9.1 The signing of this MOU is not a formal undertaking. It implies that the signatories will work to reach the objectives stated in the MOU to the best of their ability.
Partner: Adelaide Hills Council
Name: PETER BICE
Title: DIRECTOR ENGINEERING & ASSETS
Signature: 
Date: 24/11/17

Partner: Seppeltsfield Rd Business Alliance
Name: AM Rogers (SHARYN ROGERS)
Title: CHAIR SRBA
Signature: 
Date: 24/11/17

Partner: Clare & Gilbert Valleys Council
Name: Leonie Kunth
Title: Mayor & Governor of Comm.
Signature: 
Date: 24/11/17

Partner: The Barossa Council
Name: JOANNE THOMAS
Title: DIRECTOR COMMUNITY PROJECTS
Signature: 24/11/17

Partner: Light Regional Council
Name: Brian Carr
Title: Chief Executive Officer
Signature: 
Date: 24/11/17

Partner: District Council of Mount Barker
Name: Wayne Voogt-Weim
Title: Acting CCO Planning and Development
Signature: 
Date: 21/05/19
ADELAIDE WINE CAPITAL CYCLE TRAIL
LINKING WINE TOURISM REGIONS TO ADELAIDE

LEGEND
- Primary Routes
- Future Potential Links

Gulf St Vincent

Mount Barker to Goolwa Rail Corridor

Mount Barker

Strathalbyn

Tailem Bend

Murray Bridge

Goolwa

Victor Harbor

Angaston

Truro

Kidman Trail

Mount Pleasant

Woodside

Birdwood

Mt Lofty

Hahndorf

O’Grady Way

Pioneer Walking Trail Via Cleland National Park

McLaren Vale Wine Region

Southern Veloway

Coast Trail

McLaren Vale

Willunga

Kapunda

Seppeltsfield

Tanunda

Angaston

Northern Connector Path

Stuart O'Grady Way

Torrens River Linear Path

Yurrebilla Trail
7.3.2 DEBATE AGENDA – MANAGER COMMUNITY AND CULTURE

7.3.2.1 VOLUNTEER MANAGEMENT POLICY AND PROCESS

B6023

Author: Coordinators Volunteering Services

PURPOSE
To seek approval to commence public consultation on the draft updated Volunteer Management Policy (refer Attachment 1) and updated draft Volunteer Management Process (refer Attachment 2).

RECOMMENDATION
That Council:

(1) Receive and endorse the draft updated Volunteer Management Policy and Volunteer Management Process for public consultation, in accordance with Council’s Public Consultation Policy.

(2) Approve the Draft Community Consultation and Communications Plan for consultation to take place between 23 October 2019 and 20 November 2019.

(3) Require Officers to bring a further report to Council following conclusion of the public consultation period detailing all submissions received.

REPORT

Background
The Barossa Council recognises the importance of Volunteers within its community and their contribution to many of the services Council provides.

The Volunteer Management Policy (the “Policy”) sets out a framework for the relationship between Volunteers and Council and best practice principles to guide Volunteer management and support, and, along with its supporting Volunteer Management Process (the “Process”) and Volunteer Code of Conduct, establishes clearly defined roles and responsibilities for Volunteers and Council.

The Policy and Process govern best practice methods for interacting with Volunteers, as well as adhering to the standards stipulated by the Local Government Association (“LGA”).

Introduction
The changes to both the draft Policy and Process are mostly administrative changes and for alignment with legislation and other associated current Council policies. Due to significance of Volunteer contributions, it is the recommendation of Officers that public consultation would be beneficial and appropriate although not technically a
requirement of the Act. Thus, it is now presented to Council for consideration and approval to commence public consultation, in accordance with Council’s Public Consultation Policy. This will reinforce to the Community that Council is committed to ensuring that the community has the opportunity to provide feedback and comment on the Policy and Process, and has reflected any necessary amendments prior to it being applied to Volunteers.

In accordance with the requirements of Council’s Public Consultation Policy, the proposed public consultation period will occur for 28 days, commencing 23 October 2019 and concluding at 5.00pm on 20 November 2019. Refer to the draft Community Consultation and Communication Plan (Attachment 3).

Following public consultation, any community feedback received will be compiled and presented to Council for consideration, and the recommended Policy and Process will be presented to Council for final consideration and approval.

Discussion
The draft Volunteer Management Policy and Volunteer Management Process have been updated to align with best practice principles and the National Standards of Volunteering. The documents have been streamlined to ensure they are more easily digestible and understood by Officers who manage and work with Volunteers, Council’s current Volunteers, and community members who might be interested in volunteering with Council.

With the appointment of the Coordinator of Volunteering Services, who now has overarching management of Council Volunteers, the updated documents will provide consistent, professional and appropriate management of Council’s Volunteers.

Some of the major changes include:
- updates in accordance with legislative and process changes;
- streamline processes for efficiency and completeness;
- defined rights and responsibilities of both Council and its volunteers in a way that is clear and easy to understand;
- alignment with new legislation and Council policies such as the Safety of Children and Vulnerable Adults Policy and supporting policies and processes;
- improved mechanisms for approving Temporary Volunteers and engaging Volunteers;
- changes in age requirement for clearances in line with the recently commenced Children and Young People (Safety) Act 2017 and Child Safety (Prohibited Persons) Act 2016;
- updating recognition afforded to Volunteers to include years of service certificates;
- a more rigorous induction process and screenings for prospective Volunteers including interviews and referee checks;
- more detailed guidelines regarding the use of Council resources

Summary and Conclusion
Council is now asked to approve public consultation for a period of 28 days, on the Volunteer Management Policy and Volunteer Management Process, in accordance with Council’s Public Consultation Policy. Upon conclusion of the public consultation period, any community feedback will be compiled and presented to Council, for consideration and final approval of the Policy and Process.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: The Barossa Council Volunteer Management Policy 17/50404
Attachment 2: The Barossa Council Volunteer Management Process 17/68838
Attachment 3: Draft Community Consultation and Communication Plan 19/58573

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

Corporate Plan
6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.
6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations
The cost of community consultation will be met from the existing Volunteer Services advertising budget line 233-820.

Resources
Once adopted, the Volunteer Management Policy and Process will be implemented within existing resources, and any additional requirements will be absorbed into Officer day-to-day duties.

Risk Management
Risk is minimised by ensuring that the Volunteer Management Policy and Process align with industry best practice standards, and current legislation. The updates also improve processes to enhance efficiency and oversight where necessary. Appropriate management of volunteers is a reputational matter for Council.

COMMUNITY CONSULTATION
The Barossa Council Volunteer Policy and Process will be released for public consultation for a period of 28 days, commencing 23 October 2019 and concluding at 5.00pm on 20 November 2019, in accordance with legislative requirements, the Council’s Public Consultation Policy and the proposed Consultation and Communication Plan.
THE BAROSSA COUNCIL
VOLUNTEER MANAGEMENT
POLICY

<table>
<thead>
<tr>
<th>Corporate Plan Link:</th>
<th>6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.</th>
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</thead>
<tbody>
<tr>
<td>Policy Owner:</td>
<td>Director Corporate and Community Services Previous Approval Date(s): 17/12/2013</td>
</tr>
<tr>
<td>Document Control Officer:</td>
<td>Coordinator Volunteering Services Current Approval Date: DD/MM/YYYY</td>
</tr>
<tr>
<td>HPE Content Manager Ref:</td>
<td>17/50404 Next Review Date: DD/MM/YYYY</td>
</tr>
</tbody>
</table>

1. Purpose

1.1 The Barossa Council (“Council”) recognises the importance of Volunteers within its community.

1.2 This Policy sets out a framework for the relationship between Volunteers and Council and best practice principles to guide Volunteer management and support, and, along with its supporting Process and Code of Conduct, establishes clearly defined roles and responsibilities for Volunteers and Council.

2. Scope

2.1 For the purpose of this Policy, the following persons are not considered Volunteers:
- People on work placement and work experience programs
- Students undertaking volunteering as part of the education curriculum
- Elected Members of Council
- Justices of the Peace
- Persons receiving payments outside the Volunteer reimbursement framework
- External volunteering groups who support Council events

2.2 Volunteers are only deemed to be engaged by Council whilst performing agreed duties for the Council with Council’s knowledge.

2.3 This Policy applies to all Volunteers, and are in addition to any legislative requirements of the Local Government Act 1999 or any other Act.

2.4 Volunteers may be considered public officers for the purposes of the Independent Commission Against Corruption Act 2012 if they have delegated authority from Council or sub-delegations from the CEO, and may be subject to the requirements of the Act. Conduct that breaches this Policy or the Volunteer Code of Conduct, or supporting Processes may constitute misconduct under the Act.

2.5 This Policy is relevant to all Employees working with Volunteers.
3. Definitions

<table>
<thead>
<tr>
<th>Employee</th>
<th>All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Volunteer</td>
<td>A person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses) [As defined in Work Health and Safety Act 2012]</td>
</tr>
<tr>
<td>Volunteer Supervisor</td>
<td>Any direct line supervisor who is an Employee, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Volunteer(s) reporting to them.</td>
</tr>
<tr>
<td>Worker</td>
<td>A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.</td>
</tr>
</tbody>
</table>

4. Policy Statement

4.1 Council recognises and values the commitment and contribution that Volunteers make to Council services and community wellbeing, and is committed to raising the profile and support of volunteering within Council and the community. Volunteers are valued for providing increased services and enhancing programs resulting in improved quality of life for both themselves and the broader community.

4.2 Council actively encourages the contribution of Volunteers in the development of the physical, social and cultural wellbeing of the community. Council’s aim is that volunteering will:

- Enhance and extend the provision of Council services, service levels, programs and activities;
- Increase community awareness and participation in Council activities;
- Provide opportunities for social interaction;
- Improve the quality of life for Council residents;
- Provide a link between Council and the community; and
- Assist individuals to develop skills, knowledge and awareness and build community resilience.

4.3 Council’s responsibilities to Volunteers include ensuring that:

- Volunteers are engaged in accordance with equal opportunity and anti-discrimination legislation;
- Volunteers are not to be utilised in a position previously held or undertaken by a paid worker or a task that paid staff are unwilling to do;
- Safe, meaningful work is provided which, in agreement with the Volunteer and where applicable, is matched with the Volunteers skills and abilities;
- A clearly written Volunteer position description and agreed voluntary hours are provided;

[Name of Policy] approved by Council/CEO on [day] of [month] 201X
• Volunteers are provided with the opportunity to contribute to the decision making process, where appropriate;
• A well-managed and safe work environment is provided;
• Access is provided to a designated Volunteer Supervisor to provide guidance and support relating to the Volunteer role;
• Clearly stated policies, processes and guidance documents which include rights and mutual responsibilities are provided;
• Necessary legal protection is in place for Volunteers to carry out their duties;
• Authorised expenses that have been incurred in the course of volunteering are promptly reimbursed;
• Appropriate induction, orientation and ongoing training and support is provided, which includes awareness of:
  o relevant Code of Conduct, policies and processes;
  o Council policies relating to purchasing and procurement to ensure compliant purchasing and spending of Council’s approved budget;
  o Council’s policies and processes relating to complaints, grievances and dispute resolution and that complaints or grievances are heard by an appropriate Volunteer Supervisor;
• Volunteers are provided with an understanding that they are able to decline roles or tasks which are unsuitable or they do not wish to do;
• Volunteers are treated with respect and as a valued member of the team;
• Volunteers are provided with the equipment essential to undertake their tasks;
• Volunteers are consulted, valued and welcomed with regard to ideas and suggestions for improvements of the program with which they work;
• Volunteers receive appropriate recognition for their valued contribution to the community;
• Volunteers are covered by appropriate insurance as specified in the Volunteer Management Process.

4.4 Council expects that Volunteers will:

• Fulfil their duties, comply with and act in accordance with their Volunteer position description, relevant legislation, Code of Conduct, and Council policies and processes;
• Participate in the implementation of this policy, its supporting processes, and Council’s policies, processes and Codes of Conduct where required;
• Participate in training, induction and ongoing training;
• Be familiar with the objectives and functions of Council and the services Volunteers are providing;
• Operate under the reasonable direction of Volunteer Supervisors and relevant employees to achieve the objectives required;
• Maintain confidentiality;
• Comply with Work Health and Safety requirements of Council, including reporting requirements.

5. Supporting Process

Volunteer Code of Conduct
Volunteer Recognition Process
Volunteer Management Process
Grievance/Dispute Resolution Process
6. Related Policies
Work Health Safety and Return to Work Policy
Hazard Management Policy
Equal Opportunity, Diversity and Inclusion Policy
Privacy Policy
Assessing and Handling Criminal History and Working with Children Information Policy
Safety of Children and Vulnerable Adults Policy

7. Legislation and References
Work Health and Safety Act 2012
Work Health and Safety Regulations 2012
Local Government Act 1999
Equal Opportunity Act 1984
Volunteers Protection Act 2001
Volunteering Australia, National Standards for Volunteer Involvement 2015
Local Government Association Insurance Scheme
Anti-discrimination and equal opportunity legislation
State Records Act 1997
Freedom of Information Act 1991
Independent Commissioner Against Corruption Act 2012

8. Review
8.1 This Policy will be reviewed by [the Council / Document Control Officer] in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council’s need changes.

9. Further Information
9.1 This Policy is available on Council’s website at www.barossa.sa.gov.au. It can also be viewed electronically at Council’s principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

9.2 Complaints regarding this Policy or its application can be made to the Coordinator Volunteering Services on 8563 8444 or barossa@barossa.sa.gov.au at first instance.

Signed: ………………………………………
Dated: ………………………………………

Mayor Michael Lange
### Policy Version History

<table>
<thead>
<tr>
<th>Version No:</th>
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<td>17/12/2013</td>
<td>New Policy.</td>
</tr>
<tr>
<td>2.0</td>
<td>DD/MM/2019</td>
<td>Policy reviewed and updated.</td>
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</table>
1. Overview

1.1 The Barossa Council ("Council") acknowledges the services of Volunteers in improving the quality of community life within the Council area and is committed to ensuring that the relationship between the Volunteer and the Council is mutually beneficial.

1.2 The Volunteer Management Process supports the Volunteer Management Policy and the Volunteer Code of Conduct.

2. Core Components

The core components of our Volunteer Management Process aim to ensure that there is a clear framework for the management of Volunteers including policies and processes for:

4.1 Volunteer Code of Conduct and Council Policies that apply to Volunteers ........................................ 3
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### 3. Definitions

<table>
<thead>
<tr>
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<td>Criminal History Check</td>
<td>A criminal history report (also known as a National Police Certificate or a National Criminal History Record check) is a check of the records of all Australian police services that discloses information on charge(s), pending matters, outstanding warrants, court outcome of the matters heard including court name, hearing date, any penalty or sentence imposed on the applicant. A criminal history report contains any recorded criminal history across all jurisdictions in Australia (subject to each jurisdiction’s spent convictions scheme). Under the Child Safety (Prohibited Persons) Act 2016 a Criminal History Check prepared by South Australia Police does not constitute a working with children check.</td>
</tr>
<tr>
<td>EDRMS</td>
<td>An automated system used to manage the creation, use, management and disposal of hardcopy and electronically created Documents and Records for the purposes of supporting the creation, revision and management of digital records improving an organisation’s workflow and providing evidence of business activities.</td>
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<td>Employee</td>
<td>All full-time, part-time and casual employees of The Barossa Council (including contract based) including trainees, apprentices, and on-hire employees.</td>
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<tr>
<td>Grievance</td>
<td>Any dispute or problem about any act, behaviour, omission, situation or decision relating to the volunteer role. It may include discrimination, workplace harassment, bullying or other issues that relate to the workplace environment.</td>
</tr>
<tr>
<td>ICT Resources</td>
<td>All information and communications technology resources, including, but not restricted to, computer hardware (PCs, servers, shared and private network storage, network infrastructure), printers, scanners, software applications and the date they contain, telephones, mobile phones, mobile devices such as iPads. It also includes but is not limited to the identity information required to use these, such as usernames and passwords, network locations, phone numbers, application permissions, etc.</td>
</tr>
<tr>
<td>Relevant Authority</td>
<td>The Relevant Authority shall include the SA Police Anticorruption Branch, Independent Commissioner Against Corruption, Office of Public Integrity, SA Ombudsman, Minister for State/Local Government Relations or a relevant authority or responsible officer under the Public Interest Disclosure Act 2018.</td>
</tr>
<tr>
<td>Temporary Volunteer</td>
<td>A volunteer who is engaged for a specific or one-off Council event or activity within a specified timeframe, which would normally be within one week unless authorised by Coordinator Volunteering Services or Manager, Community and Culture.</td>
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4. **Process**

4.1 **Volunteer Code of Conduct and Council Policies that apply to Volunteers**

4.1.1 The Volunteer Code of Conduct sets out principles and standards of behaviour that are expected of Volunteers. All Volunteers must adhere to Council’s relevant Code of Conduct. Volunteers must comply with all applicable legislation and relevant Council Policies and Processes.

4.1.2 The Volunteer’s Supervisor will ensure that all Council policies and processes that apply to Volunteers are made available to and understood by the Volunteer.

4.1.3 All Volunteers are expected to have read and understood the Volunteer Code of Conduct, the Volunteer Management Policy and any other Council Policies and Processes that apply to their volunteer position.
4.2 **Eligibility**

**Age Related Factors**

4.2.1 Volunteers are eligible to be involved in Council programs from the age of 18, unless the Terms of Reference of the program/group/committee expressly allows Volunteers to be eligible outside of this restriction or with the approval of the Manager Community and Culture. For example Youth programs allow Volunteers under the age of 18 to be eligible to apply.

4.2.2 All Volunteers under the age of 18 must provide written consent to the Council from a parent or guardian prior to undertaking any Volunteer role/activities.

4.2.3 Volunteers over the age of 90 will be made aware by the Volunteer Supervisor (who will make a record of the notification which the Volunteer will sign) that they are not covered by Personal Accident Insurance. In this situation, the Volunteer may continue to act in their Volunteer role after the assessment of their activities in consultation with a medical professional, or if a medical clearance is provided by the Volunteer for activities that they undertake in their role. The assessment shall be conducted on a regular basis, at the discretion of Council or Volunteer Supervisors, at the Volunteer Program’s expense (either as a payment or reimbursement to the volunteer where appropriate).

**Past employees**

4.2.4 Past employees are not eligible to return as a Volunteer into the same program as which they were previously employed for a period of at least 12 months. Any changes to this ruling is subject to the Director’s approval.

4.3 **Engagement**

4.3.1 Volunteers engaged by Council will have specific skills that align with their Position Description as determined during Volunteer Registration.

4.3.2 It should be made clear to prospective Volunteers that they will be required to undergo an engagement process and that a Volunteer role will not be automatically offered. When conducted openly, assessments should send a positive message to potential Volunteers that Council is thorough in its approach to Volunteer management, safety and security. Temporary Volunteers may not need to undergo a formal engagement process however are required to complete the registration process.

4.3.3 Assessment of Volunteers may take the following forms:

- Asking for identification from the applicant e.g. Driver’s Licence
- Conducting an interview with the applicant in person;
- Telephoning referees to follow-up character references; and

When applicable

- Conducting a Criminal History Check;
- Ensuring the Volunteer holds a satisfactory Working with Children Check or other check in accordance with Council’s policies and processes;
- Obtaining a Medical Clearance;
- Provision of current licences and insurances

Any information collected or used shall be in accordance with Council’s Privacy Policy and Assessing and Handling Working with Children and Criminal History Information Policy.

4.3.4 It is important to remember when conducting Criminal History Checks that the information provided by the assessment is limited and a number of assessment methods, applied together, may result in more accurate information.
4.3.5 It is important to follow-up on any Volunteer enquiries, interviews and acceptance/engagements of Volunteers in a prompt, professional and friendly manner.

4.3.6 In the cases where the engagement process is unsuccessful the Coordinator Volunteering Services will advise the prospective volunteer via telephone and follow-up in writing to confirm. This letter will provide further information to help the Volunteer find a suitable role.

4.3.7 A Volunteer engagement or placement may be refused or terminated if:

- There is a perceived risk to the customers’, Workers’ or Volunteer’s health or welfare;
- Suitable Volunteer duties are not available or no longer available;
- The Volunteer does not comply with Council policy or processes or relevant legislation (including the Volunteer Code of Conduct and Work Health Safety requirements);
- The Volunteer does not comply with the Position Description or with reasonable direction given to the Volunteer;
- The Volunteer is not covered by the Council’s personal accident insurance or other relevant insurance;
- The Volunteer fails, or refuses to provide consent to conducting a Criminal History Check, Working with Children Check, Medical Check, or any other check, consent, approval or assessment required for their role (see also Assessing and Handling Working with Children and Criminal History Information Policy); or
- The Volunteer fails to successfully complete their induction, any required training; or to obtain any required qualifications, licenses or permits that are necessary for their role (e.g. driver’s licence); or
- Inappropriate use of Council resources.

4.3.8 Working with Children and Criminal History Checks

Council’s policy is that in certain circumstances Volunteers working with children, young people or vulnerable adults hold a current Working with Children Check and/or Criminal History Check. This is dependent on the Volunteer’s role and program involved in. For more information, refer to Council’s Assessing and Handling Working with Children and Criminal History Information Policy.

Criminal History Checks are valid for three (3) years, and Working with Children checks are valid for five (5) years. Council must receive an updated assessment or check before the expiration date in order for the Volunteer to continue volunteering in the nominated program. Where there is a cost, Council will cover the costs of Criminal History Check and/or Working with Children Check.

If required, all Volunteers working with children or young people must complete the appropriate training, at Council’s expense, and show evidence to their Volunteer Supervisor. For more detail, refer to Council’s Safety of Children and Vulnerable Adults Policy and supporting Processes.

4.3.9 Medical Checks and clearances

Subject to 4.2.3, medical checks are only needed if the role determines it necessary, for example, driving over age 70.

Prior to resuming activities after an injury, Council may require a medical clearance from the Volunteer’s general practitioner.

Where appropriate and depending on the circumstances Council may cover the costs associated with medical check and/or clearance requirements.
4.3.10 Temporary Volunteers

Council may engage Temporary Volunteers based on the needs of the person undertaking the volunteering role, or the needs of the organisation.

A Temporary Volunteer is a Volunteer who is engaged for a specific or one-off Council event or activity within a specified timeframe, which would normally be within one week unless authorised by Coordinator Volunteering Services or Manager, Community and Culture.

Where authorisation is required:

- it must be obtained in writing; and
- The Temporary Volunteer’s engagement cannot commence until authorisation is received.

4.4 Registration

4.4.1 All Volunteers are required to register using the Volunteer Registration Form. The registration period will be continuous until further notice except in the case of temporary Volunteers.

4.4.2 Registration forms are an essential requirement of Council and must be signed by the Volunteer and Coordinator Volunteering Services before commencement of duties.

4.4.3 Registration forms should be entered into the Volunteer’s individual EDRMS container with access controls and details recorded on Better Impact. Temporary Volunteer registration forms will be entered into a group container in Council’s EDRMS with access controls.

4.4.4 During the registration process, any required qualifications or checks (including expiry dates) must be recorded on Better Impact and in the relevant EDRMS container with appropriate access controls.

4.4.5 It is the responsibility of the individual Volunteer to ensure that the details provided on the registration form are up to date and current at all times. If any personal details change a volunteer registration update form must be completed and provided to the supervisor. Volunteer supervisors are required to update the relevant information both within EDRMS and on the Better Impact database as soon as received.

4.4.6 Failure to complete the registration process may result in a Volunteer not being covered for insurance purposes or being able to participate as a volunteer.

4.5 Position Descriptions

4.5.1 The Volunteer Position Description will accurately outline Volunteer responsibilities, duties, requirements, and will promote the development of a mutually beneficial relationship.

4.5.2 Volunteers will receive a Volunteer Position Description during induction which must be signed by the Volunteer prior to commencing any activities.

4.5.3 Temporary Volunteers may not be provided with a Position Description.

4.6 Induction

4.6.1 Council’s Volunteer induction process allows all Volunteers to gain valuable information relevant to operating effectively and staying safe in their new role. Additionally each Volunteer program will have their own site specific induction information.
4.6.2 The responsibilities of Council and Volunteers will be explained during induction and relevant sections of Council’s Work Health Safety Management System will be made available.

4.6.3 Volunteers will be provided with the Volunteer Induction Manual before commencement of duties. Temporary volunteers who are engaged for a Council activity or event may not be provided with the Volunteer Induction Manual, however will be required to complete the Temporary Volunteer checklist. The Temporary Volunteer will be required to complete a Volunteer Registration form for each activity or event.

4.7 Engaging a Volunteer for a Task

4.7.1 Where tasks are already allocated to paid staff, Volunteers will not be engaged to undertake said tasks simply because paid staff are reluctant to do them.

4.7.2 Volunteer Task Determination Flowchart should be used by the relevant Supervisor when deciding on task to be carried out by a Volunteer.

4.8 Communication

4.8.1 Open and transparent communication is encouraged between Volunteers and Council staff.

4.8.2 Communication related to Volunteers will be provided primarily via the My Impact page on Better Impact by the Volunteer Supervisor or Coordinator Volunteering Services. It is the Volunteers’ responsibility to be regularly checking their My Impact page.

4.9 Reviews

4.9.1 To ensure all Volunteers obtain the knowledge, skills and feedback needed to effectively carry out their responsibilities, it is important that the Volunteer Supervisor holds a regular review with the Volunteer, as this provides an opportunity for both parties to:

- seek feedback and have constructive and open conversations;
- identify any development opportunities;
- ensure continuous improvement; and
- establish any changes in the Volunteer’s personal circumstances.

4.9.2 The review provides an individual and team approach to identifying and supporting Volunteers to achieve their personal and professional goals and is intended to enhance the Volunteer’s alignment with Council’s strategic objectives and constructive culture.

4.9.3 A review may be conducted through group discussion, informal meetings, in writing (e.g. via email) or via a survey.

4.9.4 Volunteers should make use of the review process to voice any concerns or provide suggestions for improvement they might have. This may be done at any time to the Volunteer Supervisor or Coordinator Volunteering Services.

4.10 Hours

4.10.1 Care needs to be taken to ensure that the goodwill of a Volunteer is not exploited. As a general rule, Council Volunteers are encouraged to maintain a balanced approach to their time contributed. It is recommended that Volunteers limit their contribution to an approximate accumulated total of 16 hours per week per business unit or program.
4.10.2 Volunteer positions will complement but will not replace Council paid roles.

4.10.3 Volunteers are entitled to the same rest periods as all other Workers. These should be negotiated with the Volunteer Supervisor.

4.10.4 Volunteers are encouraged to take time away from their volunteering role. As a result, adjustments to rosters may be required in order to maintain program service levels.

4.10.5 Volunteer contribution is recorded in Council’s Volunteer database (Better Impact) to comply with Council’s Knowledge Management Policy.

4.11 Acknowledgement of Service

4.11.1 In the months of March, July and November Volunteers who have recently resigned or retired are invited to attend the Council meeting to receive a Recognition of Service Award from the Mayor. The Coordinator of Volunteering Services contacts all Volunteer Supervisors in the months prior to these to ask for nominations for awards. If the person is unable to attend the presentation then their certificate will be posted or emailed out to them.

4.11.2 Upon the Coordinator Volunteering Services being notified of a Volunteer retiring or resigning they will contact Council’s Communications team to advise of recipients attending and request photos be taken and used in accordance with Council’s Privacy Policy.

4.11.3 Council will acknowledge years of service at 2, 5 and 10 year anniversaries during National Volunteer Week celebrations with a certificate of recognition.

4.11.4 Where there has been exceptional/long standing service to Council’s Volunteering programs consideration may be given to providing further recognition of service at the discretion of the Director Corporate and Community Services.

4.12 Grievance/Dispute Resolution Process

4.12.1 Matters of grievance or dispute will be dealt with in accordance with Council’s Grievance/Dispute Resolution Process.

In most cases the Volunteer Supervisor will be the first point of contact in reporting and/or initiating any Grievance/Dispute Resolution Process. Details of the Council’s Grievance/Dispute Resolution Process will be provided to Volunteers at induction.

4.12.2 Where a grievance involves allegations of a criminal nature including fraud, maladministration or misconduct, the matter will be referred to the Relevant Authority, in accordance with relevant legal and policy requirements.

Volunteers should be aware that they are generally not classified as public officers unless they have delegations from Council or sub-delegations from the CEO. Therefore, they are not normally able to make appropriate disclosures of public administration information, nor are they a relevant authority for the purposes of receiving environmental and health information, pursuant to the Public Interest Disclosure Act 2018 and Council’s relevant policies and processes.

On rare occasions where a Volunteer is considered a public officer, they will be subject to the requirements of the Independent Commission Against Corruption Act 2012, and any conduct that breaches this Policy or the Volunteer Code of Conduct, or supporting Processes may constitute misconduct under the Independent Commission Against Corruption Act 2012.

4.13 Use of non-Council owned Motor Vehicles

4.13.1 In the event that a Volunteer is required to use a non-Council owned motor vehicle, in the course of volunteering Council expects that:
• The driver holds a current appropriate licence for the type of vehicle;
• The vehicle is registered, roadworthy and appropriate for the task;
• The vehicle has appropriate insurance cover; and
• The vehicle is only used with the approval of the Volunteer Supervisor and not at the volunteer’s own discretion.

4.14 Reimbursements

Volunteers are not expected to incur expenses related to their Volunteer role. However where expenses cannot be avoided, reimbursements can be made to Volunteers as long as prior agreement is made with their Supervisor and expenses are incurred pursuant to Council’s Procurement Policy.

4.15 Insurance

4.15.1 Volunteers are provided with cover under Local Government Mutual Liability Scheme while undertaking approved work during agreed hours for Council. There may be limitations placed on cover due to factors such as age ie. Over 90 years of age.

4.15.2 Volunteers are not entitled to benefits pursuant to the Return to Work Act 2014.

4.15.3 Volunteers are protected against civil liabilities (such as public liability claims) while undertaking approved work for Council.

4.15.4 Volunteers should ensure that their motor vehicle insurance will cover Volunteer work. The Volunteer may be indemnified in respect of any damage incurred to personal motor vehicles or third party vehicles in the course of volunteering for Council. However this may be limited to excess payable and loss of no claim bonus subject to the insurer.

4.16 Acceptable Usage of Council Resources (including ICT)

Where Volunteers have access to Council Resources, during induction they will be provided details of appropriate use of these (including ICT Resources) prior to any use or access. Inappropriate use of Council resources (which may include personal use of Council equipment and property) may result in termination of the Volunteers engagement in accordance with clause 4.3.7 of this Process.

4.17 Work Health and Safety

4.17.1 Volunteers must comply with the Work Health and Safety requirements of Council and will be instructed on these requirements as part of the induction process and at other times as necessary.

4.17.2 Workers should be aware that external volunteering groups who support an event held on Council land are expected to have Work Health and Safety management system in place.

4.17.3 In the event a Volunteer is involved in or is witness to a significant incident the Director may approve access to counselling services at a cost to Council.

5. Accountabilities / Responsibilities

5.1 Volunteer Supervisors are accountable for:

Checking that Volunteers have had appropriate training to undertake the activities identified within the Volunteer Position Description, this Process and supporting processes and will:

• Recognise the different roles, rights and responsibilities of Volunteers;
• Create a constructive culture in accordance with Council’s core principles;
• Provide for a safe work environment;
6. Training


6.2 Persons undertaking risk assessments will have specific training that includes the legislative requirements.

6.3 All Volunteers will have induction and training provided in accordance with Council’s Induction Policy and Training Needs Analysis Process.

7. Documents to Implement Process

All records created from these tools must be retained within Council’s EDRMS in accordance with the current version of the General Disposal Schedule.

Volunteer Management Policy
Volunteer Registration Form
Volunteer Induction Checklist – Corporate
Volunteer Induction Checklist – Supervisor
Volunteer Handbook
Volunteer Code of Conduct
Volunteer Task Determination Flowchart
Induction Policy
Induction Process
Training Needs Analysis Process
Grievance/Dispute Resolution Process
Assessing and Handling Working with Children and Criminal History Information Policy

8. Legislation and References

Work Health and Safety Act 2012
Work Health and Safety Regulations 2012
Local Government Act 1999
Equal Opportunity Act 1984
Volunteers Protection Act 2001
Volunteering Australia, National Standards for Volunteer Involvement 2015
Local Government Association Insurance Scheme
Anti-discrimination and equal opportunity legislation
State Records Act 1997
Freedom of Information Act 1991
Independent Commissioner Against Corruption Act 2012

9. **Review**

9.1 This Process will be reviewed by the Document Control Officer in consultation with the relevant stakeholders, within four (4) years or more frequently if legislation or Council’s need changes.

**SIGNED:** ……………………………………………… **DATE:** …………………………………………………

Mayor Michael Lange

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VOLUNTEER POLICY AND PROCESS COMMUNICATION PLAN

Consultation dates: 28 days from 23 October 2019 - 5pm 20 November 2019

Desired outcomes

Provide the community with an opportunity to provide feedback on the Draft Volunteer Policy and Process. The changes to both the policy and process are mostly administrative changes and for alignment with legislation and current Council policy. Due to these reflecting how we do business with our volunteers who form an integral part of our Community, both current Volunteers and future Volunteers it has been identified that public consultation would be beneficial.

Specific considerations

- Internal consultation complete and draft presented to CMT and approved on 25 September 2019

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Communication Method</th>
<th>Responsible Officer</th>
<th>Timeframe</th>
<th>Tone/Content/Message</th>
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<td>Online</td>
<td>Council website</td>
<td>C&amp;EOs</td>
<td>*Consultation dates TBC</td>
<td>Informal tone – driving people to Our Better Barossa to formally provide feedback</td>
</tr>
<tr>
<td></td>
<td>• Our Better Barossa</td>
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<td>• Facebook</td>
<td>Coordinator Vol</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Better Impact Database</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertisement</td>
<td>The Leader</td>
<td>C&amp;EOs</td>
<td></td>
<td>Provide consultation details and mechanisms for community to provide feedback</td>
</tr>
<tr>
<td></td>
<td>• Herald</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visual Tools/Flyers/Displays</td>
<td>Copies of documents in branch offices and provided to Volunteer Agencies engaged with Council</td>
<td>Coordinator Vol</td>
<td></td>
<td>Look/feel/tone to be determined</td>
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CLOSE THE LOOP

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<tr>
<th>Initiative</th>
<th>Communication Method</th>
<th>Responsible Officer</th>
<th>Timeframe</th>
<th>Tone/Content/Message</th>
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<td>Online</td>
<td>Facebook Website</td>
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<td>Post Consultation and once approved through Council</td>
<td>• Highlight engagement levels&lt;br&gt;• Provide overview of feedback&lt;br&gt;Advise of next steps</td>
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www.barossa.sa.gov.au
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<tr>
<th>Email</th>
<th>Email All staff</th>
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<th>Post Consultation and once approved through Council</th>
<th>• Formally letting staff know policy and process and where to find the documents</th>
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Budget line GL233-820
COUNCIL
WORKS AND ENGINEERING SERVICES
DIRECTOR’S REPORT
15 OCTOBER 2019

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1 FOLLOW UP REPORT ON APPLICATION OF FUNDS TO ROAD SEALING B9302

<table>
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<tr>
<th>PURPOSE</th>
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<tr>
<td>To consider the allocation of resources received through the increase to the Roads to Recovery Program, unallocated road reseal budget, capital savings taking into consideration the sealing of Neldner Road and remaining section of Bushman Street, Tanunda.</td>
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<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
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<tr>
<td>That Council receives and notes the draft Road Prioritisation List and instructs officers to scope up the upgrade and sealing of Bushman Street, Tanunda and Short Row, Angaston as the priorities outlined by the road data assessment for inclusion in the 2020-21 financial year budget and Business Plan.</td>
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<table>
<thead>
<tr>
<th>REPORT</th>
</tr>
</thead>
<tbody>
<tr>
<td>At the 17 September 2019 meeting it was decided that a report be provided in accordance with Part 3 of the resolution taking into consideration the sealing of Neldner Road, Tanunda, and the remaining eastern section of Bushman Street, Tanunda.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Background</th>
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<tbody>
<tr>
<td>At the September meeting council</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MOVED Mayor Lange that</th>
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(1) Council responds to Mayor Karen Redman, Town of Gawler, confirming Council’s commitment to support a joint application (2021/2022) to the State Government’s Regional Growth Fund Competitive Pool for approximately $678,000 financial assistance towards the delivery of the Strategic Cycling Connections Project which will complete the Barossa Trail to the Town of Gawler.

(2) If and when the Grant application is successful, Council will consider any future final budget allocation at that time.

(3) A further report be provided on other possible expenditure to utilise the Unallocated Road Reseal Budget 2019/2020 ($351,470) and any other possible capital project savings, taking into consideration the sealing of Neldner Road and remaining section of Bushman Street, Tanunda.

Seconded Cr Miller  CARRIED 2018-22/319
Introduction
As requested and presented to Council in September 2019 the road data assessment indicates the following are the next priorities for consideration of upgrading:

1) Short Row, Angaston (Jubilee Avenue to end)
2) Bushman Street, Tanunda (Macdonnell Street to end)
3) Bela Court, Lyndoch (Lyndoch Valley Road to end)
4) Altmann Street, Moculta (end to Linke Street)
5) Goldfields Road, Cockatoo Valley (various sections)
6) Fife Street, Angaston (Surface change to Lindsay Street)
7) Altmann Street, Moculta (Linke Street to Albert Presser Street)

Council has asked also for an assessment of Neldner Road and Bushman Street, Tanunda in setting future allocations of funds.

Neldner Road, Tanunda, from Basedow Road to Magnolia Road is classified as a rural rubble sheeted surface function priority 2.1 with medium to high social importance. The road was last re-sheeted in 2016 and is scheduled for another re-sheet in 2043 i.e. 27 years expected life remaining. Traffic count is as follows:

As at May 2018:
- Morning peak – 25 vehicles 0800-0900hrs
- Afternoon peak – 12 vehicles 1500-1600hrs
- 5-day week 24 hr average – 74 vehicles
- 7-day week 24 hr average – 61 vehicles

Bushman Street (east), Tanunda, is a township rubble sheeted surface function priority 5.4 with medium to high social importance. The road was last re-sheeted in 1999 and is due for another re-sheet in 2026 i.e. 7 years expected life remaining. There are no traffic counts on file for the unsealed section of Bushman Street.

Discussion
Neldner Road, Tanunda
Council has received 9 requests via pathway to upgrade the road, two New Initiatives were submitted for the FY2019/20 budget year, Council has also received a resident letter and a letter from Faith Lutheran College via Stephen Knoll’s office requesting an upgrade of Neldner Road.

The earliest request on record to seal the road goes back to May 1997 when Council received a petition with 221 signatures, there was also a letter to the editor The Leader dated 4 June 1997.

The road sits at number 345 out of 407 within the draft Prioritisation List.

The cost to upgrade Neldner Road is estimated at approximately $600,000 including contingency.

Bushman Street (east), Tanunda
Council has received 2 requests via Pathway to upgrade the road, one New Initiative submission and multiple letters from a resident.
The road sits at number 2 out of 407 within the draft Prioritisation List, its high ranking is due to weighted preference of upgrading unsealed roads with townships.

The cost to upgrade Bushman Street is estimated at approximately $80,000 including contingency.

Both these projects are unfunded. Funding could be achieved by bringing forward unallocated Roads to Recovery funding of approximately $385,000 from the next four years plus utilising the unallocated Road Reseal Budget from FY2019/20 budget of $351,470 to deliver the works. Future works programmes would need to be adjusted (reduced) in the FY2021/22 budget year to release the necessary funding for the Barossa Trail connection to Town of Gawler should the Regional Growth Fund application be successful.

Capacity to deliver the works in the FY2019/20 budget year is limited with resources highly utilised delivering the current works programme, additional delivery resources could be bought in to manage the work at a cost of approximately $45,000. Timing may be a risk with the usual 2 week contractor/construction shut-down over the Christmas period and a push to get works completed ahead of the cooler weather.

Equally officers are currently assessing the next phase and priorities around footpath investment and this will be available for the setting of the 2020/21 financial year budget and business plan and these funds could be used to address footpath condition as well.

**Summary and Conclusion**

As previously reported at the September Council meeting the draft Road Prioritisation List scored each unsealed road by planning zone, existing housing density and service level (tourism, social and commercial use) and was based on existing data from the Infrastructure Asset Management Plans.

Should Council seek to fund road upgrades it is recommended to execute unsealed township road upgrades as per the prioritised listing. Short Row, the first priority, is estimated at approximately $46,000 to upgrade then approximately $80,000 to upgrade Bushman Street. Cost estimates have not been completed for the other roads listed above.

The recommendation from officers is clearly based on the road data. It is understood there are broader considerations that Council may wish to consider, an alternative resolution could be to defer the matter until the development of the 2020/21 budget and business plan as presently it is unlikely that an allocation of resources to a project at this time in the financial year could be achieved in any case.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Draft Road Prioritisation list – 19/24369

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

<table>
<thead>
<tr>
<th>Community Plan</th>
<th>Corporate Plan</th>
<th>Legislative Requirements</th>
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</thead>
<tbody>
<tr>
<td>Infrastructure</td>
<td>Business and Employment</td>
<td></td>
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</tbody>
</table>
Corporate Plan

3.6 Maintain and improve transport infrastructure to support economic, social and tourism activity with available resources and acceptable levels of service.

3.8 Ensure Council owned roads, bridges, footpaths, tracks and car parking are accessible, safe and maintained to an agreed level of service.

Legislative Requirements
Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Project budgets will be considered as part of the FY2020/21 annual budget and business plan review

**COMMUNITY CONSULTATION**

No community consultation has been undertaken, should Council decide to progress with the road upgrades the usual construction notices and letter drops will be undertaken.
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<thead>
<tr>
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<th>Road Name</th>
<th>Road ID</th>
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7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.2 PROPOSED ROAD CLOSURE – 2019 WILLIAMSTOWN CHRISTMAS PARADE AND FAIR

B9032

PURPOSE

The Williamstown Action Group has applied to The Barossa Council for support as they plan the 2019 Williamstown Christmas Parade and Fair on Sunday 8 December 2019.

RECOMMENDATION

That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Victoria Terrace, Williamstown, from George Street to Queen Street between 3.00pm and 4.00pm, and

Queen Street, Williamstown, from Victoria Terrace to Memorial Drive between 3.00pm and 4.00pm

On Sunday 8 December 2019 to stage the 2019 Williamstown Christmas Parade and Fair.

REPORT

Background

Council has supported township Christmas parades for many years by organising and implementing the road closures and rubbish removal for the events.

The Parade will require a full street closure and diversion of traffic on the day and council operations staff will provide this support.

Summary and Conclusion

Council Operations staff has further assisted the local community to prepare and stage this event with assistance in the following areas

- Putting up the Christmas banners if required
- Street sweeping - as close as possible to the event
- Emptying of bins – also as close as possible to the event
- General main street tidy up

Council Officers will also request SAPOL direct that persons taking part in the ‘Williamstown Christmas Parade and Fair’ on the above roads be exempted from all Australian Road Rules relating to pedestrian behaviour on roads.
Attending to these items enables the Williamstown Action Group to successfully host the event each year as per the Community Plan.

### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

**Community Plan**

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<td>Health and Wellbeing</td>
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<tr>
<td>Business and Employment</td>
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2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.

2.6 Support a vibrant and growing arts, cultural, heritage and events sector.

4.2 Create opportunities for people of all ages and abilities to participate in the community.

5.13 Support economic development through events

**Legislative Requirements**

- Local Government Act 1999
- Road Traffic Act 1961

### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

**Financial and Resources**

The in-kind cost and implementation of the road closure estimated to be $565.00 is to be met by Council via Council’s Road Closure – Support budget.

**Risk management**

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

### COMMUNITY CONSULTATION

The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council’s website.
7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.3 PROPOSED ROAD CLOSURE – 2020 DECLARATION OF VINTAGE
B9032

PURPOSE
The Barons of Barossa have made application to The Barossa Council requesting a road closure for the 2020 Declaration of Vintage Parade.

RECOMMENDATION
That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Sunday 16 February 2020:

Murray Street, Tanunda between Young Street and the northern arch (approx. 50m north of Elizabeth Street), and

Bilyara Road, Tanunda for a distance of approximately 25m from Murray Street, and

Elizabeth Street, Tanunda for a distance of approximately 25m from Murray Street

from 11.00am up to 1.00 pm to stage the 2020 Barons of Barossa Declaration of Vintage event.

REPORT

Background
The Barons of Barossa were founded in 1975 and continue to proudly and enthusiastically support Barossa wine, viticulture, gastronomy, heritage and the arts. Membership of the Fraternity is by invitation and is offered to persons who have made an outstanding contribution to the Barossa.

New Barons are inducted into the Fraternity in a colourful ceremony and membership is for life.

Introduction
Approval was sought to close Murray Street, Tanunda between Young Street and the northern arch between 11.00am and 1.00pm on Sunday 16 February 2020.

Summary and Conclusion
Council has previously supported this event as a risk mitigation strategy to maintain the safety of the participants and the general public.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture
- Health and Wellbeing
- Business and Employment

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
4.2 Create opportunities for people of all ages and abilities to participate in the community.
5.13 Support economic development through events

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources
The in-kind cost and implementation of the road closure estimated to be $865.00 is to be met by Council via Council’s Road Closure – Support Budget.

Risk Management
Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION
The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also by placement of the SAPOL notice on Council’s website.
7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.4 PROPOSED ROAD CLOSURE – 2020 SANTOS TOUR DOWN UNDER – ZIPTRAK STAGE ONE FINISH

PURPOSE

Ziptrak Stage One of the 2020 SANTOS Tour Down Under is being held on Tuesday 21 January 2020 and will start and finish in Tanunda. Road closures and parking restrictions in Tanunda and parking restrictions in Angaston and Williamstown are required for the safety of all participants and the general public.

RECOMMENDATION

That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Murray Street, Tanunda from Bushman Street to southern side of Keith Street between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Elizabeth Street, Tanunda from Murray Street to Bilyara Road between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Bilyara Road, Tanunda from Murray Street to Park Street between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Basedow Road, Tanunda from Murray Street to MacDonnell Street between 4.00am and 7.00pm on Tuesday 21 January 2020

And parking restrictions including:-

No parking to apply between 6.00am and 7.00pm on Tuesday 21 January 2020 on both sides of:

Elizabeth Street, Tanunda from Bilyara Road to Maria Street, and

Barossa Visitor Information Centre Car Park

No parking to apply between 6.00am and 5.00pm on Tuesday 21 January 2020 on southern side of:

Basedow Road, Tanunda between the rail crossing and a point approximately 50m west
No parking to apply between 9.00am and 3.00pm on Tuesday 21 January 2020 on both sides of:

**Angaston Road, Angaston** between 104 Angaston Road and Penrice Road

No parking to apply between 9.00am and 3.00pm on Tuesday 21 January 2020 on both sides of:

**Breakneck Hill Road, Angaston** between Moculta Road and Penrice Road, and

**Penrice Road, Angaston** between Breakneck Hill Road and Rodda Drive

No parking to apply between 9.00am and 1.30pm on Friday 24 January 2020 on both sides of:

**Victoria Terrace, Williamstown** between 44 Victoria Terrace and 26 Victoria Terrace

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**REPORT**

**Background**
The SANTOS Tour Down Under is in its twenty second year of operation in South Australia and attracts many interstate and international visitors to the Barossa region.

**Introduction**
The SANTOS Tour Down Under provides a significant contribution to the state’s tourism industry, and showcases the attractions of South Australia to the world through global television coverage.

**Discussion**
The Barossa Council has supported this event for many years by organising and implementing the road closures and parking restrictions required for the event.

A request has been received (refer attached) from the organisers seeking The Barossa Council’s authorisation to close roads and implement parking restrictions on race day.

Organisers have also made application to SAPOL for 25km/h speed restrictions at several locations and for the removal of traffic infrastructure.

SAPOL will authorize the closure of the private road, informally known as Greenwood Lane, Tanunda under Section 33 of the Road Traffic Act.

**Summary and Conclusion**
Council continues to support the community and work together to host a successful event in the Barossa.

The requested closure and restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

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**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 – Letter of request – 19/53516
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan
Identify Theme/s (utilising the icons)

- Community and Culture
- Health and Wellbeing
- Business and Employment

2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
4.2 Create opportunities for people of all ages and abilities to participate in the community.

5.13 Support economic development through events

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -
The in-kind cost and implementation of the road closure is to be funded via Council’s Road Closure Support/Tour Down Under budget.

Risk management –
Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION

Organisers have identified that the one way private road, informally known as Greenwood Lane, Tanunda is within the one kilometre distance from the finish line on race day and will be closed to traffic as will be Murray Street between 4.00am and 7.00pm. All residents will be notified by letter.

The wider Barossa community will be advised of the proposal by public advertisements to be placed in The Advertiser by Events SA and also via placement of the SAPOL notice on Council’s website.
4 September 2019

Rebecca Tappert
Manager Community and Facility Development
The Barossa Council
43/51 Tanunda Road
MURIOOTPA SA 5355

Dear Rebecca,

RE: 2020 SANTOS TOUR DOWN UNDER REQUEST FOR APPROVAL OF ROAD CLOSURES, PARKING RESTRICTIONS AND REMOVAL OF TRAFFIC INFRASTRUCTURE

STDU STAGE 1

Further to our recent meeting, I am now following up with my formal request for your Council to approve the attached road closures, parking restrictions and other controls, so that planning for the 2020 Santos Tour Down Under can proceed. As per previous years, road closures will be authorised by the Commissioner of Police, under Section 33 of the Road Traffic Act, however, the Commissioner must have the written consent of the Council to do so.

Attached with this letter are the following:
- Road closure requests (with parking restrictions) within The Barossa Council jurisdiction;
- Additional parking restrictions within The Barossa Council jurisdiction not requiring road closures
- Diagrams outlining infrastructure removals requested from The Barossa Council

The following road closure requests are required to permit the safe operation of the 2020 Santos Tour Down Under and occur on public roads within The Barossa Council district.

Please also note, the following road closure requests ONLY RELATE TO ROADS REQUIRED TO STAGE THE EVENT. Additional road closures will likely be required by The Barossa Council to achieve the event related closure requests.

As discussed, in 2020 we will once again be streamlining road-closure requests to ensure all required road closures are captured before submitting to SAPOL.
These include:

- Event Specific Road Closures (requested by the Santos Tour Down Under Organisation)
- Council Specific Road Closures (required to achieve the event specific road closures requested by the Santos Tour Down Under Organisation)
- Any additional Council Road Closures (such as those required for street party activations etc)

Therefore, could you please provide the following to me by Friday 25 October 2019:

- Council letter of approval to close event specific roads as per the schedule on the following pages;
- Any additional road closures required as a result of event specific road closure requests
- Any additional road closures required as a result of any associated events (eg Street Party)
- Traffic Management Plans for all closures

If you could please send the requested information to ian.forster2@sa.gov.au by Friday 25 October that would be much appreciated. Once I have these, I will collate and send to SAPOL as a consolidated list of closures and provide a copy of the SAPOL approval to council. Not only will this reduce the numerous road closure requests received by SAPOL for the same event, it will also capture a more wholistic understanding of all the required road closures that will be implemented to support the event. For your reference, I am collating a central online traffic restrictions map for the 2020 Santos Tour Down Under and will include council requirements to this link when they are received.

Thank you for your attention to these matters, and I look forward to your response in due course.

Kind regards

[Signature]

Ian Forster
Traffic Logistics Coordinator
Santos Tour Down Under
Email: ian.forster2@sa.gov.au
Mobile: 0439 864 310
SANTOS TOUR DOWN UNDER

STAGE 1 – ROAD CLOSURES WITH PARKING RESTRICTIONS
TANUNDA START / FINISH

ROAD CLOSURES WITH PARKING RESTRICTIONS WITHIN THE BAROSSA COUNCIL

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ADDITIONAL PARKING RESTRICTIONS WITHIN THE BAROSSA COUNCIL

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<td>Tour Parade Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anglocah Church Car Park (no parking)</td>
<td>Tanunda</td>
<td>Entire car park</td>
<td>A point approximately 50m west</td>
<td>0600</td>
<td>1700</td>
</tr>
<tr>
<td>Broadcast Vehicle Parking</td>
<td></td>
<td></td>
<td></td>
<td>21/1/2020</td>
<td>21/1/2020</td>
</tr>
<tr>
<td>Basedow Road (no parking south side)</td>
<td>Tanunda</td>
<td>Rail Crossing</td>
<td>A point approximately 50m west</td>
<td>0600</td>
<td>1700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>21/1/2020</td>
<td>21/1/2020</td>
</tr>
</tbody>
</table>
SANTOS TOUR DOWN UNDER

STAGE 1 – PARKING RESTRICTIONS
ANGASTON ZIPTRAK SPRINT

PARKING RESTRICTIONS WITHIN THE BAROSSA COUNCIL

<table>
<thead>
<tr>
<th>STREET</th>
<th>SUBURB</th>
<th>FROM</th>
<th>TO</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angaston Road</td>
<td>Angaston</td>
<td>104 Angaston Road</td>
<td>Penrice Road</td>
<td>0900</td>
<td>1500</td>
</tr>
<tr>
<td>(no parking both sides)</td>
<td></td>
<td></td>
<td></td>
<td>21/1/2020</td>
<td>21/1/2020</td>
</tr>
<tr>
<td>Ziptrak Sprint</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# SANTOS TOUR DOWN UNDER

## STAGE 1 – PARKING RESTRICTIONS
### ANGASTON KING OF THE MOUNTAIN

### PARKING RESTRICTIONS WITHIN THE BARISSA COUNCIL

<table>
<thead>
<tr>
<th>STREET</th>
<th>SUBURB</th>
<th>FROM</th>
<th>TO</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakneck Hill Road</td>
<td>Angaston</td>
<td>Moculta Road</td>
<td>Penrice Road</td>
<td>0900 21/1/2020</td>
<td>1500 21/1/2020</td>
</tr>
<tr>
<td>(no parking both sides)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subaru King of the Mountain</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Penrice Road</td>
<td>Angaston</td>
<td>Breakneck Hill Road</td>
<td>Rodda Drive</td>
<td>0900 21/1/2020</td>
<td>1500 21/1/2020</td>
</tr>
<tr>
<td>(no parking both sides)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subaru King of the Mountain</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# SANTOS TOUR DOWN UNDER

## STAGE 4 – PARKING RESTRICTIONS

**WILLIAMSTOWN ZIPTRAK SPRINT**

### PARKING RESTRICTIONS WITHIN THE BAROSSA COUNCIL

<table>
<thead>
<tr>
<th>STREET</th>
<th>SUBURB</th>
<th>FROM</th>
<th>TO</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Terrace</td>
<td>Williamstown</td>
<td>Pine Vale Drive</td>
<td>26 Victoria</td>
<td>0900</td>
<td>1330</td>
</tr>
<tr>
<td>(no parking both sides)</td>
<td></td>
<td></td>
<td>Terrace</td>
<td>24/1/2020</td>
<td>2/1/2020</td>
</tr>
<tr>
<td>Ziptrak Sprint</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

![Map of Victoria Terrace parking restrictions](image.png)
# Infrastructure Removal / Road Repair Requests

## Infrastructure Removal Requests within the Barossa Council

<table>
<thead>
<tr>
<th>Street</th>
<th>Removal</th>
<th>Notes</th>
<th>Date Inspected</th>
<th>Drawing Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray Street near Hannay Crescent, Angaston</td>
<td>PED-X Removal</td>
<td>The Barossa Council to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
<tr>
<td>Breakneck Hill Road at Penrice Road, Angaston</td>
<td>Sweep Intersection</td>
<td>The Barossa Council to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
<tr>
<td>Penrice Road at Stockwell Road, Penrice</td>
<td>Safety Bar &amp; Stop Sign Removal</td>
<td>The Barossa Council to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
<tr>
<td>Murray Street, between Gawler Street and New Road, Nuriootpa</td>
<td>Cone / Bollard Placement</td>
<td>The Barossa Council to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
<tr>
<td>Barossa Valley Way at Penfolds Cellar Door, Nuriootpa</td>
<td>Cone / Bollard Placement</td>
<td>The Barossa Council to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
<tr>
<td>Murray Street, between Keith Street &amp; John Street, Tanunda</td>
<td>Cats Eye Removal</td>
<td>FYI Only DPTI to Action</td>
<td>25-03-19</td>
<td>YES</td>
</tr>
</tbody>
</table>
REQUEST FOR ROAD WORKS – SITE PLAN # ..........................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: MURRAY STREET, ANGASIA
AT HANNAH CRESCENT

RESPONSIBILITY: [ ] DPTI ................................................................. Region
[✓] Barossa ................................................................. Council

REMOVE 2 x PEDESTRIAN ISLANDS + ATTACHED SIGNAGE

5 x RIDER PASSES

ETA: 1122
1207
1252
1337
1422
REQUEST FOR ROAD WORKS – SITE PLAN # .........................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: BREAKNECK HILL ROAD, ANGASTON

A PENRICE ROAD

RESPONSIBILITY: [ ] DPTI ....................................................... Region

[ ] Barossa ....................................................... Council

SWEEP INTERSECTION
IDEALLY MORNING OF RACE OR DAY BEFORE.

5 x 1 RIDER PASSES

ETA:
1125
1210
1255
1340
1425

IMPACT CGEESEAT

Point tour down under tourdownunder.com.au
REQUEST FOR ROAD WORKS – SITE PLAN # ............................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: PENCIL ROAD, PENCIL
AT STOCKWELL ROAD INTERSECTION

RESPONSIBILITY: [ ] DPTI.................................................. Region
[ ] Barossa.................................................. Council

46 X RUMBLE BAR REMOVAL
2 X STOP SIGN REMOVAL

5 X RIDER PASSES
ETA: 1132
1217
1302
1347
1432

FACE DIRECTION
REQUEST FOR ROAD WORKS – SITE PLAN #..........................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: MUNNAM STREET, NUJROOTPA
BETWEEN GAUHLER STREET AND NEW ROAD

RESPONSIBILITY: DPTI..................................................Region

[Signature]
Barossa (Jan Forsyth) Council

CONE BETWEEN TRAFFIC ISLANDS. CONES TO BE
PLACED NO MORE THAN
500MM APART.

5 x RIDER PASSES

ETA: 1139
1224
1309
1354
1439
REQUEST FOR ROAD WORKS – SITE PLAN # ................................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: Barossa Valley Road, Nuriootpa

RESPONSIBILITY: DPTI .............................................. Region

[check box] Barossa (as advised) Council

OLD MILL ROAD

RAILWAY TCE

Penfolds Cellar Door

Penfolds Cellar Door

CONE/BOLLARD OFF SCIP-LANE TO PENFOLDS. CONES NO MORE THAN 500MM APART.
REQUEST FOR ROAD WORKS – SITE PLAN # ......................

STAGE 1
TUESDAY 21 JAN 2020
TANUNDA TO TANUNDA

LOCATION: Murray Street / Barossa Valley Way, Tanunda
Between Keith Street and John Street

RESPONSIBILITY: [ ] DPTI (line marking package) Region
[ ] Council

REMOVE CATS-EYE REFLECTORS

5 x RIBBED PASSES
ETA: 1145
1230
1315
1400
1445
COUNCIL
WORKS AND ENGINEERING SERVICES

DIRECTOR’S REPORT

15 OCTOBER 2019

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.5
NATIVE VEGETATION COUNCIL - REGULATIONS ADVICE NOTIFICATION - 85 WILLIAMSTOWN ROAD SANDY CREEK
960/331/2014

PURPOSE
At the 17 September 2019 meeting it was decided to lie the "Native Vegetation Council Regulations Advice Notification 85 Williamstown Road Sandy Creek" report on the table to enable further investigation of the status of the existing vegetation.

MOVED Cr Johnstone that the matter 7.4.1.3 Native Vegetation Council Regulation Advice Notification – 85 Williamstown Road Sandy Creek lie on the table pending further information on clearance occurring prior to achieving the necessary approvals.

Seconded Cr Wiese-Smith

CARRIED 2018-22/231

RECOMMENDATION
That the matter relating to Council meeting agenda of 17 September 2019 Item 7.4.1.3 – Native Vegetation Council – Regulation Advice Notification – 85 Williamstown Road Sandy Creek be lifted from the table for discussion.

RECOMMENDATION
That the Mayor and Chief Executive Office be authorised to execute the Understanding of Regulation Advice, associated with the Eringa Development at 85 Williamstown Road, Sandy Creek, by signing and affixing the common seal to the Deed.

REPORT
Background
Eringa Development has recently completed construction of a community title land division at 85 Williamstown Road, Sandy Creek (Council development number 960/331/2014). Refer attached General Layout Plan.

The construction of the land division entrance necessitated the removal of seven trees and 0.04 hectares of open shrub land and native grassland in the Williamstown Road verge. Clearance of native vegetation requires the approval of the Native Vegetation Council under the Native Vegetation Act 1991.
Williamstown Road is under the care and responsibility of the DPTI, however, the Williamstown Road verge area, including maintenance of stormwater drainage and vegetation, is under the care and responsibility of The Barossa Council as the authorised land owner.

The Barossa Council has approved the Development under the Development Act 1993. The DPTI have approved road works required to construct the land division access, including documentation of all native vegetation to be removed.

The Native Vegetation Council “Understanding of Regulation Advice” document (refer attached) requires the signature of, or seal of, the authorised landowner (Council) and applicant (Eringa Development).

The Native Vegetation Council, however, advised the applicant Eringa Development on 1 August 2019 that tree clearance could commence on the condition that their fees were paid. It is confirmed that the nominated trees have since been removed by the applicant.

Subsequent advice received from the Native Vegetation Branch of the Department for Environment and Water (DEW) states that the vegetation clearance is not considered illegal therefore there was no requirement to sign the form prior to clearance. Refer attached email.

The Barossa Council has not delegated its power to execute such documents under the Native Vegetation Act, and therefore, in the absence of any delegations or other authorisation, Council is required to authorise the Chief Executive Officer to sign the document under seal.

The formalisation of delegated authorisation to Council staff for matters pertaining to the Native Vegetation Act is a separate matter which Council may wish to consider in the future.

**Summary and Conclusion**

It is recommended that Council sign and seal the “Understanding of Regulation Advice” in order for Eringa Development to satisfy the requirements of the Native Vegetation Council, Schedule 1, Regulation 12(34).

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 - Land Division General Layout Plan
Attachment 2 – Regulation Advice Notification, including Regulation Advice Plan and Understanding of Regulation Advice.
Attachment 3 – Email from the Native Vegetation Branch of the Department for Environment and Water (DEW)

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Community Plan**

**Infrastructure**

3.1 Develop and implement sound asset management which delivers sustainable services.
3.7 Ensure infrastructure meets the needs of people and provides for all abilities access.

Legislative Requirements
Native Vegetation Act 1991
Development Act 1993

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**
All costs associated with the tree removal and Native Vegetation Council approval process has been borne by the developer, Eringa Developments.

**COMMUNITY CONSULTATION**
Nil.
REGULATION ADVICE NOTIFICATION

Dear Greg,

I refer to your application on behalf of the Eringa Development to clear up to 7 trees and 0.04 ha of open shrubland and native grassland to develop a slip lane in the road reserve on the Williamstown Road, Sandy Creek opposite the community plan development of 6 lots on C41424 L21-26 (CT6211/367), and adjacent F89223 A8 (CT5487/120), F171960 A209 (CT5725/628) in Hundred of Barossa.

The Native Vegetation Council (NVC) considers that the proposed clearance of up to 7 trees and 0.04 ha satisfies the requirements of Native Vegetation Schedule 1, Regulation 12(34) (Attachment 1). The NVC therefore endorses the use of Schedule 1, Regulation 12(34) under delegated authority subject to:

1. No clearance to occur until any relevant planning approval for the road has been sought and obtained;

2. No clearance to occur until all landholder permission has been obtained for the area;

3. Clearance to be confined to the area shown on the attached Regulation Advice Plan 2019/3098/960;

4. Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the area is not damaged;

5. Vegetation cleared and any soil excavated is to be stockpiled in cleared areas and not to be dumped in native vegetation;

6. No construction activities including storage of vehicles, machinery or stockpiles are to occur in areas of native vegetation including under the canopy of retained trees/shrubs;

7. Any vegetation pruning is to be conducted in accordance with the Australian Standard for Pruning Amenity Trees AS 4373-2007; and

8. Payment of $16,507.31 ($15,713.96 for clearance GST exclusive and $793.35 for the administration fee GST inclusive) to the Native Vegetation Fund to be made within one month of invoice date. (Note the invoice will...
not be sent until the attached form "Understanding of Regulation Advice" is signed and returned).

9. The endorsement shall be valid for a period of 2 years from the decision date, after which time a new endorsement will be required.

Please arrange for an authorised representative of the landowner The Barossa Council and the applicant Eringa Development to complete the attached form, "Understanding of Regulation Advice" on page 4 (including signature and date; a scanned copy is OK), to confirm that you/they fully understand the Advice and Conditions detailed in this letter. **No clearance is to occur until this form is signed and returned.**

Please feel free to contact Lee Heard on 8207 7720 if you have any questions.

Yours sincerely,

[Signature]

Adam Schutz
Delegate
Native Vegetation Council
Attachment 1

Native Vegetation Regulations 2017
Regulation 12(34) – Infrastructure

Division 5—Risk assessment

12—Risk assessment
(1) Subject to this Division, native vegetation may be cleared in any of the circumstances set out in Schedule 1 Part 4, Part 5 or Part 6.
(2) The operation of this regulation extends to native vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement if a provision of the relevant Part of Schedule 1 setting out circumstances in which vegetation may be cleared specifies that the provision applies to such vegetation.

16—Clearance for other activities
(1) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if it is undertaken in accordance with—
   (a) the written approval of the Council; or
   (b) a standard operating procedure determined or approved by the Council for the purposes of this provision.
(2) Authorisation to clear native vegetation under subregulation (1) is subject to—
   (a) a condition—
      (i) that the clearance of native vegetation is to be undertaken in accordance with a management plan, approved by the Council for implementation, that results in a significant environmental benefit; or
      (ii) that the person undertaking the operations is to make a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) or (6a) of the Act, as determined by the Council; and
   (b) such other conditions as the Council thinks fit.
(3) Clearance of native vegetation for the purposes of activities of a kind specified in Schedule 1 Part 6 is permitted only if any conditions that apply to the approval are complied with.

Schedule 1, Part 6

34—Infrastructure
(1) Clearance of vegetation—
   (a) incidental to the construction or expansion of a building or infrastructure where the Minister has, by instrument in writing, declared that the Minister is satisfied that the clearance is in the public interest; or
   (b) required in connection with the provision of infrastructure or services to a building or proposed building, or to any place,
   provided that any development authorisation required by or under the Development Act 1993 has been obtained.
(2) In this clause—
   infrastructure includes—
   (a) flood mitigation works; and
   (b) an airstrip; and
   (c) a shipping channel; and
   (d) a public reservoir.
Note: Please read the Regulation Advice Notification to acknowledge that you have understood the Advice made by the Native Vegetation Council, then sign and return this form by post or email to:

Send to: Lee Heard, Native Vegetation Branch, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001

Scan & Email: lee.heard@sa.gov.au

<table>
<thead>
<tr>
<th>UNDERSTANDING OF REGULATION ADVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>File:</strong> 2019/30998/960</td>
</tr>
<tr>
<td>Eringa Development</td>
</tr>
<tr>
<td>Slip Lane, Williamstown Road, Sandy Creek</td>
</tr>
</tbody>
</table>

I/We clearly understand the Native Vegetation Council's Regulation Advice Notification and the conditions associated with clearance.

Name of Landowner(s): The Barossa Council

Signature of or seal of Landowner and authorised signatory:

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

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

Date: ...........................................................

Name of Company: Eringa Development

Signature of or seal of Company and authorised signatory:

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

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

Date: 6/8/2019
Native Vegetation Clearance Application

Regulation 12(3) for Infrastructure

Surround Development Williamstown Road, Slip Lane, Sandy Creek

Application N.O. 2019/0398/960

Government of Victoria
Department of Environment
and Water

Application Advice Plan

Regulation 17 02/2016-08

Certificate of the Vol 5887 506248
8 Vol 5725 506248
Certificate of the Vol 5937 FV1209
8 FV1760 506248
Road Reserve Adjacent FV923 A8
Hundred of Brooklyn

Property/Section Boundary
Approx. dimensions with 2.5m x length 5663 m
Slip Lane Clearance Envelope - 8.5 m.
Conditional Consent

Road
Hi Bronwyn,

In relation to your query regarding the native vegetation clearance advice form for Eringa Development's Williamstown Road Slip Lane, we were of the impression that the council had approved the development and the associated road works. Therefore we considered that having the council sign the understanding of advice in addition to the applicant (Eringa Development) was a formality.

Please note that the clearance is not considered illegal therefore there was no requirement to sign the form prior to clearance. However, if the council are concerned about the liability in relation to this decision we could remove the need for council to sign the form.

If you would like the council removed from the form please let me know.

Thank you.

Regards

Native Vegetation Officer

Native Vegetation Branch | Climate Change Group
Department for Environment and Water

81-95 Waymouth Street Adelaide, GPO Box 1047, Adelaide, SA 5001,


Helping South Australians conserve, sustain and prosper

The information in this e-mail may be confidential and/or legally privileged. Use or disclosure of the information to anyone other than the intended recipient is prohibited and may be unlawful. If you have received this email in error please advise by return email.
7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1

PROCLAMATION OF PLANNING REGIONS

B6622

Author: Director Development and Environmental Services

PURPOSE

To advise Council on proposed Planning Regions to be established under the Planning, Development and Infrastructure Act 2016.

RECOMMENDATION

That Council
(1) note and receive the report,
(2) authorise the Chief Executive Officer to provide a submission on behalf of Council, as contained in this Report, supporting the opportunity to have a Region proclaimed should the establishment of a Joint Planning Board be successful.

REPORT

Background

The Minister for Planning has written to the Mayor (Attachment 1) seeking Council’s view on the Report entitled Proclamation of Planning Regions – Recommendation Report by the Minister for Planning.

Introduction

The Planning, Development and Infrastructure Act 2016 (PDI Act) allows for the creation of planning regions by Proclamation of the Governor. The PDI Act requires that one of the Regions must be designated as ‘Greater Adelaide’ and includes a plan for this (GRO plan ‘G16/2015’ dated 1 December 2015 – refer to Figure 2). Once proclaimed, the boundaries of a planning region can be subsequently varied by the Governor on recommendation from the Minister via Proclamation. Further, there is also provision in the PDI Act to subsequently allow the Minister to establish sub-regions within a Planning Region.
Scope of Recommendation Report

As the PDI Act specifically establishes the Greater Adelaide Region, the Recommendation Report deals only with the remaining region within the State. It is also noted that the Report does not address the opportunity for sub-regions, stating ‘there is no need at the current time to form any sub-regions, noting however this may change in the future depending on formation of any Joint Planning Boards’.

Discussion

The Report acknowledges that the State Government previously attempted to standardise SA Government Regions in 2006, with the creation of 12 administrative regions (Figure 1). These regions have the used as the basis for other regional initiatives (i.e. Regional Public Health Plan).

The Greater Adelaide Planning Region initially established under the Development Act 1993, and now the PDI Act incorporates the four metropolitan, three outer metropolitan regions and the Rural City of Murray Bridge (Figure 2).
Establishing a Region

The Report identifies two options for the creation of Regions under the PDI Act, either adopt the existing SA Planning Strategy region, or undertake an entirely new comprehensive review process.

Section 5(4) of the PDI Act sets criteria that need to be considered when establishing regions, namely:

a) seek to reflect communities of interest at a regional level; and
b) take into account (i) the boundaries of the areas of councils and other relevant administrative boundaries that apply within the State; and (ii) relevant economic, social and cultural factors; and iii) relevant environmental factors (including water catchment areas and biogeographical regions); and
c) give attention to the need to achieve effective planning consistent with the objects of this Act, and the delivery of infrastructure, Government services and other relevant services, at the regional level.

The Barossa Council

The Barossa Council is currently located in a number of identified regions created either by statute or to serve a specific purpose (Table 1). Three of these regions have common boundaries as highlighted in the table.

Table 1 Current Regions affecting The Barossa Council

<table>
<thead>
<tr>
<th>Current Regions</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Barossa Council</td>
<td></td>
</tr>
<tr>
<td>Barossa, Light and Lower North SA Govt Region</td>
<td>PDI Act</td>
</tr>
<tr>
<td>Greater Adelaide Planning Region</td>
<td></td>
</tr>
<tr>
<td>Character Preservation District</td>
<td>Character Preservation Act</td>
</tr>
<tr>
<td>Barossa, Light and Lower North Regional Public Health Planning</td>
<td>SA Public Health Act</td>
</tr>
<tr>
<td>Legatus / Central LGA</td>
<td>Local Government Act</td>
</tr>
<tr>
<td>Adelaide and Mount Lofty Ranges NRM Region</td>
<td>NRM Act</td>
</tr>
<tr>
<td>Regional Development Aus.</td>
<td></td>
</tr>
<tr>
<td>Barossa Valley and Eden Valley Geographical Indication</td>
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</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Regions</td>
<td></td>
</tr>
<tr>
<td>Northern and Yorke Landscape Region</td>
<td>Landscape SA Bill</td>
</tr>
</tbody>
</table>

Common boundaries

As the Report excludes Greater Adelaide, there is limited scope on which to comment on. Notwithstanding this, there is an opportunity to ensure that establishing a Planning Region is reflective of the community and character of the northern Adelaide area.
As a participant in the Pilot Program for Joint Planning Arrangements conducted by the Department of Transport, Planning and Infrastructure (DPTI) during 2018, The Barossa Council worked with its neighbouring councils (Adelaide Plains, Gawler and Light Regional) to explore the establishment of a Joint Planning Board that would have responsibility for preparing a Regional Plan under the PDI Act.

A Regional Plan is to be prepared by a Joint Planning Board (JPB). In the absence of a JPB, the State Planning Commission (Commission) is responsible for its preparation.

The Regional Plan prepared by the Commission for Greater Adelaide will need to provide a strategic direction for the large and diverse area as shown in Figure 2. The 30 Year Plan for Greater Adelaide (2017) and its ‘Barossa Valley and McLaren Vale Character Preservation’ Addendum prepared by the DPTI provides a reference point for such a future plan.

As the Barossa, Light and Lower North Administrative Region used for the purpose of the Pilot is within the Greater Adelaide Planning Region, it has been questioned as to whether the group of councils would be treated as a region or as a sub-region. While the Report is silent on this matter, Council had been advised by DPTI officials that if a JPB has been constituted in relation to an area of the State, the Regional Plan for that area must be prepared by the JPB and the Commission will prepare the Regional Plan for any balance of a planning region that remains outside the area in relation to which the JPB has been constituted. As Greater Adelaide must be declared as a ‘Planning Region’, it is their interpretation that the JPB for the group of councils can prepare the Regional Plan for the component of the Plan that is covered by the JPB area.

Such an approach would provide an opportunity for the (sub) region to have greater influence over its local place-making, sustainability, economic, community, future growth and supporting infrastructure objectives and the development of strategies through which to guide the achievement of these.

Summary and Conclusion

The Recommendation Report has proposed that the current South Australian Planning Strategy regions be proclaimed as the Planning Regions of the PDI Act.

While this does not impact on Council, it should be noted that there is still an opportunity to foreshadow a regional desire to have a new region or sub-region proclaimed should the establishment of a Joint Planning Board be successful.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Proclamation of Planning Regions – Recommendation Report by the Minister for Planning
Attachment 2 – Draft Submission

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage
Corporate Plan

1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.

Legislative Requirements
Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management
Nil

Risk Management
Nil

COMMUNITY CONSULTATION
Nil
Attachment 1
(Note excluded pages from the report with full page images)
Mayor Michael Lange  
The Barossa Council  
PO Box 867  
 Nuriootpa SA 5355

Dear Mayor Lange

PROCLAMATION OF PLANNING REGIONS

The Planning, Development and Infrastructure Act 2016 (PDI Act) provides for South Australia to be divided into planning regions by proclamation of the Governor of South Australia.

Planning regions provide the geographic area for which regional plans must be prepared, but can also be used to support collaboration across state and local government in the delivery of services.

As part of the process for declaring regions, I am seeking your council’s view on the attached report Proclamation of Planning Regions – recommendations report by the Minister for Planning (Attachment 1), which recommends:

1. Proclamation of current Planning Strategy boundaries as planning regions under the PDI Act.

2. Review of planning regions at a later date having regard to any Joint Planning Boards that are established or other relevant matter.

This approach has been supported by the State Planning Commission (Attachment 2) on the basis that it allows for relevant volumes of the Planning Strategy to apply as regional plans, until such time as new regional plans are prepared by joint planning boards, or the State Planning Commission where a board has not been established.

Regional plans must be prepared within two years from the day on which the Planning Region is constituted (or a longer period if provided for in the proclamation).

In preparing your feedback, please be aware that the Act sets the boundary for Greater Adelaide and this planning region has already been proclaimed. As such, The 30-Year Plan for Greater Adelaide currently operates as a regional plan, and I am not proposing subregions at this time.

Submission are invited before 5 pm Friday 25 October 2019 and can be directed to DPTI.PlanningEngagement@sa.gove.au.
In the meantime, should you wish to discuss any information further, please contact Mr. Alex Mackenzie, Unit Manager Planning Reform Implementation on 8343 2183 or at Alex.Mackenzie@sa.gov.au.

Yours sincerely,

HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

Enclosed:
1. Proclamation of Planning Regions Recommendation Report
2. Advice from State Planning Commission
PROCLAMATION OF PLANNING REGIONS

RECOMMENDATION REPORT BY THE MINISTER FOR PLANNING FOR CONSULTATION JULY 2019
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1. Introduction

The Planning, Development and Infrastructure Act 2016 (PDI Act) provides for South Australia to be divided into Planning Regions by Proclamation of the Governor. One of the Regions must be designated as “Greater Adelaide” (replacing the definition of “Metropolitan Adelaide” in the Development Act 1993). Provision also exists for the Minister to establish sub-regions within a Planning Region.

The main purpose of a Planning Region is to define the area for Regional Plans over which collaborative arrangements may be established for planning and other relevant service delivery or program areas. The establishment of Planning Regions is important for a number of other subsequent parts of the PDI Act.

The PDI Act also allows for adjustments to Planning Region boundaries where appropriate. Adjustments might be considered in the future, for instance, as a result of the establishment of a Joint Planning Board (JPB) through a Planning Agreement under s35 of the PDI Act.

When proclaiming Planning Regions, the Governor acts on the recommendation of the Minister. The establishment of Planning Regions will be subject to Parliamentary scrutiny and a proclamation will not come into effect unless approved by both Houses of Parliament.

The Minister, when formulating a recommendation for the Governor, must seek the advice of the State Planning Commission, consult with affected councils, and consider a number of matters pursuant to s5(4) of the PDI Act.

Transitional provisions within the PDI Act provide that when a Planning Region is proclaimed, a Regional Plan need not be prepared and adopted for 2 years from the day on which the Planning Region is constituted (or a longer period if provided for in the proclamation).

Until a Regional Plan is prepared and adopted, a Regional Plan (namely the current volumes of the South Australian Planning Strategy) prepared or adopted for the purposes of the repealed Development Act (as identified by the State Planning Commission) will apply in relation to the area constituting the Planning Region as if it were a Regional Plan under the PDI Act. It should be noted that Greater Adelaide has already been proclaimed and the 30 Year Plan for Greater Adelaide currently applies.

That is, existing volumes of the State Planning Strategy can operate on an interim basis once the region is declared and the Commission identifies it as a Regional Plan.
2. Current Regions

2.1 SA Government regions

Twelve uniform SA Government administrative regions were adopted in 2006 for planning, monitoring and service delivery. Consultation on the regions with local government occurred in 2007 and they were implemented by State Government Departments over an approximately two year timeframe. The former Planning SA (now DPTI) had the lead role for leading, coordinating and reporting on implementation.

In determining the regional boundaries, a number of factors were considered including ABS Statistical Local Areas, local government boundaries, population centres and numbers, NRM boundaries at the time, government service delivery by agencies, community acceptance, and planning regions under the State Planning Strategy.

Of the twelve administrative regions adopted there were:

- four for metropolitan Adelaide (northern, southern, eastern, western)
- three for outer Adelaide (Barossa, Mt Lofty Ranges, Fleurieu/Kangaroo Island)
- five for regional South Australia
  - Eyre and Western
  - Far North
  - Yorke Peninsula / Mid North
  - Murray and Mallee
  - Limestone Coast.

2.2 South Australian Planning Strategy regions

Since the SA Government regions were adopted in 2006, eight volumes of the South Australian Planning Strategy have been developed as required by the Development Act 1993:

- Greater Adelaide (the Greater Adelaide Thirty Year Plan, produced in 2010 and updated in 2017) which aligns with the four metropolitan Adelaide and three outer Adelaide regions adopted in 2006 (with the addition of the Rural City of Murray Bridge and excluding Kangaroo Island)
- Eyre and Western (produced in 2012) which aligns with the Eyre and Western region adopted in 2006
- Far North (produced in 2010) which aligns with the Far North region adopted in 2006
- Yorke Peninsula (produced in 2007) and Mid North (produced in 2011) which, together, align with the Yorke Peninsula/Mid North region adopted in 2005
- Murray and Mallee (produced in 2011) which aligns with the Murray and Mallee region adopted in 2006
- Limestone Coast (produced in 2011) which aligns with the Limestone Coast region adopted in 2006
- Kangaroo Island (produced in 2011, with an Addendum produced in 2014) which is a shift from Kangaroo Island being part of the Fleurieu/Kangaroo Island region adopted in 2005, largely as a consequence of the Greater Adelaide Thirty Year Plan boundary.
The regional volumes of the Planning Strategy give direction on future land use and development. They set out how the government proposes to balance population and economic growth with the need to preserve the environment and protect the heritage, history and character of regional communities. They also help state and local government in planning for provision of services and infrastructure, such as transport, health, schools, and aged care and community facilities.

Preparation of each volume involved significant investigation into issues and trends associated with key areas of environment and culture, economic development, population and settlements and infrastructure and service provision. There was also extensive consultation with state agencies, local government, community and relevant stakeholders.

While the volumes of the Planning Strategy generally follow the SA Government administrative regions there are variations as shown above:

- Murray Bridge has been included in the Greater Adelaide Thirty Year Plan (whilst remaining part of the Murray and Mallee volume);
- Kangaroo Island has its own volume; and
- Yorkie Peninsula and Mid North have separate volumes despite being part of the same region.

These variations reflect the flexibility needed to address changing requirements for land use planning across the state.
3. Establishing Planning Regions under the PDI Act

In considering approaches for determining Planning Regions under the PDI Act it is recognised that one of them to be proclaimed must be the Greater Adelaide Region (s5(1)(b) of the PDI Act). The focus of this report, therefore, is on Planning Regions other than Greater Adelaide.

Two options have been identified for determining the remaining Planning Regions to comply with the requirements of the PDI Act. The first is to adopt the existing South Australian Planning Strategy region boundaries which can be reviewed and/or revised at a later date. The second is to undertake an entirely new comprehensive review process over the coming months.

3.1 Considerations relating to proclamation of Planning Regions under the PDI Act

The PDI Act (s5 (4)) requires the Minister, in formulating a recommendation for the proclamation of Planning Regions to:

- seek to reflect communities of interest at a regional level;
- take into account council boundaries and other relevant administrative boundaries; relevant economic, social and cultural factors; and relevant environmental factors (including water catchment areas and biogeographical regions); and
- give attention to the need to achieve effective planning consistent with the objects of the PDI Act, and the delivery of infrastructure, government services and other relevant services, at the regional level.

Each of these matters is discussed below.

3.1.1 Reflecting communities of interest

Community of interest is a broad concept that generally refers to both a geographic area and the relationships between people.

While the two dimensions of area and relationships are often spoken about together, it is not necessarily the case that they are closely connected. For instance, community of interest can refer to the interests that people have in common through living in the same area - street, suburb or town, region. But it can also refer to a shared interest of people in other ways such as a career or profession, religion, sport, hobbies, clubs, political parties etc. that are not necessarily related to a particular area or place.

Sometimes the two dimensions come together in other ways such as a workplace where people travel long distances to apply themselves to tasks associated with their employment for a fixed period of time. An extreme, but relatively common, example is fly in, fly out workers who may live long distances (including overseas) from their workplace but become part of a ‘community’ of fellow employees (and possibly employees of other organisations, and even community groups) while they are there.

Taken together it makes sense that, up to a point, the larger the geographic area the more likely there are to be communities of interest in terms of relationships between people. In regional South Australia a reasonable approach to ensure communities of interest is for there to be at least one population centre in each region to
allow for economic, environmental and social connections. This is the approach that was taken in
determining administrative regions in 2006 and is still valid today.

At that time, it was also considered that a region should have "sufficient population to warrant a regional
status". Although "sufficient population" was not defined it was noted that Kangaroo Island "with only 3% of
the population is too small and would be a sub-region within Fleurieu/Kangaroo Island Outer Metropolitan
Adelaide region". Circumstances have now changed with Kangaroo Island becoming a planning region on its
own when the Fleurieu Peninsula was included in the Greater Adelaide region.

Having "sufficient population" is also a reasonable criterion for a region, however, the experience with
Kangaroo Island shows that it is more nuanced than the first measure of "at least one population centre".

Noting that Kangaroo Island is a special case, applying the two criteria of at least one population centre and
sufficient regional population to the Planning Strategy regions outside the Greater Adelaide Region supports
the adoption of the existing South Australian Planning Strategy region boundaries, as shown by the
estimated residential population figures for 2017 shown in the following table:

<table>
<thead>
<tr>
<th>Planning Strategy region</th>
<th>Population centres population (ERP 2017)</th>
<th>Regional population (ERP 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eyre and Western</td>
<td>Port Lincoln 14,653</td>
<td>57,419</td>
</tr>
<tr>
<td></td>
<td>Whyalla 21,727</td>
<td></td>
</tr>
<tr>
<td>Far North</td>
<td>Port Augusta 13,348</td>
<td>24,315</td>
</tr>
<tr>
<td>Yorke Peninsula/Mid North</td>
<td>Port Pirie 14,020</td>
<td>76,799</td>
</tr>
<tr>
<td></td>
<td>Kadina/Wellnambool/Moonta 13,174</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clare 3,399</td>
<td></td>
</tr>
<tr>
<td>Murray and Mallee</td>
<td>Murray Bridge 17,587 (due to its significance it is envisaged Murray Bridge will continue to be included in the Murray and Mallee region and subsequent Regional Plan)</td>
<td>49,979</td>
</tr>
<tr>
<td></td>
<td>Renmark 4,314</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mannum 2,486</td>
<td></td>
</tr>
<tr>
<td>Limestone Coast</td>
<td>Mt Gambier 26,873</td>
<td>66,743</td>
</tr>
<tr>
<td></td>
<td>Naracoorte 5,263</td>
<td></td>
</tr>
<tr>
<td>Kangaroo Island</td>
<td>Kingscote 1,858</td>
<td>4,890</td>
</tr>
</tbody>
</table>
3.1.2 Factors to take into account

Council boundaries and other relevant administrative boundaries

The Planning Strategy regions outside the Greater Adelaide region align with Council boundaries and ABS SLAs, and generally align with SA government administrative boundaries (maps showing the SA government administrative regions, South Australian Planning Strategy regions are attached as Attachments 1, and 2).

Relevant economic, social and cultural factors; relevant environmental factors [including water catchment areas and biogeographical regions]

There are a wide and diverse range of factors that are relevant to land use and infrastructure planning. These include:

- Economic – employment generation, infrastructure, workforce, key sectors – tourism, agriculture, mining, energy, fishing/aquaculture, manufacturing, transport, food and wine, service industries etc.
- Social – housing supply and affordable housing, town growth, population growth/decline, health and education services, recreation etc.
- Cultural – identification/protection of places of heritage and culture significance, both Aboriginal and non-Aboriginal, town character
- Environmental – climate change, water, biodiversity, coastal and marine environments, River Murray, native vegetation, scenic landscapes, protection from hazards, etc.

These factors feature in the existing regional volumes of the Planning Strategy, with varying emphases to cater for specific regional variations. Each factor has its own community of interest and they have often been addressed via a range of strategic plans, prepared on a state wide and/or regional basis. The plans are being implemented by various bodies, involving relevant local, regional and state-wide organisations.

Each of the current Planning Strategy regions is large, covering a sizeable geographic area and population, along with at least one sizeable population centre (noting that Kangaroo Island is a special case). Having large planning regions allows for the consideration of the range of factors described above, and the relevant land use/infrastructure implications, in a way that can take into account the specific issues and geographic areas associated with each of those factors. Because the planning regions are large there is flexibility for each factor to be considered on a regional, sub-regional, local and/or state wide basis as appropriate, without compromising the consideration of any other factor, which could occur if a planning region was too small or aligned too tightly to one (or more) specific factors.

For example, the Greater Adelaide Region (which the PDI Act requires to be proclaimed as a Planning Region) covers a large and significant part of the state with a large population. The 30-Year Plan for Greater Adelaide is able to consider the wide range of relevant factors and communities of interest relevant to land use and infrastructure planning within Greater Adelaide, both on a regional and sub-regional basis, and identifies relevant policies accordingly.

The proclamation of the Planning Strategy regions as Planning Regions will continue to facilitate a flexible approach, via maintaining the large existing regions, so that the wide range of relevant economic, social, cultural and environmental factors can be taken into account as the next generation of Regional Plans are prepared. Regional variations can be considered as appropriate which will allow for integration with planning approaches to those factors that are best addressed on a multi-region or state wide basis (eg. climate change, regional development, natural resource management).
An example is the new Landscape SA Act which is intended to establish Landscape Management Regions (and Boards) across the state relevant to natural resource management. By retaining the existing large planning regions, future Regional Plans will be able to consider relevant NRM issues, no matter where the new landscape regions are created.

3.1.3 Factors to give attention to

Need to achieve effective planning consistent with the objects of the POI Act

Proclaiming the current Planning Strategy Regions as Planning Regions will support the overall objects of the POI Act and hence the creation of an effective, efficient and enabling planning system. In particular, proclaiming the Regions will define the area for Regional Plans and support collaborative arrangements for planning purposes, which will in turn support implementation of other parts of the POI Act. Preparation of Regional Plans will:

- Support application of State Planning Policies in a regional context; regional collaboration arrangements (Joint Planning Boards); regional community participation (via councils and Joint Planning Boards); and having regionally based development assessment panels (via Joint Planning Boards)
- Identify regional priorities for development, infrastructure etc. and the need for regionally relevant amendments to the Planning and Design Code.

Delivery of infrastructure, government services and other relevant services at the regional level

The current Planning Strategy Regions outside the Greater Adelaide Region generally align with SA Government administrative boundaries. Proclaiming them as Planning Regions will not create a need for the SA Government or councils to review or alter how they provide their wide range of services.

3.1.4 Conclusion

The considerations relating to proclamation of Planning Regions under the POI Act support the transition of existing Planning Strategy Regions as Planning Regions.

A further consideration is the staged implementation of a wide range of reforms to the South Australian planning system being undertaken by the State Government and State Planning Commission, including the phased roll out of the Planning and Design Code.

Rather than initiate a new process to review regional planning boundaries, it would seem prudent to rely on the existing Planning Strategy regions (and the rationale underpinning them) for the time being while reform is rolled out. The transitional provisions that allow for the current volumes of the Planning Strategy to apply until such time as new Regional Plans are prepared supports this approach.

The POI Act allows for adjustments to Planning Region boundaries in the future if required, which could reflect variations to boundaries resulting from preparation of new Regional Plans and/or formation of Joint Planning Boards by councils.

3.2 Likelihood of short-term changes being required to Planning Region boundaries

Over 2017 and 2018 DPI!= undertook a Planning Arrangements Pilot Project to assist groups of councils in establishing business cases for Planning Agreements and formation of Joint Planning Boards under the POI Act.
Act, and prepare an information kit for all councils and/or entities on this element of the legislation. Jeff Tate Consulting Pty Ltd was engaged to coordinate the project.

Eight groups of councils (representing 40 out of the 68 councils in SA) lodged expressions of interest to participate in the project. Of those eight groups, six proceeded to the stage of preparing business cases. The six groups were:

- Barossa group (The Barossa Council, Adelaide Plains Council, Town of Gawler, and Light Regional Council, which are all within the Greater Adelaide region)
- Eyre Peninsula group (District Council of Ceduna, District Council of Cleve, District Council of Elliston, District Council of Kimba, District Council of Lower Eyre Peninsula, City of Port Lincoln, District Council of Streaky Bay, District Council of Tumby Bay and Wudinna District Council, which are nine of the 11 councils within the Eyre and Western region of the South Australian Planning Strategy)
- Limestone Coast LGA (District Council of Grant, Kingston District Council, City of Mount Gambier, Naracoorte Lucindale Council, District Council of Robe, Tatiara District Council and Wattle Range Council, which are all of the councils in the Limestone Coast region of the South Australian Planning Strategy)
- Riverland councils (Barri Barmera Council, District Council of Loxton Waikerie and Renmark Paringa Council, which are part of the Murray and Mallee region of the South Australian Planning Strategy)
- Spencer Gulf Cities group (Port Augusta City Council, Port Pirie Regional Council and City of Whyalla, which are in three separate regions of the South Australian Planning Strategy)
- Yorke Peninsula Alliance (District Council of Barunga West, District Council of the Copper Coast and Yorke Peninsula Council, which are part of the Yorke Peninsula and Mid North region of the South Australian Planning Strategy).

DPTI will continue to work collaboratively with these groups of councils in the preparation of their business cases, with a view to pursuing Planning Agreements and establishment of Joint Planning Boards.

Flexibility is provided by the PDI Act where, under s84 (2), a Regional Plan can be prepared by a Joint Planning Board for part of a Planning Region. In such cases the State Planning Commission is responsible for preparing a Regional Plan for the remainder of the Planning Region. The arrangements for such a situation will need to be determined on a case by case basis, but this does allow flexibility should a Joint Planning Board be established that covers only part of a current planning region in the future.

Given the circumstances and likely timelines for councils working towards entering into a Planning Agreement with the Minister, forming a Joint Planning Board and developing a Regional Plan, as well as the flexibility for Regional Plans to cover part of a Planning Region only, it is unlikely that changes to Planning Region boundaries will be required in the very near future while transitional provisions are in place.
4. **Recommended Approach**

Given the information and circumstances set out above, it is proposed to recommend to the Governor that the current South Australian Planning Strategy region boundaries be proclaimed as the Planning Regions for the purposes of the PDI Act.

Through the transitional provisions, following this approach will allow the existing South Australian Planning Strategies to apply until such time as new Regional Plans are prepared.

Consistent with this approach, there is no need at the current time to form any sub-regions, noting however this may change in the future depending on formation of any Joint Planning Boards.
Attachments – Maps of SA Government and Planning Strategy Regions

Attachment 1 – SA Government Administrative Regions

South Australian Government Regions

For Consultation – July 2019
Attachment 2 – South Australian Planning Strategy Regions

Planning Strategy Regions

For Consultation – July 2019
28 June 2019

Hon Stephen Knoll
Minister for Planning
Government of South Australia
GPO Box 1533
ADELAIDE SA 5001

Dear Minister,

Thank you for your letter of 24 March 2019 in which you request the advice of the Commission on a proposed approach to proclamation of State Planning Regions in accordance with section 15(6)(a) of the Planning, Development and Infrastructure Act 2016 (the Act).

In particular you have sought the Commission’s advice on a proposed approach to the proclamation of regions as set out in the Recommendations Report for Proclamation of State Planning Regions, prepared by an independent consultant [Jeff Tate Consulting].

The report recommends that the South Australian Planning Strategy region boundaries be proclaimed as planning regions under the Act as a transitional arrangement. This will allow the current Planning Strategies for South Australia to be transitioned as regional plans, until such time as they can be reviewed by the Commission or Joint Planning Boards over the next few years. The regions should then be reviewed at a later date (approximately 5 years) in response to any Joint Planning Boards that are established or any other relevant matter.

To allow time for any Joint Planning Boards to become established and to allow for implementation of the Act to be completed, the report also recommends that a timeframe of longer than two years is specified within which new regional plans are to be prepared following proclamation of the planning regions.

The Commission considered your request at its meeting of 18 April 2019 and I am pleased to advise that the Commission supports the approach as outlined in the Recommendations Report.

The approach as outlined will result in proclamation of planning regions in the interim and prior to commencement of the Planning and Design Code for regional Councils (Phase 2), and it allows for potential adjustment to region boundaries in the future in response to formation of any Joint Planning Boards.

It is my understanding that you will now consult with affected Councils as required by section 15(6)(b) of the Act and you must provide the Councils with a copy of the Commission’s advice.
The Commission looks forward to continually working with you during the implementation of the planning reform program.

Yours sincerely

Michael Lennon
Chair
State Planning Commission
Minister for Planning
Proclamation of Planning Regions
via email
DPTI.PlanningEngagement@sa.gov.au

Dear Minister

Thank you for the opportunity to comment on the document Proclamation of Planning Regions – Recommendation Report by the Minister for Planning.

It is acknowledged that the Recommendation Report specifically excludes discussion on the Greater Adelaide Planning Region.

The Adelaide Plains, Barossa, Gawler, and Light Regional Councils were in the process of evaluating the establishment of a Joint Planning Board as part of the pilot program in 2018. While Adelaide Plains has resolved not to proceed at this point in time, the other three Councils have agreed to further evaluate the opportunities and benefits.

An important factor for the Councils is the ability to plan for its region. Therefore, the Councils are keen to ensure that there remains an opportunity to discuss an option for the greater Barossa region to be acknowledged as a region in the first instance.

Should you require any further information regarding this matter please do not hesitate to contact me.

Regards

Martin McCarthy
Chief Executive Officer, The Barossa Council
7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1

BIOSECURITY ACT - DIRECTIONS PAPER FOR CONSULTATION
B596

Author: Director, Development and Environmental Services

PURPOSE

To provide members with an outline of the proposed Biosecurity Act, and response to the consultation questions.

RECOMMENDATION

That Council:
(1) Authorise the Chief Executive Officer or his delegate to provide a response to Primary Industries and Regions SA on the Biosecurity Act - Directions Paper as per the commentary provided in the report.

REPORT

Background

The State Government is proposing the development of a new Biosecurity Act for South Australia.

Primary Industries and Regions SA (PIRSA) is now consulting with key stakeholder bodies, including Local Government on the draft Directions Paper, before public consultation commences in early 2020 via the YourSay website. This gives councils an opportunity to engage with PIRSA early on in the process.

Introduction

The State Government (Primary Industries and Regions SA) has recently undertaken a review of South Australia’s biosecurity legislation, which is currently spread across a range of Acts, as part of a plan to develop a new, consolidated Biosecurity Act for SA.

This review has informed the development of a draft Directions Paper that provides details on SA’s policy positions, systems, components and arrangements for a new biosecurity framework that will form the basis for a new Biosecurity Bill.
As significant landowners, councils have responsibility to manage pests (animals and plants) on land and in waterways.

The Directions Report (Attachment 1) contain questions to each of the topics. The discussion below provides an indicative response to these questions. Not all topics have been addressed in this report.

**Discussion**

The Government considers that the current legislative basis for our biosecurity is inefficient and difficult to implement as it is spread across a number of different Acts. PIRSA has reviewed more than 30 Acts that relate to biosecurity.

The Directions Paper indicates that a Biosecurity Act will provide an opportunity to:

- reduce red tape
- improve consistency with national and international legislation, policies, agreements and commitments
- provide greater flexibility to respond to pest and disease threats
- improve governance arrangements
- enable greater flexibility to regulation and compliance
- increase our ability to respond to risks and emergencies
- establish a general duty of care to minimise risks
- apply a risk management approach to decision making and response to events
- appropriate share responsibility between Government, industry and the community
- enable future advances in technology and management approaches
- support for industry co-regulation and quality assurance programs
- opportunities for industry to take a stronger leadership role with more flexible systems
- clearer powers for Authorised Officers and a comprehensive compliance framework
- mechanisms for cost sharing and cost recovery.

The development of a new Biosecurity Act will provide an opportunity to consolidate and coordinate effort around biosecurity, and has many points relevant to Local Government (i.e. responsible for management of roads and land that may impact the management of pests and diseases). The eight key policy principles (page 9) from the Biosecurity Policy 2017-2021 are supported as a means of addressing biosecurity in South Australia.

**SINGLE FRAMEWORK**

The new Act is proposed as a framework legislation, with prescriptive detail provided within subordinate legislation (i.e. Regulations) and subordinate Instruments (i.e. Standards, Code of Practice Policies etc) created under the Act. The framework is illustrated in Figure 1 on page 10.

It is considered that this framework represents a positive approach to the framing of the new Act, in particular the ability to create subordinate instruments that are flexible to amendments as knowledge and circumstances change around potential biosecurity events. Overall it is considered that the framework should be supported.
GOALS AND OBJECTS OF THE ACT

It is proposed that the goals and objects of the Act are consistent with the State’s Biosecurity Policy 2017-2021. These are outlined on page 11 of the Direction Report. The overarching functions and management of the Act are shown in Figure 2 on page 11.

The objects of the Act, as presented, focus on governance and operational elements for biosecurity. It is considered important that the Act also contains clearer statement on the expected outcomes for the legislation i.e. prevention or control of impacts caused by pest species animals and plants.

CURRENT ACTS INTEGRATION

The new Act will seek to fully incorporate five existing Acts, being

- Plant Health Act 2009
- Livestock Act 1997
- Phylloxera and Grape Industry Act 1995
- Dog Fence Act 1946
- Impounding Act 1920

The Act will also include parts of the

- Natural Resource Management Act 2004
- Fisheries Management Act 2007

Page 12 of the Directions Report detail which sections of these Acts are to be incorporated.

The Directions Paper asks whether there are any other Acts that need to be considered. While no other Act is considered necessary for integration, there are possibilities that some consequential amendments will need to be made:

- Pastoral Land Management and Conservation Act 1989. Part 5 – Land Management and Protection requires the preparation of a Property Plans that seeks to minimise damage or deterioration of land.

- River Murray Act 2003. This Act provides for the protection and enhancement of the River Murray and associated ecosystems. As the River Murray Act provides an overarching legislative framework, it is considered that the Biosecurity Act should be included as one of the related operational Acts.

- SA Public Health Act 2011. This Act promotes the protection of the health of the public. It is considered that biosecurity events may present a risk to the health, which need to be factored.

PROPOSED DEFINITIONS

Page 13 of the Direction Paper outlines a number of key definitions.

There are no concerns with the proposed definitions or identified additional terms.
PROPOSED CORE CONCEPTS

The Act will incorporate a number of core concepts that are derived from the existing biosecurity system and the State Biosecurity Policy 2017-2021, these being:

- Shared responsibility
- General biosecurity obligation
- Risk-based decision making
- Proactive biosecurity management

These are detailed on pages 14-15.

It is considered that these core concepts are a sounds basis for the Act.

KEY PRINCIPLES

The Act is intended to have a number of key principles, derived from the current legislation with the intent to improve and streamline their application under the new Act.

It is considered that the Act should adopted a similar principles approach to that within the SA Public Health Act. Part 2 of the SAPH Act states the Objects, Principles and Interaction with other Acts. The principles are:

- Precautionary principle
- Proportionate regulation principle
- Sustainability principle
- Principle of prevention
- Population focus principle
- Participation principle
- Partnership principle
- Equity principle

Some of these principles are applicable to biosecurity management.

STATUTORY POSITIONS

The Act proposes clearly defined roles and responsibilities, with the establishment of two key officers - a Chief Veterinary Officer and a Chief Plant Health Officer working alongside the Chief Executive Officer of PIRSA.

This model is similar to the Chief Public Health Officer under the SA Public Health Act. The Chief Public Health Officer operates as the lead for public health planning in the state, advising both the CEO of SA Health and the Health Minister.

The appointment of chief officers is supported, providing a mechanism to set the strategic and proactive management of biosecurity across the state.

COMPLIANCE ACTION / AUTHORISED OFFICER POWERS

In line with the framework for shared responsibility, it is proposed that sharing the costs of biosecurity management continues. While many of the existing features are retained, there will also be opportunity for the Act to recover appropriate costs of compliance action (Page 19 – Cost Recovery).
Pages 23 -24 outlines the proposed powers of Authorised Officers.

The Direction Paper is silent on the role of Local Government, and whether it will have a role in compliance activity. Council is keen to understand how the cost recovery / co-investment / co-funding will be managed.

Council currently does not have Authorised Officers under any of the existing Acts proposed under integration, though there is capacity to appoint an Officer under the NRM Act. Providing Local Government with powers and functions under the Act is not supported.

**Summary and Conclusion**

Primary Industries and Regions SA (PIRSA) is now consulting with key stakeholder bodies, including Local Government on the draft Directions Paper, before public consultation commences in early 2020 via the YourSay website.

The development of a new Biosecurity Act provides an opportunity to better coordinate activities associated with biosecurity. As a landholder, the Act will have relevance to Local Government.

Council will have a further opportunity to provide comments on the Act when it is released for consultation in 2020.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 - New Legislation for South Australia’s Biosecurity Directions Report for Consultation
Attachment 2 - Fact sheet – Biosecurity Legislation Project and Frequently Asked Questions
Attachment 3 - State Biosecurity Policy 2017-2021

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

**Community Plan**

- Infrastructure
- Health and Wellbeing

**Corporate Plan**

3.2 Ensure Council’s parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

4.7 Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.

**Legislative Requirements**

- Plant Health Act 2009
- Livestock Act 1997
- Phylloxera and Grape Industry Act 1995
- Dog Fence Act 1946
- Impounding Act 1920
## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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## COMMUNITY CONSULTATION

Nil
New legislation for South Australia’s Biosecurity

Directions Paper – For consultation
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Your feedback is important

The Marshall Liberal Government is developing a new Biosecurity Act for South Australia and we are seeking your help to guide its development and finalise a paper for public consultation in early 2020. This Directions Paper is the first significant step towards a new Biosecurity Act and outlines the proposed approach to its development.

The proposals included in this paper are not final and any suggestions put forward that would help achieve best practice biosecurity in South Australia will be considered in the development of a draft Biosecurity Bill.

Specific questions regarding key components of this Consultation Paper have been included to help guide your feedback. However, you may also have general feedback.

How will your feedback be used?

All comments and feedback on this Directions Paper will be used to inform the development of a paper for public consultation and the development of a draft Biosecurity Bill in 2020. Once this Bill is developed, further consultation will be undertaken prior to the Bill being finalised and prepared for introduction into Parliament in early 2021.

What are the next steps?

Once the Biosecurity Bill has passed through Parliament, the focus will be on the development and implementation of the subordinate legislation and instruments to complete the new Biosecurity Act. This process will also involve extensive consultation.

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Further information about the project

Further information can be found on the PIRSA Website:
Minister’s Foreword

A strong and effective biosecurity system is a priority for the South Australian Government and essential for protecting the State’s reputation for premium food, fibre and beverage, and for maintaining and increasing access to international and domestic markets.

South Australia’s primary industries are a vital part of the state’s economy with grains, livestock, horticulture, wine, seafood, forests and dairy sectors being significant contributors to our economy.

The continuing world demand for products that are clean, safe and sustainable creates significant opportunities for South Australia’s food and wine industries to continue to grow and expand our markets. South Australia’s food and wine is transported directly from the farm gate or wharf to more than 100 countries.

Due to a number of factors including increasing trade and travel, South Australia faces complex biosecurity threats.

South Australia is the only mainland state in Australia that has a fruit fly free status and one of the few places in the world that is free of the grape vine destroying pest, phylloxera. These factors, along with our strong reputation for food safety and product integrity, provide South Australia with a significant competitive advantage in global markets. Furthermore, South Australia has unique and internationally important flora, fauna and natural environments that help maintain healthy and productive land and seascapes.

To manage these constant threats, our biosecurity practices need to evolve and change. That is why the Marshall Liberal Government is working with industry and key stakeholders to develop a new Biosecurity Act to create a modern, responsive and flexible system that meets the State’s biosecurity challenges now and into the future.
Introduction

The development of a new Biosecurity Act is an opportunity for all of us to contribute to the future management and protection of South Australia’s vitaly important biosecurity system.

This Directions Paper identifies some of the biosecurity challenges the State is faced with, the rationale behind the new Biosecurity Act and the proposed key concepts, principles and issues to be considered as part of its development.

This paper is the starting point for our engagement and invites you to provide feedback on the proposed components of a new Biosecurity Act for South Australia. The proposals included in this paper are not final and any suggestions put forward that would help achieve best practice biosecurity in South Australia will be considered when a draft Biosecurity Bill is developed in 2020. This draft Bill will be subject to further consultation, prior to being finalised ready for introduction into Parliament in 2021.

Why does South Australia need a new Biosecurity Act?

The legislative basis of South Australia’s biosecurity program is spread across a number of different Acts, which have been developed independently of each other over the last century. This makes administration, interpretation and coordination challenging, but also creates a risk of inconsistency and a lack of flexibility to meet the growing challenges of today’s biosecurity environment.

If we were to maintain the current arrangements, the existing legislation will become increasingly inefficient and difficult to implement for both government and industry in the face of the future biosecurity challenges for our State.

The Marshall Liberal Government wants to create a new Biosecurity Act that provides a simpler, modern and more effective legislative framework for the management of pests and diseases, trade in plant and animal products and biosecurity emergencies.

New South Wales, Western Australia and Queensland already have a consolidated Biosecurity Act in place. Tasmania has introduced the Biosecurity Bill 2019 into Parliament and the Australian Capital Territory Government has developed and consulted on a framework for its new Biosecurity Act, which is proposed to closely align with the New South Wales legislation.

A strong and effective biosecurity system is essential to South Australia’s economic development and to maintain and grow the State’s access to international and domestic markets. Biosecurity risks are a continual challenge, with the threats we face growing in scale and complexity. Our biosecurity practices need to evolve and provide primary producers with the tools to future proof against pest and disease threats.

The development of a new Biosecurity Act will provide an opportunity to:

- Reduce red tape
- Improve consistency with national and international legislation, policies, agreements and commitments
- Provide greater flexibility to respond to pest and disease threats
- Improve governance arrangements
- Enable greater flexibility to regulation and compliance

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1 ‘Pest’ is used as a general term throughout this paper and is inclusive of insects and other arthropods, pest animals, weeds and aquatic invaders.
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- increase our ability to respond to biosecurity risks and emergencies
- establish a general duty of care to minimise biosecurity risks
- apply a risk management approach to decision making and response to biosecurity events
- appropriately share responsibility between government, industry and the community
- enable future advances in technology and management approaches to be supported
- support for industry co-regulation and quality assurance programs
- opportunities for industry to take a stronger leadership role with more flexible systems
- clearer powers for authorised officers and a comprehensive compliance framework
- mechanisms for cost sharing and cost recovery.

The decision to develop a new and contemporary Act will also support the achievement of the aims and key policy principles of the State Biosecurity Policy 2017-2021 and the alignment and consistency with national and interstate biosecurity frameworks, as part of a cohesive national biosecurity system.

What are the current arrangements?

International

There are a number of international agreements and instruments of relevance to which Australia is a signatory. The World Trade Organisation Agreement on the Application of Sanitary and Phytosanitary Measures (known as the SPS Agreement) establishes biosecurity principles and rules for food safety as well as animal and plant health.

The prevention of the spread of harmful aquatic organisms from one region to another is guided by the International Maritime Organisation’s (IMO): International Convention for the Control and Management of Ships’ Ballast Water and Sediments (Ballast Water Management Convention). The IMO has established standards and procedures for the management and control of ships’ ballast water and sediments. Shipping has been identified as a major pathway for introducing invasive aquatic species to new environments.

The United Nations Convention on Biological Diversity (CBD) sets out a comprehensive strategy for sustainable development with parties producing national strategies to achieve the objectives of the Convention (United Nations, 2015). The CBD requires that parties shall ‘as far as possible and as appropriate, prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species’ (Australian Government, 2015).

National

The national biosecurity system is regulated by the Commonwealth Biosecurity Act 2015, which is administered by the Department of Agriculture and Water Resources. The Environment Protection and Biodiversity Conservation Act 1999, which is administered by the Department of the Environment and Energy also provides for biosecurity provisions (i.e. live import list, Key Threatening Processes (KTPs)). The Commonwealth oversees the prevention of pests and diseases reaching and entering Australia, with state and territory governments focusing on preventing the establishment, spread and impact of pests and diseases post-border.

The National Biosecurity Committee (NBC) is the intergovernmental policy forum for the coordination and co-development of the national biosecurity system. It reports to the Agriculture Senior Officials Committee (heads of primary industries agencies), which in turn reports to the Agriculture Ministers Forum, chaired by the Commonwealth Minister for Agriculture and Water Resources. The NBC oversees
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committees that focus on plant health, animal health, environmental biosecurity/invasive species and marine pests.

South Australia supports a national approach to biosecurity and is a signatory to the Intergovernmental Agreement on Biosecurity (IGAB) between the Commonwealth, state and territory governments, which strengthens the collaborative approach in managing biosecurity issues. The IGAB identifies national goals and objectives, and the roles and responsibilities of the Commonwealth, states and territories.

The IGAB is underpinned by three national biosecurity emergency response agreements: the Emergency Animal Disease Response Agreement (EADRA), Emergency Plant Pest Response Deed (EPPRD), and the National Environmental Biosecurity Response Agreement (NEBRA). National agreements relating to exotic production weeds and aquatic animal diseases are also in preparation.

In addition, there are many nationally agreed policies that require legislative underpinning. The National Livestock Identification System (NLIS) for improving traceability of cattle, sheep and goats in a food security or animal disease event, and the Interstate Certification Assurance (ICA) scheme for horticulture and nursery produce are examples of such policies.

Other jurisdictions

The legislative frameworks for biosecurity adopted across other states and territories can be classified into two broad groups: those that have a primary Act encompassing traceability, diseases and pests of plants and animals, and invasive species (e.g. weeds, pest animals, aquatic pests) and those that have multiple Acts regulating these issues separately.

Consolidated biosecurity legislation is in place in New South Wales (NSW), Queensland (QLD) and Western Australia (WA). Of these three states NSW is the only one to effectively have household legislation dealing with biosecurity matters, with QLD and WA having retained some additional laws that regulate biosecurity matters. For the remaining states multiple Acts exist, noting that Tasmania (TAS) has introduced its Biosecurity Bill 2019 into Parliament and the Australian Capital Territory (ACT) Government has developed and consulted on a framework for its new Biosecurity Act, which is proposed to closely align with the NSW legislation.

South Australia

Primary Industries and Regions South Australia (PIRSA) is the lead South Australian Government agency for state level biosecurity policy and management, including emergency pest and disease response. PIRSA collaborates with South Australian Government agencies, boards and authorities on biosecurity management and represents South Australia on the National Biosecurity Committee (NBC), which develops and reviews national biosecurity policies.

South Australia’s Biosecurity system is guided by the State Biosecurity Policy 2017-2021. This policy is aligned with the national biosecurity system and its principles and guides the development and implementation of the State’s legislative framework to conform to national agreements and nationally agreed policies.

This State Policy outlines how, together, we can protect and improve the state’s economy, environment, amenity and public health by preventing and reducing pest and disease impacts. The State Government prioritises biosecurity activities by taking into account the risks, feasibility of control, cost effectiveness, and public interest and rely on a partnership approach and shared responsibility between government, industry and the community.
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There are eight key policy principles contained within South Australia’s Biosecurity Policy, which form the basis for the approach to biosecurity legislation within the State:

1. Effective biosecurity requires collaboration and an understanding of accountability between governments, industries, communities and individuals
2. Science underpins the development, implementation, monitoring and review of biosecurity strategies and policies
3. Rapid and accurate identification of pests, diseases or contamination sources is fundamental to an effective response
4. A risk management approach is applied in setting priorities and investment across the biosecurity management continuum
5. Preparedness, prevention and early intervention activities are the most cost-effective approach to biosecurity
6. An adaptive management approach is needed that applies existing knowledge, monitors outcomes, adopts new technology and research and adapts to changing circumstances
7. The cost of biosecurity programs should be shared equitably between all beneficiaries and risk creators
8. For public health, the international ‘One Health’ concept drives collaboration and integration in the intersecting areas of human, animal and ecosystem health.

Through these activities the State Government aim to:
- protect and improve market access
- increase farm productivity
- protect public safety, and
- protect biodiverse landscapes.
A proposed new Biosecurity Act for South Australia

The following section outlines the proposed components, policies and approach to a new Biosecurity Act for South Australia. This section has been numbered to enable easy referencing and includes questions to help guide your feedback.

What would the proposed new Biosecurity Act look like?

1. A single piece of framework legislation

The new Act is proposed to be framework legislation, with prescriptive detail provided within subordinate legislation (i.e. regulations) and subordinate instruments (i.e. standards, code-of-practice, policies etc.) created under the Act, rather than within the Act itself. This proposed approach has been illustrated in Figure 1 below.

With this approach, subordinate legislation and instruments would support the operation of the Act by prescribing the detail, providing a measure of flexibility and responsiveness and enabling future challenges in biosecurity to be effectively addressed without the need for a full redevelopment of the Act.

The requirements for subordinate legislation and instruments will need to be considered and identified in parallel to the development of the new Act. Once the Biosecurity Bill has been introduced into Parliament, the focus will be on the development of the subordinate legislation and instruments, with their implementation commencing once the new Biosecurity Bill has passed through the Parliamentary process.

![Diagram of proposed framework approach to the new Biosecurity Act]

**Figure 1:** The proposed framework approach to the new Biosecurity Act

**Consultation Question/s:**

1. Do you agree with the new Biosecurity Act being framework legislation? If not, please explain why?
2. Proposed goals and objects of the new Biosecurity Act

It is proposed the development of the goals and objects of the new Act should be based on the primary reasons for biosecurity management and be consistent with the State’s Biosecurity Policy 2017-2021 and national biosecurity commitments.

The proposed goal of the new Act is to allow for the timely, effective and proportionate management of biosecurity through a system that:

- operates across the biosecurity continuum (i.e. pre-border, border and post-border measures)
- is founded on evidence-based risk assessment
- facilitates and promotes shared responsibility
- is consistent across the areas of plant health, animal health and invasive species.

The proposed objects of the new Act include:

- Responsibility for biosecurity is shared between government, industry and the community
- A framework for risk-based decision making in relation to biosecurity
- A biosecurity system with a focus on science in evidence-based decision making, innovative technologies, risk assessment, information management, planning, training, and communication
- A flexible and responsive statutory framework to enable the prevention, elimination or minimisation of the risk of adverse impacts on South Australia’s economy, environment, and community
- Giving effect to intergovernmental agreements and facilitating the alignment of the State’s approach to biosecurity management with other states and nationally.

The proposed overarching functions and management functions of the new Biosecurity Act are outlined in Figure 2 below. The larger version of this figure is provided as Attachment 1.

Figure 1: Proposed overarching functions and management functions of the new Biosecurity Act.
3. **Current Acts proposed to be incorporated into the new Biosecurity Act**

The new Act will apply to all land within South Australia and all waters within the limits of the state. The development of the new Act presents the opportunity to consolidate existing South Australian Acts, as well as a number of regulations.

It is proposed that five Acts are fully incorporated into the new Act, along with the relevant parts of two other Acts. These separate Acts have been established over the last century to manage pests and diseases of plants and livestock, fisheries, wild dogs, stray livestock and invasive species.

The Acts that are proposed to be included in full, include:

- *Plant Health Act 2009*
- *Livestock Act 1997*
- *Phylloxera and Grape Industry Act 1995*
- *Dog Fence Act 1946*
- *Impounding Act 1920."

The Acts that are proposed to be included in part, include:

- *Natural Resources Management Act 2004*
  
  This Act is anticipated to be replaced by the Landscape South Australia Bill 2019. It is proposed that Chapter 8 ‘Control of animals and plants’ and related provisions are included in the new Act (Part 9 ‘Control of animals and plants’ in the Landscape South Australia Bill 2019).

- *Fisheries Management Act 2007*
  
  It is proposed the following sections of the *Fisheries Management Act 2007* are retained. To clarify the interaction with the new Act, any duplication of these provisions in both the *Fisheries Management Act 2007* and the new Act will need to be constructed in such a way that enables action to be taken for biosecurity related matters under the new Act, while retaining the ability for the *Fisheries Management Act 2007* to administer all non-biosecurity related matters.

  - Section 77 ‘Unauthorised activities relating to exotic organisms or noxious species prohibited’
  - Section 83 ‘Powers of fisheries officers relating to exotic aquatic organisms and aquaculture fish’
  - Section 130 ‘Regulations relating to control of exotic aquatic organisms and disease’.

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**Consultation Question/s:**

4. Do you agree with these Acts being consolidated into a new Biosecurity Act? If not, please explain why?

5. Are there any additional Acts that you feel should be included? Please explain why?
4. Proposed key definitions of the new Biosecurity Act

Definitions of some key terms proposed to be used in the new Act are detailed below. These terms are consistent with national and interstate legislation, therefore it is proposed these terms are used in the South Australian model, for consistency.

4.1. Biosecurity matter

It is proposed that biosecurity matter is defined as all non-human living things, or parts thereof, and their products, and contaminants. It can also include things that are capable of spreading disease. This is a very broad definition, therefore a response may not be triggered unless there is an unacceptable risk to the economy, environment or community.

4.2. Prohibited matter

It is proposed that prohibited matter is defined as matter that could have a significant biosecurity impact on our economy, environment or community. Any dealings with prohibited matter would need to be restricted to reduce any risks.

4.3. Biosecurity event

It is proposed that a biosecurity event is defined as a past, present or potential future event, for which biosecurity matter could be reasonably thought to be the cause, and which is likely to have, or has had, a significant adverse impact on the State’s economy, environment or community.

4.4. Carrier

A carrier is proposed to be defined as anything that is capable of moving biosecurity matter that is on it, attached to it, or contained in it, from one place to another place.

4.5. Biosecurity risk

It is proposed that a biosecurity risk is defined as the risk of an adverse impact on the State’s economy, environment or community caused by, or likely to be caused by, biosecurity matter or a carrier, dealing with biosecurity matter or a carrier, or carrying out an activity relating to biosecurity matter or a carrier.

4.6. Contaminant

A contaminant is proposed to be defined as any non-living thing occurring in or on an animal or plant (a carrier), or with the potential to be ingested or absorbed by an animal or plant (a carrier), and that causes the carrier to pose a risk to our economy, environment or the community.

Consultation Question/s:
6. Do you agree with the key definitions in Part 4? If not, please explain why?
7. Are there additional key terms that you feel should be defined? Please explain why?

5. Proposed core concepts of the new Biosecurity Act

This section outlines the core concepts proposed to be included in the new Act. Some of these concepts already exist within South Australia’s biosecurity system and are applied to current practices as per the State Biosecurity Policy 2017-2021.
5.1. Shared responsibility

Strong and effective biosecurity is in the best interest of government, industry and the community and relies on a partnership approach. It is proposed one of the foundational concepts of the new Act is that everyone has a responsibility for biosecurity whether you are a landowner, agricultural producer, food manufacturer, transporter, tourist or member of the community.

This is not a new concept for South Australia. The State Biosecurity Policy 2017-2021 provides for government, industry and the community working together to enhance biosecurity and states the cost of biosecurity programs should be shared equitably between all beneficiaries and risk creators.

To continue to protect South Australia’s biosecurity, greater flexibility is required. Government will lead and coordinate where appropriate, for example in emergencies, but it is envisaged that industry and the community take a stronger leadership and ownership role. It is proposed that industry will have an opportunity to self-regulate through accredited schemes, facilitated by the new Act, and operate according to the risk involved. Examples where industry and communities could take a leading role include weed management and quality assurance programs.

Across Australia, arrangements for sharing the responsibility for biosecurity are becoming more prevalent. Codes of practice, regulatory standards, quality and market assurance schemes, and joint management plans are just a few examples of Government-industry partnerships, whereby biosecurity risks are managed together.

The proposed core concept of shared responsibility is anticipated to underpin and further strengthen government, industry and the people of South Australia working together to protect our economy, environment and community from the negative impacts of pests and diseases, weeds and contaminants for the benefit of all South Australians.

5.2. General Biosecurity Obligation

It is proposed that a General Biosecurity Obligation is created in the new Act. A General Biosecurity Obligation would require a person (or body corporate) to take all reasonable measures to prevent, eliminate or minimise biosecurity risks that a person knows, or reasonably ought to know, pose a biosecurity risk associated with their industry, business, day-to-day work or hobbies.

A General Biosecurity Obligation, which is closely aligned with the principle of shared responsibility, would operate as a statutory ‘duty of care’. It is proposed the new Act would include mandatory requirements for the mitigation and management of specific biosecurity risks under the general biosecurity obligation. Some of these would be requirements that already exist in South Australia, for example, prohibiting moving of diseased stock to saleyards or the selling of fruit infested with fruit fly. In other cases, a code of practice or similar could be adopted as a mandatory regulatory standard. These would provide details on how to identify hazards and manage risks in relation to particular biosecurity matter.

It is proposed that failure to comply with the General Biosecurity Obligation would be an offence, noting the person’s level of knowledge (both actual and what could reasonably be assumed) would need to be a key consideration in any action.

This concept is not new to South Australia. A similar concept can be found in the obligation of employers and employees regarding risks to personal health and safety under the Work Health and Safety Act 2012.
5.3. Risk-based decision making

One of the State Biosecurity Policy 2017-2021 guiding principles relates to a risk management approach to be applied in setting priorities and investment across biosecurity management.

It is proposed this concept is included in the new Act, as it will enable appropriate decisions to be made on how to manage situations that pose an unacceptable biosecurity risk. The identification, assessment and prioritisation of biosecurity risks would help ensure resources are deployed to the highest risk areas and the most appropriate response is provided.

5.4. Proactive biosecurity management

South Australia’s current legislation is based on reactive response to biosecurity risks, in that options available to respond to a pest, disease, contaminant or other biosecurity matter are usually activated once a relevant declaration has been made, which requires evidence the risk exists.

It is proposed the new Act is more flexible, strategic and proactive to the management of biosecurity risks. This new approach would be based on the principle of shared responsibility and regulation of a biosecurity matter should increase proportionate to the seriousness of the risk it poses. It is also proposed the new Act allows action to be taken based on a reasonable suspicion the risk exists, rather than requiring evidence. This would be a substantial improvement to the State’s ability to prevent new state and regional incursions of pests and diseases.

A risk-based framework would provide the highest level of regulation in relation to biosecurity matter declared as ‘prohibited matter’. This matter is likely to have significant adverse impacts and therefore needs to be tightly regulated. As the biosecurity risk decreases, the need for direct regulatory control also decreases, so lower risk biosecurity matter will be managed through the general biosecurity obligation.

Underpinning science and responsive research capability would be used to inform risk analyses, policy development and decision-making in order to prevent, respond to and manage biosecurity risks in South Australia. For example, it is through science that we identify new technologies and approaches to new and emerging biosecurity challenges.

Consultation Question/s:
   8. Do you agree with the proposed core concepts for the new Biosecurity Act? If not, please explain why?
   9. Are there any additional core concepts you think should be considered? Please explain why?

6. Key principles of the new Biosecurity Act

A number of key principles are proposed for the new Act. While some of these principles are not new and already applied under current legislation, the intent is to improve and streamline their application under the new Act.

6.1. Governance / delegation

It is proposed the new Act would contain improved and clearly defined roles and responsibilities to provide an ability for a rapid response to biosecurity risks. Part of this proposed approach is that high-level decisions that are likely to have a broad strategic, social, economic or environmental ramification would remain the responsibility of the Minister, with high-level administrative functions proposed to be
appropriately allocated between the Chief Executive of PIRSA, the Chief Veterinary Officer and the Chief Plant Health Officer.

Clear decision-making authority and the ability to provide timely approvals, appoint authorised officers, and delegate powers as required and appropriate, will create a more efficient biosecurity program.

6.2. Statutory positions

It is proposed that the new Act provides for statutory positions of Chief Veterinary Officer and Chief Plant Health Officer (and deputies) as the principle authorised officers.

The Livestock Act 1997 and the Plant Health Act 2009 already establish Chief Inspectors (ie. Chief Inspector of Stock and Chief Inspector under the Plant Health Act), therefore these are not new concepts in South Australia. However, the proposed the new Act would clarify these roles and responsibilities, ensure their powers are enabling an effective and rapid response, and provide the Deputy Inspectors with the same powers as the Chief Inspectors, for administrative efficiency.

Consideration also needs to be given to whether there should be a statutory position (and deputy) in relation to invasive species. Whilst not statutory at this stage, the Commonwealth Government has recently established the role of the Chief Environmental Biosecurity Officer.

It is proposed these statutory positions, along with biosecurity Authorised Officers, will be responsible for most of the day-to-day technical and operational functions under the new Act.

Consultation Question/s:

10. Do you agree with establishing a Chief Veterinary Officer and Chief Plant Health Protection Officers as statutory positions? If not, please explain why?
11. Should a statutory position related to invasive species be considered? If yes, please explain why?

6.3. Registration

As per the existing legislation, people (including individuals and corporate bodies) keeping certain biosecurity matter need to register with the Chief Executive of the Department for Primary Industries and Regions SA (PIRSA). It is proposed this arrangement continues in the new Act.

Registration is anticipated to assist with the management of the biosecurity risks posed by the relevant biosecurity matter. For example, through enhanced tracing capacity, advisory opportunities and the ability to notify about relevant developments in a timely manner.

It is proposed the new Act will detail what biosecurity matter and circumstances will trigger a requirement for registration. People proposed to be registered include:

1. those who keep or hold more than a threshold number of prescribed animals, plants or other biosecurity matter
2. those who import or keep a prescribed species of non-indigenous animal
3. any other person prescribed by the regulation.
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For example, registration may be required for, but is not limited to, people who keep bees, keep high-risk biosecurity matter for research or education purposes, operate saleyards or abattoirs, or keep any other biosecurity matter as may be prescribed.

Consultation Question/s:
12. Do you agree with establishing a registration system? If not, please explain why?
13. Is there an alternative or additional option to registration systems that you think should be considered? Please explain why?

6.4. Accreditation authorities

Part 4 of the Plant Health Act 2009 currently provides for the establishment of accreditation schemes, however the Livestock Act 1997 does not provide for accreditation schemes.

It is proposed the new Act provides the ability to recognise non-government organisations as accreditation authorities, who in turn may accredit private certifiers and auditors to audit and inspect business operations and provide product certification. This is part of promoting shared responsibility and enables industry to self-manage biosecurity risks.

As a result, it is intended the Chief Executive of PIRSA and any accreditation authority recognised under the legislation would be permitted to appoint accredited biosecurity auditors and biosecurity certifiers.

It proposed the Chief Executive of PIRSA would approve bodies as accreditation authorities, impose conditions on the approval of an accreditation authority, cancel, suspend or revoke the approval if a condition is breached, or at the request of the accreditation authority. It is anticipated accreditation authorities are likely to be industry groups or independent consultancy businesses.

It is proposed accreditation would generally only be granted in relation to specified biosecurity matter or specified types of certification and would be subject to conditions.

Consultation Question/s:
14. Do you agree that third parties should be accredited to undertake certain functions under the new Biosecurity Act? If not, please explain why?

6.5. Biosecurity audits

It is proposed the new Act provides for biosecurity audit schemes (including third party schemes) that enable an effective approach to compliance and market access. Auditing is a requirement of some existing interstate and international market access agreements. There may be a need for mandatory auditing as a condition of registration for high-risk biosecurity entities to check for compliance with legislation.

It is proposed that audits are used for the following purposes:
- accreditation audits - during the assessment of applications for registration and accreditation as a certifier, and for approval as an accreditation authority
- compliance audits - in which compliance with the conditions of registration and certifier accreditation is assessed

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Examples include the Interstate Certification Assurance scheme for horticulture products and the stock food audit program that supports Australia's status as a low risk country for Transmissible Spongiform Encephalopathies (such as mad cow disease).
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- Investigative audits - to follow up reports or evidence of non-compliance, and to identify measures for compliance improvement and avoidance of critical non-compliance.

This proposed approach is aimed to encourage compliance and identify areas of non-compliance and facilitate a process for improvement. The frequency of audits will be determined by reference to factors such as the degree of non-compliance identified in previous audits, and general compliance policies which identify compliance risk and the need for compliance education.

Consultation Question/s:
15. Do you agree with introducing an audit scheme that allows third parties to undertake audits? If not, please explain why?
16. Are there additional audit requirements that should be considered in the new Biosecurity Act? Please explain why?

6.6. Biosecurity certificates

The proposed introduction of biosecurity certificates would provide assurance that allows for the transit of certified produce within South Australia and Interstate. It is intended a certificate states the relevant goods meet particular requirements that minimise any biosecurity risk. It is proposed any appropriate biosecurity certificates issued in another jurisdiction would also be recognised by South Australia.

This concept is not new, but would build on and improve South Australia’s current involvement in the national certification scheme, which relates to the movement of plants and plant products known as the Interstate Certification Assurance Scheme (ICA Scheme).

6.7. Identification and traceability

The ability to trace produce from its origin and along the supply chain is important to enable rapid identification of relevant properties (i.e. land parcels) in response to a pest or disease outbreak. Traceability also assists to identify where properties with susceptible crops or relevant supply chain premises are located within areas of equal biosecurity risk, to enable tracing and put in place protections to prevent further spread of a pest or disease incursion.

A Property Identification Code (PIC) system is an important pre-requisite for product traceability, allowing produce to be linked with the place of production and all intermediate places where the produce has been handled, processed or consolidated through the supply chain. By allocating a code or number to a property, a parcel of land can be uniquely identified, and avoids confusion with enterprises that may have a similar name.

PIC systems require registration, which is underpinned by legislation in each State, including in the Livestock Act 1997 and Livestock Regulations 2013. PICs can be of significant benefit in dealing with authorities in importing countries when negotiating market access. The existing National Livestock Identification System (NLIS) will continue to be supported by the proposed biosecurity legislation.

It is proposed that the new Act will enable additional schemes for the identification and tracing of animals, plants or products to be put in place if they are needed in future. Governments have jointly agreed to pursuing a PIC system for plant industries, to be broadly equivalent to what we currently have for livestock industries.

It is proposed the new Act will prescribe the purposes for which information may be used and by whom, to ensure that data is only able to be accessed and used appropriately, and in accordance with privacy legislation.
6.8. Cost recovery / co-investment / co-funding mechanisms

In line with the policy objective of developing a framework for shared responsibility, it is proposed sharing the costs of biosecurity management continues. It is proposed the new Act enables cost recovery initiatives to be established for any service provided under the new Act or its regulations, where appropriate. This would have to be considered in the context of existing industry funding schemes.

Under existing practices, PIRSA already charges for a range of services for biosecurity management. Biosecurity services which confer a direct benefit on an individual or business, and are of minimal or indirect value to the community, may be subject to charges. Fees for service directly related to the service provided, with government policy setting the processes and rates at which the costs of services are recovered.

It is also proposed the new Act would enable an option for appropriate costs of compliance action to be recovered from the entity that is subject to the action being taken.

A further issue for consideration in the development of the Act, is whether the legislative framework could enable issues-based funding measures, such as regional or industry-based contributions to a fund for preventing or managing a particular pest. Current examples of this are the funds raised for the Dog Fence and phylloxera management.

6.9. Compensation / reimbursement

During a biosecurity response, actions may be required which result in the loss or damage of property. The Emergency Animal Disease Response Agreement (EADRA), Emergency Plant Pest Response Deed (EPPRD), and the National Environmental Biosecurity Response Agreement (NEBRA) are agreements that engage government and affected primary industries in preparedness, cost sharing arrangements and decision making with respect to nationally significant animal and plant emergency pests and diseases respectively.

It is proposed compensation would continue to be payable in accordance with the already existing national emergency response agreements (the EADRA, EPPRD and NEBRA).

Consultation Question/s:
18. Do you agree the new Biosecurity Act should continue to enable appropriate costs to be recovered? If not, please explain why.
19. Do you agree an option should exist for appropriate costs of compliance being recovered from those subject to the compliance action? If not, please explain why,
20. Do you agree the new Biosecurity Act should enable the option for funds to be raised for particular issues? If not, please explain why.

Consultation Question/s:
21. Do you agree with compensation being payable in accordance with the national emergency response agreements? If not, please explain why.
6.10. Permits

It is proposed the new Act enables permits to be issued that allow for a broad range of actions to be undertaken which would otherwise be in breach of the Act. It is intended for these permits to be issued to individuals or a class of persons. An Authorised Officer may be appropriate to issue permits if satisfied that issuing the permit will not materially increase the level of biosecurity risk posed by the biosecurity matter. Examples of these proposed permits include:

Prohibited Matter Permit

A permit to enable a person or class of persons to deal with biosecurity matter that is declared to be ‘prohibited matter’ within South Australia. Prohibited matter permits would need to include strict conditions to manage the risks.

Control Order and Biosecurity Zone Permit

A permit to allow certain actions, or failure to perform certain actions, that would otherwise be in breach of a control order or biosecurity zone provision.

Permit Varying the Conditions of Registration

A permit for one-off or temporary circumstances for which the conditions of registration may be relaxed or additional conditions are applied.

Biosecurity Emergency Permit

A permit to allow action which would not otherwise be permitted while a biosecurity emergency declaration is in force.

Consultation Question/s:

22. Do you agree with establishing a permit scheme to enable activities to be undertaken that may otherwise be in contravention of the Act? If not, please explain why?

6.11. Biosecurity control orders

Both the Plant Health Act 2009 and the Livestock Act 1997 currently provide for the issuing of orders to allow for the control and eradication of a disease or contaminant.

It is proposed the new Act provides for control orders that enable directives to be given that can be applied regionally or statewide. Control orders would provide for a rapid response where a new biosecurity risk is identified, but an emergency response is not warranted.

It is proposed the Chief Plant Protection Officer (CPPO) and Chief Veterinary Officer (CVO) will have the power to issue biosecurity control orders to manage, mitigate or eliminate a particular biosecurity risk by prohibiting or regulating the interaction with biosecurity matter or a carrier.

This approach would provide greater flexibility to respond in a timely manner and reduce the administration associated with such actions where flexibility and a rapid response is imperative. Where eradication of particular biosecurity matter is not achievable, a biosecurity control order could be used while a long-term management approach is developed. To maintain flexibility, permits could be used to allow actions to be taken, which would otherwise be in breach of a biosecurity control order.

Consultation Question/s:

23. Do you agree with using a biosecurity control order to flexibly and rapidly manage biosecurity risks? If not, please explain why?
6.12. Biosecurity zones

Under the Plant Health Act 2009, the Minister may declare the whole or a portion of the state a quarantine area for the purposes of controlling or eradicating disease or contamination. Under the Livestock Act 1997 the Minister may, prohibit entry into, or movement within or out of, the State or a specified part of the State of livestock, livestock products, or other property.

It is proposed the new Act enables the Chief Plant Protection Officer (CPPO) and Chief Veterinary Officer (CVO) to establish biosecurity zones to allow flexible responses to biosecurity risks in situations where specific management initiatives are required.

Biosecurity zones could be established for an individual property, a region or the entire state and would be established based on a risk assessment showing that formal control mechanisms are required to manage the biosecurity threat.

To maintain flexibility, permits could be used to allow actions to be taken, which would otherwise be in breach of a biosecurity zone.

Consultation Question/s:
24. Do you agree with establishing biosecurity zones that require specific management initiatives to be undertaken? If not, please explain why?

6.13. Emergency provisions

Both the Livestock Act 1997 and the Plant Health Act 2009 provide for an inspector to take urgent action in an emergency situation for the purposes of controlling or eradicating disease or contamination. South Australia will continue to be guided by national approaches (such as those outlined in the national emergency response deeds and agreements).

It is proposed the new Act continues to enable rapid and effective responses to a biosecurity emergency, where there is a current, suspected or imminent significant biosecurity risk. During an emergency, it will be important for Authorised Officers to have the power to enter properties in order to determine the presence or absence of a pest or disease or to conduct surveillance and monitoring. Emergency responses may also require the power to declare any animal, plant, place (including land and bodies of water) or item as ‘contaminated’ with a pest or disease and enable the movement of animals, plants, people, soil, water or items to be restricted into, through or out of a declared area through an emergency order.

It is proposed the Chief Plant Protection Officer (CPPO) and Chief Veterinary Officer (CVO) will have the power to issue emergency orders, with improved provisions under the proposed new Act to enable proportionate, efficient and effective responses based on the relative urgency of the situation and the level of risk it presents, even if there is a level of uncertainty.

The emergency management provisions under the proposed new Act would also need to be able to activate the powers under the Emergency Management Act 2004 to help with responding to a biosecurity emergency. As referred to under section 6.10 above, it is proposed permits would enable flexibility in emergency situations to allow action which would not otherwise be permitted while a biosecurity emergency declaration is in force.

Consultation Question/s:
25. Are there any additional powers or actions required to effectively manage biosecurity emergencies that you think should be considered? Please explain why?
6.14. Prohibited matter declaration and listing

It is proposed that the new Act provides for all prohibited matter to be publicly listed on PIRSA’s website. It is also proposed the new Act provides the Chief Executive of PIRSA with the ability to declare prohibited matter (i.e. via notice on the Department’s website), which would ensure a person does not deal with prohibited matter in any way, unless required to do so by a biosecurity notice or authorised to do so by a permit.

This approach would allow for flexibility in quickly responding to newly identified biosecurity risks, or in response to national agreements or biosecurity emergencies.

Examples of biosecurity matter that may be declared as prohibited matter would include foot and mouth disease, highly pathogenic avian influenza, Hendra virus and citrus canker, etc.

It is anticipated that a prohibited matter declaration could apply to the whole or only a specified part of the state.

Consultation Question/s:
26. Do you agree with declaring prohibited matter? If not, please explain why?
27. Is there an alternate approach to ensure high risk biosecurity matter does not enter the state that should be considered? Please explain why?

6.15. Appeals

Similar to provisions under the current legislation, the new Act will need to allow for appeals processes to enable review of Government decisions. It is proposed the new Act will enable a person to apply to the Tribunal under section 34 of the South Australian Civil and Administrative Tribunal Act 2013 for a review of certain determinations. Appeals would be conducted consistent with the process outlined by the South Australian Civil and Administrative Tribunal (SACAT).

6.16. Extraterritorial powers

We are seeking your feedback on whether extraterritorial powers should be included in the new Act to support the management of biosecurity risks across state and territory borders. Extraterritorial powers are provided for in New South Wales’ Biosecurity Act 2015 and Tasmania’s Biosecurity Bill 2017.

It is proposed the new Act provides the Minister with the ability to enter into arrangements with a Minister of another State or Territory and the Chief Executive of PIRSA with the ability to enter into arrangements with the head of an interstate biosecurity agency as appropriate in relation to matters that affect biosecurity in South Australia. Extraterritorial powers could take a step further and allow for orders, registration and other biosecurity management tools to apply in relation to biosecurity matter which affects biosecurity in South Australia, whether that matter is in South Australia or in a place outside the state.

Consultation Question/s:
28. Do you think South Australia should include extraterritorial powers in the new Biosecurity Act? If not, please explain why?
6.17. Authorised officer powers

To enable effective responses to biosecurity risks, it is critical Authorised Officers have the power to rapidly act. The new Act would detail the powers of Authorised Officers, but also build in protections for the community, such as protection from self-incrimination and Authorised Officers only being able to act based on a ‘reasonable suspicion’. It is proposed the new Act will improve Authorised Officer powers provided under the current legislation.

This approach would be consistent with other jurisdictions, who have introduced strong Authorised Officer powers to investigate, monitor and enforce compliance with the Act, manage biosecurity risks and obtain information for purposes connected with the administration and enforcement of the legislative framework.

It is proposed Authorised Officers will have the following powers when exercising their duties:

**Powers of entry and search**

Authorised Officers being able to enter any premises at a reasonable time, other than any part of a premises used as a dwelling. Entry to parts of premises used as a dwelling would only be possible with consent of the occupier or under the authority of a warrant. A power of entry could extend to vehicles, vessels, aircraft and other means of conveyance. When entering premises, it is proposed that Authorised Officers are able to use reasonable force, including the breaking open of locks, gates, fences and doors. After gaining entry, Authorised Officers would then be able to take actions considered necessary and permitted under the Act. These actions may include:

- Inspect or examine **any thing**
- Take and submit for analysis samples of biosecurity matter or carriers of biosecurity matter
- Take photographs or other recordings, including the copying of electronic information
- Seize or secure anything connected with an offence or suspected offence.

**Power to question and require information**

Powers to require persons to answer questions and provide information and records to ensure compliance with the legislation. Specifically, Authorised Officers having power to require anyone they reasonably suspect to have information and records required for the purposes of the Act to answer questions or provide information and records in relation to those matters. The Authorised Officer may also, by notice in writing, require a person to attend at a specified place and time to answer any questions and provide information and records. Where this power is exercised, the Authorised Officer would be required to advise the person of their right to refuse to answer any question if the answer could incriminate them or expose them to a penalty. If the Authorised Officer suspects that a person has committed or is about to commit an offence, the Authorised Officer would have the power to require the person to state their name and address.

**Power to issue biosecurity notices and biosecurity certificates**

Authorised officers having power to issue a range of notices and biosecurity certificates. Biosecurity certificates are a form of assurance that allows for the transit of certified produce within South Australia and interstate. The notices that could be issued by Authorised Officers include:

- Biosecurity notices
- Notices to attend a place to answer questions and provide information
- Penalty notices.

Biosecurity notices could be issued by Authorised Officers to ensure a person discharges their general biosecurity obligation and to prevent, eliminate or minimise a biosecurity risk or suspected
biosecurity risk. Biosecurity notices would set out actions that must be taken, the grounds for the Authorised Officer’s directions and if applicable, the nature of the non-compliance. A biosecurity notice would take effect immediately and continue to operate until compliance has been effected. The notice would specify a reasonable period of time in which compliance is required, but allow an extension of time for compliance with the notice, or seek a review of the notice. If a person does not comply, the Authorised Officer could undertake the action personally, or authorise another person to undertake the action. In addition to any penalty incurred through non-compliance with the notice, the reasonable costs associated with that work are proposed to be recoverable.

Power to issue penalty notices

Power to issue penalty notices for offences prescribed by regulation.

Powers to respond and to manage biosecurity risks

Authorised Officers play a crucial role as first responders and biosecurity risk managers. In order to effectively carry out these important roles, Authorised Officers would need management and response powers. These would be similar to the current legislation, such as the power to:

- move or restrict movement of biosecurity matter or carriers of biosecurity matter
- treat biosecurity matter or carriers of biosecurity matter (including vaccine)
- identify biosecurity matter or carriers of biosecurity matter
- place signs or notices
- destroy infected or infested biosecurity matter or carriers of infected or infested biosecurity matter.

At the direction of the Chief Plant Protection Officer (CPPO) and Chief Veterinary Officer (CVO) as applicable, it is proposed Authorised Officers would be able to destroy certain un-infected or un-infested biosecurity matter. For example, abandoned or neglected beehives pose disease risks to other apiaries, and may need to be destroyed if the owner or occupier cannot be located.

The power to carry out pest and disease surveillance programs would also be required. These monitoring and trapping programs are necessary to detect and formally confirm or exclude the presence of pests or diseases, in order to ensure Australia can meet the import requirements of our international trading partners. Insect traps and sentinel animals are commonly used to conduct these surveillance programs.

Consultation Question/s:

29. Do you agree that Authorised Officers require stronger powers to enable biosecurity risks to be effectively and quickly addressed? If not, please explain why?
30. Are there any additional powers that you think Authorised Officers should be granted? Please explain why?

6.18. Offences / strict liability offences / vicarious liability offences / defences

It is proposed the new Biosecurity Act provides for two categories of offences for individuals and corporations.

One category is proposed to relate to serious offences committed where a person willfully, negligently or recklessly does an act or fails to do an act in contravention of a requirement under the new Act.
The other category is proposed to include all other offences, whereby a person would be held responsible for committing an offence even if the person had no intention or was unaware that an offence was committed.

It is also proposed the new Act provides for a vicarious liability, which is a form of strict, secondary liability, whereby employers are liable for negligent acts or omissions by their employees in the course of employment.

For some offences, higher penalties could be considered in relation to repeat offences. A continuing offence generally involves an ongoing course of conduct that causes a harm lasting as long as that course of conduct persists.

Provisions for aggravated offences could also be considered. For example, failure to comply with a lawful direction by an authorised officer during an emergency could attract a higher maximum penalty.

It is also proposed for the new Act to build in defences to prosecution to enable appropriate protections to industry and the community.

Consultation Question/s:
31. Do you agree that two categories of offences should be established for breaches of the Act? If not, please explain why?
32. Do you think there should be any additional or alternative categories of offences established? Please explain why?

6.19. Penalties

The current legislation has limitations in its enforcement framework and contains penalties that no longer provide an effective deterrent commensurate to the impact of the offence. For example, if an exotic notifiable disease (e.g. Foot and Mouth) was introduced into South Australia, the maximum penalty under the Livestock Act 1997 would be $20,000. However introduction of this disease is estimated to cost Australia $10 billion for a large scale 12 month outbreak.

It is proposed that the new Act contains a hierarchy of enforcement tools that enable the response to increase in severity in accordance with the seriousness of the offence. The primary action available is criminal prosecution, which is a serious matter that may not be an appropriate response or use of resources. For example, a fine may be more appropriate for minor breaches or it may be important that damage done is rectified, rather than the offender being punished.

It is proposed to move away from command and control approaches towards measures that incentivise and encourage compliance. The new Act could consider the introduction of penalties for individuals and corporations, aiming to strengthen penalties and ensuring effective deterrents commensurate to the impact created by the offence. It could also consider the introduction of a range of mechanisms to improve the flexibility the State’s approach and ensure breaches are being considered and addressed appropriately. Penalties regarding assault (verbal and physical) against Authorised Officers could also be considered during the development of the legislative framework.

Consultation Question/s:
33. Do you agree that the new Biosecurity Act should significantly increase penalties to act as an appropriate deterrent? If not, please explain why?
34. Do you believe it is more important for the offender to repair damage done than be fined? Or both?
6.20. Reasonable suspicion vs. proof of evidence

The *Livestock Act 1997* currently requires ‘proof of evidence’ regarding the presence of a disease, prior to Authorised Officers being able to take action.

It is proposed the new Act provides Authorised Officers with the ability to act on ‘reasonable suspicion’ that a biosecurity risk exists, rather than requiring evidence. It is anticipated such provisions would enable a quicker and more effective responses to biosecurity risks.

Consultation Question/s:
35. Do you agree that action should be taken based on a reasonable suspicion that a biosecurity risk exists? If not, please explain why?

7. Specific matters to be considered in the development of the new Biosecurity Act

The development of the new Act needs to be mindful of certain issues industry and the community may face that could result in potential biosecurity risks and provide the tools to enable these to be managed. Some issues already raised include:

7.1. Stray and abandoned livestock / Impounding

Land managers have a responsibility to ensure their stock do not wander from their property onto other private land or public property. The *Fences Act 1975* defines what a sufficient dividing fence is and outlines the responsibilities of owners for doing fencing work. The *Impounding Act 1929* currently provides for the impounding of livestock and is proposed to be included in the scope of the development of the new Act.

Stock have the potential to create a biosecurity risk if they are allowed to wander and may become exposed to pests and diseases. Straying and abandoned stock may also create a risk to the spread of weeds between properties and weed control areas.

It is proposed the development of the new Act considers the inclusion of provisions regarding the responsibilities and rights of councils and landowners in relation to the management of stray and abandoned livestock. This could include the right to keep, sell or destroy straying or abandoned livestock after a reasonable period of time, during which all reasonable effort has been made to return the stray or abandoned livestock to its rightful owner. This could also include considerations regarding abandoned agisted livestock.

Consultation Question/s:
36. Do you agree the new Biosecurity Act should include provisions to help manage stray or abandoned livestock? If not, please explain why?

7.2. Distribution of chemicals and baits

The safe and effective distribution of agricultural chemicals and baits, which generally involves spraying, spreading or dispersing from either ground equipment or from an aircraft in flight, could also be considered in the development of the new Act to ensure effective management tools are in place and can be enforced to mitigate and address biosecurity risks.
7.3. Access to property by a third party (e.g. mining or utility companies)

The development of the new Act could consider the potential biosecurity impacts of companies, such as mining and utility companies, legally entering a property to undertake day-to-day operations and ensure the management tools are in place to appropriately address any biosecurity risks, such as the inadvertent spreading of weeds and amenity pests. It is proposed the biosecurity risks posed by this access are managed through the General Biosecurity Obligation (see section 5.2).

**Consultation Question/s:**

37. Do you agree that biosecurity risks associated with third parties legally entering properties is appropriately managed through the General Biosecurity Obligation? If not, please explain why?

7.4. Trespass

South Australia already has strong trespass legislation in place, with trespass regulated under section 17 of the Summary Offences Act 1953. This section of the Act provides for offences and penalties regarding (a) being on premises for an unlawful purpose, (b) misuse of a motor vehicle on private land, (c) trespassers on premises, (d) trespassers at private parties, (e) authorised persons, (f) interference with gates, (g) disturbance of farm animals, and (h) forcible entry or retention of land or premises.

It is proposed the issue of trespass should not be managed primarily through biosecurity legislation, however consideration should be given to what additional tools and provisions can be established under current legislation to support producers in trespass situations that pose a biosecurity risk.

**Consultation Question/s:**

38. What additional tools do you think should be considered to help prevent biosecurity risks associated with farm trespass? Please explain why?

7.5. Exotic aquatic organisms / noxious aquatic species

Exotic aquatic animals and plants (particularly noxious species) can damage the natural balance of our environment and threaten South Australia’s fisheries, aquaculture, recreation, navigation, and tourism industries.

Under the Fisheries Management Act 2007 there are a number of declared noxious aquatic species in South Australia. These species are not allowed to be possessed by individuals or released into state waters (unless permitted by the Minister). The list covers both freshwater and marine species.

Individuals who are found to have brought a noxious species into South Australia, are in possession of, or have released noxious species into the environment can face severe fines and possible jail time. Noxious species include certain aquarium species. In addition to the noxious species list, the Act also outlines rules and regulations in relation to exotic species movement and release.

It is proposed the provisions regarding exotic organisms and noxious species within the Fisheries Management Act 2007 are considered when developing the new Act. This will enable action to be taken
7.6. Invasive species
An invasive species is an introduced animal or plant, not native to South Australia, which poses a significant threat to South Australia’s biodiversity, agriculture, community or economy if it gains a foothold or is freely allowed to spread.

It is proposed the new Act considers the issue of invasive species to ensure the implementation of a risk-based management approach will allow for any potential biosecurity risks to be managed. Currently these are dealt with under different legislation. A consistent legislative approach to invasive species would be desirable.

7.7. Biofouling
The introduction of marine pests and diseases may occur through biofouling. Biofouling is the accumulation of aquatic organisms, such as micro-organisms, plants and animals on surfaces and structures immersed in or exposed to the aquatic environment (i.e. boat hulls or ballast water). Given the nature of the biofouling (out of sight), it is difficult for vessel owners and inspection officers to identify that biofouling is present.

It is proposed the new Act considers tools to manage biofouling biosecurity risks and look to the work being undertaken nationally to ensure consistency. A general duty of care, which specifies an expected level of cleanliness, could be a legislative mechanism to foster prevention. Consistency with international vessel movement requirements and domestic movements around Australia will be important for industry.

7.8. Use of chemicals / chemical residues
It is proposed the new Act would not include provisions to regulate the use of agricultural and veterinary chemicals. There are existing arrangements in place that will continue whereby the relevant Commonwealth laws are applied as South Australian laws by the Agricultural and Veterinary Chemicals (South Australia) Act 1994. The Government of South Australia controls the use of these products under the Agricultural and Veterinary Products (Control of Use) Act 2002.

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2 Weeds and pest animals under the Natural Resources Management Act 2004, pest fish under the Fisheries Management Act 2007 and invasive ants under the Plant Health Act 2009.
A national review of controls on the use of agricultural and veterinary chemicals is ongoing and the Agricultural and Veterinary Products (Control of Use) Act 2002 may be subject to amendments as part of reforms associated with the review.

It is proposed the new Act considers the inclusion of current provisions under the Livestock Act 1997 and the Plant Health Act 2009 that regulate plant and animal products contaminated with chemical residues, as both Acts are considered to be in scope to develop the biosecurity legislation.

Consultation Question/s:
42. Do you agree the control and use of agricultural and veterinary chemicals should be managed separately to the new Biosecurity Act? If not, please explain why?
Consultation Questions

This section provides the complete list of consultation questions that have been distributed throughout the document to guide your feedback.

1. Do you agree with the new Biosecurity Act being framework legislation? If not, please explain why?
2. Do you agree with the proposed goals and objects? If not, please explain why?
3. Are there additional / alternative goals or objects you think should be considered? Please explain why.
4. Do you agree with these Acts being consolidated into a new Biosecurity Act? If not, please explain why?
5. Are there any additional Acts that you feel should be included? Please explain why?
6. Do you agree with the key definitions in Part 4? If not, please explain why?
7. Are there additional key terms that you feel should be defined? Please explain why?
8. Do you agree with the proposed core concepts for the new Biosecurity Act? If not, please explain why?
9. Are there any additional core concepts you think should be considered? Please explain why?
10. Do you agree with establishing a Chief Veterinary Officer and Chief Plant Health Protection Officers as statutory positions? If not, please explain why?
11. Should a statutory position related to invasive species be considered? If yes, please explain why?
12. Do you agree with establishing a registration system? If not, please explain why?
13. Is there an alternative or additional option to registration systems that you think should be considered? Please explain why?
14. Do you agree that third parties should be accredited to undertake certain functions under the new Biosecurity Act? If not, please explain why?
15. Do you agree with introducing an audit scheme that allows third parties to undertake audits? If not, please explain why?
16. Are there additional audit requirements that should be considered in the new Biosecurity Act? Please explain why?
17. Do you agree with creating schemes that enable produce to be traced along its supply chain? If not, please explain why?
18. Do you agree the new Biosecurity Act should continue to enable appropriate costs to be recovered? If not, please explain why?
19. Do you agree an option should exist for appropriate costs of compliance being recovered from those subject to the compliance action? If not, please explain why.
20. Do you agree the new Biosecurity Act should enable the option for funds to be raised for particular issues? If not, please explain why?
21. Do you agree with compensation being payable in accordance with the national emergency response agreements? If not, please explain why?
22. Do you agree with establishing a permit scheme to enable activities to be undertaken that may otherwise be in contravention of the Act? If not, please explain why?
23. Do you agree with using a biosecurity control order to flexibly and rapidly manage biosecurity risks? If not, please explain why?
24. Do you agree with establishing biosecurity zones that require specific management initiatives to be undertaken? If not, please explain why?

25. Are there any additional powers or actions required to effectively manage biosecurity emergencies that you think should be considered? Please explain why?

26. Do you agree with declaring prohibited matter? If not, please explain why?

27. Is there an alternate approach to ensure high risk biosecurity matter does not enter the state that should be considered? Please explain why?

28. Do you think South Australia should include extraterritorial powers in the new Biosecurity Act? If not, please explain why?

29. Do you agree that Authorised Officers require stronger powers to enable biosecurity risks to be effectively and quickly addressed? If not, please explain why?

30. Are there any additional powers that you think Authorised Officers should be granted? Please explain why?

31. Do you agree that two categories of offences should be established for breaches of the Act? If not, please explain why?

32. Do you think there should be any additional or alternative categories of offences established? Please explain why?

33. Do you agree that the new Biosecurity Act should significantly increase penalties to act as an appropriate deterrent? If not, please explain why?

34. Do you believe it is more important for the offender to repair damage done than be fined? Or both?

35. Do you agree that action should be taken based on a reasonable suspicion that a biosecurity risk exists? If not, please explain why?

36. Do you agree the new Biosecurity Act should include provisions to help manage stray or abandoned livestock? If not, please explain why?

37. Do you agree that biosecurity risks associated with third parties legally entering properties is appropriately managed through the General Biosecurity Obligation? If not, please explain why?

38. What additional tools do you think should be considered to help prevent biosecurity risks associated with farm trespass? Please explain why?

39. Do you agree that biosecurity risks associated with exotic and noxious aquatic species should be managed as part of the new Biosecurity Act? If not, please explain why?

40. Do you agree that biosecurity risks associated with invasive species should be managed as part of the new Biosecurity Act? If not, please explain why?

41. What tools do you think should be considered to manage biosecurity risks associated with biofouling? Please explain why.

42. Do you agree the control and use of agricultural and veterinary chemicals should be managed separately to the new Biosecurity Act? If not, please explain why.
Project Overview

Primary Industries and Regions SA is undertaking a review of South Australia’s biosecurity legislative framework, as part of the State Government’s plan to develop a new, consolidated Biosecurity Act for SA.


Why do we need a Biosecurity Act?

A strong and effective biosecurity system is essential to South Australia’s economic development, to maintain and grow our access to domestic and international markets, guard our unique natural environments, and to protect public safety and amenity.

The current legislation that makes up the state’s biosecurity legislative framework has been developed independently over the past century, giving rise to issues of inconsistency and duplication.

By harmonising our legislation with other jurisdictions and improving governance arrangements we can ensure there is greater flexibility to respond to new pest and disease threats.

Creating a more modern and responsive legislative framework will better position South Australia to meet the growing challenges of biosecurity, which are increasing due to more trade, tourism and urbanisation close to farm and bushland.

What Acts are being considered?

South Australia’s biosecurity legislative framework consists of a number of acts that have been developed independently over the last century. There are 12 Acts that are directly relevant to biosecurity, with a further 15 Acts holding some relevance.

PIRSA has undertaken an internal evaluation of each Act to determine whether it should be included within the scope of a new Biosecurity Act. Through consultation with specialist government staff and targeted stakeholders we will identify exactly what legislation may need to
be repealed, modernised or improved and release this information for further consultation and review as part of a Draft Directions Paper.

We also expect the new legislation will keep the current aspects of our biosecurity system that are protecting our State well, but make them more streamlined and consistent across the various types of pests and diseases, making our system easier for Government, Industry and the community to work together and reduce biosecurity threats.

**What are the key Project stages?**

The Project consists of the following key stages:

1. **Internal review of SA’s Biosecurity Legislative Framework – Completed**
   PIRSA has started a review of all Acts relevant to the current biosecurity legislative framework to consider whether they should be in scope for the development of a new, consolidated Biosecurity Act. This review will inform the draft Directions Paper.

2. **Develop a draft New Biosecurity Framework for South Australia – Directions Paper – Mid-2019**
   The Directions Paper will provide detail on South Australia’s policy positions, systems, components and arrangements for a new biosecurity framework that will form the basis of a new Biosecurity Bill for South Australia. We will engage with key stakeholder bodies to inform this stage.

3. **Public Consultation on Directions Paper – Early 2020**
   The Directions Paper will be released for public consultation via the YourSAy Website.

4. **Draft Biosecurity Bill – Mid 2020**
   Using the feedback from the public consultation, Parliamentary Counsel will be engaged to draft a Biosecurity Bill. PIRSA will directly approach stakeholders to seek feedback and refine the Bill and prepare it for introduction into Parliament.

5. **Biosecurity Bill ready for introduction into Parliament – Late 2020**
   PIRSA will support the Bill as it moves through the various Parliamentary stages.

6. **Biosecurity Act Regulations drafted – Early 2021**
   The new Biosecurity Act will require subordinate legislation to be developed to enable the legislative framework to be completed for ‘on-ground’ implementation. During this stage PIRSA will identify what regulations are required and work with Parliamentary Counsel to draft regulations. PIRSA will directly approach stakeholders to seek feedback and refine the regulations through their development.
7. **New Biosecurity Legislative Framework established – Late 2021**

Once a new biosecurity legislative framework (Biosecurity Act and Regulations) is established, PIRSA will work on implementing the new system, such as developing codes of practice, policies, procedures and training staff. This work is anticipated to extend into 2022.

**How can I get involved?**

The development of a new Biosecurity Act is an opportunity for everyone to have a say in the legislative framework for the future management and protection of South Australia’s critically important biosecurity system. PIRSA will be directly approaching stakeholders in the early stages of the Project to seek feedback and inform the development of the *New Biosecurity Framework for South Australia – Directions Paper*.

The Directions Paper will then be released for public consultation on the SA Government’s YourSAy website in early 2020. There will be an opportunity to provide your feedback via an online survey, or by making a submission to PIRSA through the YourSAy platform.

All feedback will be reviewed and considered by PIRSA and then used to inform the drafting of a Biosecurity Bill in mid-2020.


**Contact Us**

PIRSA Biosecurity Act Project
GPO Box 1671
ADELAIDE SA 5001
Email [PIRSA.biosecurityact@sa.gov.au](mailto:PIRSA.biosecurityact@sa.gov.au)

You can also keep up-to-date on key developments in SA’s biosecurity (including the new Biosecurity Act) by signing up to PIRSA’s Biosecurity SA newsletter at [pir.sa.gov.au/subscribe](http://pir.sa.gov.au/subscribe)
Biosecurity Act

Primary Industries and Regions SA is undertaking a review of South Australia’s biosecurity legislative framework, as part of the State Government’s plan to develop a new, consolidated Biosecurity Act for SA.

This Frequently Asked Questions document covers the project’s key stages and timeframes from 2019 through to 2021. A Fact Sheet related to the project is also available at pir.sa.gov.au/biosecurityact

What do the current biosecurity acts do?

Good biosecurity is essential for protecting South Australia’s reputation for exceptional food, fibre and wine, and for maintaining and increasing access to international and domestic markets.

Biosecurity legislation sets out the overarching legal concepts, principles, functions, and legal machinery to support biosecurity management. It also outlines the responsibilities and rules that apply to everyone in this state, in regards to protecting our biosecurity – rules like not bringing certain fruits and vegetables into fruit-fly free zones or declaring foods, plant or animal items from overseas.

PIRSA’s Biosecurity SA is the key government division responsible for managing the risks to South Australia posed by animal and plant pests and diseases, food borne illnesses and the regulation of agricultural and veterinary chemicals.

Thanks to our rigorous and highly responsive biosecurity measures, South Australia is free of a range of pests and diseases that are present in other parts of Australia, including fruit fly and phylloxera.

Why do we need a new Biosecurity Act?

Having a strong and effective biosecurity system is essential to South Australia’s economic development, a healthy environment and our overall wellbeing.

South Australia’s current biosecurity legislative framework is delivered through a number of acts, which have been developed independently over the past century.

These Acts have served us well but the South Australian Government believes it’s now time to create a more modern and streamlined legislative framework that will better position South Australia to meet the
growing challenges of biosecurity, which are increasing due to more trade, tourism and urbanisation close to farmland. Consistency with other states and the Australian Government in how biosecurity is managed is also important to ensure ready access to markets and appropriate safeguards for our state.

With a new consolidated Biosecurity Act, South Australia will be better able to manage risk now and into the future.

What is South Australia’s Biosecurity Policy?

South Australia’s approach to biosecurity is guided by South Australia’s Biosecurity Policy. This policy outlines how government, industry and the community, through a shared responsibility, can protect and improve the state’s economy, environment, amenity and public health by preventing and reducing pest and disease impacts, maintaining food safety and ensuring responsible agricultural chemical use.

There are seven key policy principles contained within South Australia’s Biosecurity Policy, which form the basis for the approach to biosecurity regulation within the state:

1. Collaboration is central to our approach and there is an understanding of the accountabilities between governments, industries, communities and individuals.
2. Development, implementation, monitoring and review of biosecurity programs is underpinned by science.
3. Detection and identification of new pests, diseases or contamination sources is both rapid and accurate.
4. Preparedness, prevention and early intervention form the central focus of our activities.
5. Our biosecurity systems evolve as new knowledge and technologies become available to meet ever changing pest and disease threats.
6. Cost of biosecurity programs is shared equitably where feasible, between beneficiaries and risk creators.
7. We take a collaborative and integrative approach to human, animal and ecosystem health.

The policy is important in informing the development of a new Biosecurity Act.

What current Acts might change?

PIRSA has reviewed more than 30 Acts that relate to biosecurity legislation.

Through consultation with government staff and targeted stakeholders we have identified seven acts that may need to be repealed, modernised or improved.
Consultation on what Acts could change is underway. The proposed list of Acts in scope will be released for wider public and industry consultation and feedback as part of a Directions Paper in early 2020.

We expect that the new legislation will keep the current aspects of our biosecurity system that are protecting our state well, but make them more streamlined and consistent across the various types of pests and diseases. This will make our system easier for government, industry and the community to work together and reduce biosecurity threats.

To keep up to date on key developments, or find out how you can have your say or be involved in the development of SA’s new Biosecurity Act, sign up to PIRSA’s Biosecurity SA newsletter at pir.sa.gov.au/subscribe

How will the new legislation improve management of biosecurity in our state?

Today’s biosecurity environment is complex and constantly changing. The creation of a single Act will help address some of the problems that have arisen from inconsistencies in powers, transparency, and processes between the main biosecurity-related legislation that have been developed, often independent of each other, over the past century.

The Act will enable South Australia to modernise its biosecurity framework and holistically manage the economic, environmental and social risks of pests and diseases. It will also reduce unnecessary duplication and confusion in biosecurity legislation.

The new Act will also have the advantage of creating a predictable regulatory and business environment while allowing rapid, flexible and proportionate responses to environmental or economic concerns. Industry-led approaches to biosecurity, such as codes of practice, would be supported.

What do you mean by shared responsibility?

Essentially it means, biosecurity is everyone’s responsibility whether you are a landowner, agricultural producer, food manufacturer, transporter, tourist or member of the community.

It also means the responsibilities for biosecurity lie with both those who contribute to biosecurity risks and those who benefit from the effective management of those risks.

The principle of shared responsibility underpins why and how government, industry and the people of South Australia work together to protect our economy, environment and community from the negative impacts of pests and diseases, weeds and contaminants for the benefit of all South Australians.
Will we get to have a say on this new legislation?

This is an opportunity for all of us to have a say in the future management and protection of this state's vitally important and secure biosecurity system.

There will be extensive engagement across a wide range of stakeholders to ensure the new consolidated Biosecurity Act meets the needs of community and industry as well as regulatory and South Australian and Commonwealth Government requirements.

To keep up-to-date on key developments or find out when you can have your say on the development of SA's new Biosecurity Act sign up to PIRSA's Biosecurity News e-newsletter at pir.sa.gov.au/subscribe

Are we the only state doing this?

Other jurisdictions, including New South Wales, Western Australia and Queensland have already developed consolidated biosecurity legislation, with Tasmania and the Australian Capital Territory also in the process of developing new legislation.

We plan to learn from their experience and where possible, South Australia's new Act will look to harmonise with other state and national biosecurity legislation, in recognition of the cross-border and national focus of much biosecurity management.

Where can I find out more?

For further information, you can email PIRSA.biosecurityact@sa.gov.au

You can also keep up-to-date on key developments and find out when you can have your say on the development of SA's new Biosecurity Act by signing up to PIRSA's Biosecurity SA newsletter at pir.sa.gov.au/subscribe
State Biosecurity Policy

2017/2021
The State Government’s purpose and approach to biosecurity in South Australia.

Our biosecurity objective is to protect and improve South Australia’s economic, environmental and social assets and public health. This is done through preventing and reducing pest and disease impacts, maintaining food safety and supporting responsible agricultural chemical use.

Biosecurity is implemented through a risk management approach that involves partnerships across government, industry and community. This is a living document that needs to recognise and accommodate a changing environment.

Protecting South Australia from the risks posed by pests and diseases is a continual challenge. The threats we face are growing in scale and complexity as our risks change with increasing trade, tourism and climate change. Our biosecurity systems must evolve and adapt to meet these challenges.

A strong focus needs to be maintained by all on preventing new pest and disease incursions into South Australia. Landowners and producers have a primary responsibility to manage existing established pest and diseases on their own land (and aquatic infrastructure). However, in some situations the State Government may need to intervene, based on potential impacts and feasibility, to protect public or industry interests from risks associated with the uncontrolled spread of certain established pests or diseases. When investing resources into pest and disease management in South Australia, the State Biosecurity Policy will be guided by the “National Framework for the Management of Established Pests and Diseases of National Significance”.

The South Australian Government maintains biosecurity legislation and policies to support the public interest. The South Australian Government will be guided by the following principles in achieving the policy objective:

1. Effective biosecurity requires collaboration and an understanding of accountability between governments, industries, communities and individuals.
2. Science underpins the development, implementation, monitoring and review of biosecurity strategies and policies.
3. Rapid and accurate identification of pests, diseases or contamination sources is fundamental to an effective response.
4. A risk management approach is applied in setting priorities and investment across the biosecurity management continuum.
5. Preparedness, prevention and early intervention activities are the most cost-effective approach to biosecurity.
6. An adaptive management approach is needed that applies existing knowledge, monitors outcomes, adopts new technology and research and adapts to changing circumstances.
7. The cost of biosecurity programs should be shared equitably between all beneficiaries and risk creators.
8. For public health, the international ‘One Health’ concept drives collaboration and integration in the intersecting areas of human, animal and ecosystem health.
Five priority elements

The South Australian Government delivers the biosecurity policy objective by addressing five key priority elements:

1. **Integrity of our primary produce and food.**
   - Recognising above all the necessity for maintaining access to domestic and international markets, the South Australian Government works to ensure that high-priority biosecurity threats to the integrity and reputation of our primary produce and food are managed by:
     - designing biosecurity programs in partnership with industry sectors to manage priority food safety and contaminant risks to primary produce and food
     - undertaking surveillance to support market access and providing proof-of-freedom certification for agricultural produce
     - partnering with industry to develop market-driven systems for on-farm biosecurity, such as ‘One Biosecurity’ for livestock production
     - promoting awareness and establishing a shared responsibility for improved biosecurity across primary industries.

2. **Detection and response to new pests and diseases.**
   - The South Australian Government implements systems to detect early and contain incursions of new (exotic) pests and diseases to enable eradication whenever possible by:
     - establishing surveillance programs for the early detection of new threats to industry, the environment and the community
     - developing, implementing and exercising response plans and procedures for the containment and eradication of priority exotic pests and diseases
     - building and maintaining an emergency response framework to deliver whole-of-government responses to incursions
     - conducting emergency responses to incursions in a rapid, professional manner.

3. **Minimising the economic, social and environmental impacts of pests and diseases.**
   - Border quarantine and post border procedures help prevent the introduction and establishment of exotic pests and diseases.
   - Biosecurity at South Australia’s international borders is the responsibility of the Australian Government.
   - However, incursions of pests and diseases that breach the international border are managed in collaboration with state and territory governments.

4. **Government, industry and the community working together to enhance biosecurity.**
   - Biosecurity protects not only primary industries, but also public health and the conservation and tourism benefits of the state’s natural environments. South Australian Government agencies work with industry and the community to enhance biosecurity by:
     - establishing a stakeholder reference group to advise government on biosecurity matters that affect South Australia
     - establishing institutional arrangements that engage relevant government agencies, industries, community groups and advisory boards
     - raising awareness of people’s responsibilities in preventing the arrival, establishment and spread of pests and diseases
     - engaging industries and communities in surveillance, detection, incursion responses and recovery plans
     - partnering with land, fisheries and natural resource managers in managing priority pests and diseases.

5. **Biosecurity technical expertise.**
   - The South Australian Government responds to pest and disease threats through a coordinated biosecurity system by:
     - assessing and prioritising biosecurity risks for all industry sectors, the environment and public amenity
     - coordinating government capabilities, both intra and interstate, including laboratory diagnostic and research capacities
     - developing and maintaining an effective biosecurity system with a focus on science, innovative technologies, risk assessment, information management, planning, training and communication
     - actively contributing to the development of national biosecurity policies and programs
     - maintaining biosecurity legislation and issues-specific policies to deal with prevention, surveillance, control and eradication of priority pests and diseases.
Delivering the State Biosecurity Policy 2017 / 2021

Biosecurity SA is the biosecurity hazard custodian for the South Australian Government and provides state leadership in biosecurity policy development and emergency pest and disease response. Biosecurity SA also supports emergency service organisations for natural disasters that affect primary producers and the welfare of livestock.

Biosecurity SA is the lead organisation for state-level policy relating to animal health, aquatic health, aquatic pests, plant health, social amenity pests, vertebrate pests, weeds, agricultural and veterinary chemical use and primary industry food safety. PIRSA Fisheries and Aquaculture provides policy and technical support for aquatic animal health.

Biosecurity SA collaborates with other government agencies, boards and authorities on biosecurity matters as follows:

- Natural Resource Management Boards (vertebrate pests and weeds)
- Department of Environment, Water and Natural Resources (welfare of livestock, wildlife health and environmental pests and diseases)
- SA Health (food safety, pesticide use, regulated crops and zoonotic diseases)
- Environment Protection Authority (pesticide use)
- Local governments (food safety and social amenity pests)
- VineHealth Australia (wine and grape industries)
- Dairy Authority of SA (DairySafe)
- Dog Fence Board
- Veterinary Surgeons Board of South Australia.

The South Australian Government is a signatory to the Intergovernmental Agreement on Biosecurity and collaborates with the Australian Government on matters affecting the international border within South Australia. Biosecurity SA represents the South Australian Government on the National Biosecurity Committee, which develops and reviews national biosecurity policies. Under the Intergovernmental Agreement on Biosecurity, PIRSA works with all other Australian jurisdictions to deliver a coordinated national approach to the funding of and response to exotic pest and disease incursions.

South Australia has a whole of government approach to national biosecurity policy through the Agriculture Ministers Forum.
Biosecurity SA, Primary Industries and Regions SA
Phone:  (08) 8207 7900
Email:  PIRSA.BiosecuritySA@sa.gov.au
Mail:  GPO Box 1671, Adelaide SA 5001

Fruit Fly Hotline (report maggots in fruit) 1300 666 010
Animal Disease Watch 1800 675 888
Fishwatch 1800 065 522
Exotic Plant Pest Hotline 1800 084 881
Suspected weed and pest animal incursions 1800 084 881
Suspected chemical misuse 1300 799 684

In partnership with:
Department of Environment and Water
Natural Resources Management Boards
Environment Protection Authority South Australia
SA Health
Local government

A copy of the Intergovernmental Agreement on Biosecurity can be found at:
7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.2

NATIVE VEGETATION COUNCIL – REGULATION ADVICE NOTIFICATION – ALTONA CSR LANDCARE RESERVE

B2791

PURPOSE
A Native Vegetation Council “Regulations Advice Notification” document for strategic limited pruning of Amyema miquelii Box Mistletoe within the Altona CSR Landcare Reserve, requires signing and sealing by The Barossa Council. (Refer Attachment 1).

RECOMMENDATION
(1) That the Mayor and Chief Executive Officer be authorised to execute the Understanding of Regulation Advice, associated with the Management Plan – Altona CSR Landcare Reserve – Mistletoe Project 2019, by signing and affixing the Common Seal to the Deed.

REPORT

Background and Discussion
The Altona CSR Landcare Reserve (approximately 70ha) is Council owned and classified as Community Land, and is under the care and control of The Barossa Council and the Williamstown, Lyndoch Landcare Group (the Group), with an approved Management Plan and Native Vegetation Council Heritage Agreement in place.

The Williamstown, Lyndoch Landcare Group have identified a concerning high level of Box Mistletoe infestation in some of the revegetation plantings within the Altona CSR Landcare Reserve. The Group are seeking to establish a planned study in line with the 2017 Management Plan (Section 7.13 of the Altona Landcare CSR Land Management Plan – August 2017), incorporating limited pruning in addition to monitoring in the 2019 management season.

The Native Vegetation Council requires the concurrent approval of The Barossa Council prior to any work being undertaken.
Summary and Conclusion
It is recommended that Council sign and seal the “Understanding of Regulation Advice” in order to satisfy the requirements of the Native Vegetation Council Regulation 11 (25) Ecological restoration and management of vegetation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Native Vegetation Council Regulation Advice Notification

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Corporate Plan
Natural Environment and Built Heritage

1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
1.2 Support native eco systems that support native flora and fauna.
1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

Legislative Requirements
Native Vegetation Act, 1991

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Any costs associated with the Mistletoe Control Program will be funded from the Budget of the Williamstown, Lyndoch Landcare Group.

COMMUNITY CONSULTATION
Not required by Council.
Native Vegetation Council

File: 2019/3133/960
Contact: Karina Mercer
Telephone: 8207 7719

9th September 2019

Angus Atkinson
Chairperson
Williamstown & Lyndoch Landcare Group Inc.

Via email: altona.landcare@gmail.com

REGULATION ADVICE NOTIFICATION
Regulation 11(25) – Ecological restoration and management of vegetation

Dear Angus,

Re: Amyema miquelii Box Mistletoe – strategic limited pruning –
Altona CSR Landcare Reserve

I refer to your application on behalf of the Barossa Council to undertake strategic limited pruning of overabundant native species Box Mistletoe Amyema miquelii in the Altona CSR Landcare Reserve, according to the prepared “Management Plan – Altona CSR Landcare Reserve – Mistletoe Project 2019”.

It is noted that the proposed control is to stop / reduce these invasive native species from dominating the canopy layers therefore impacting significantly on ecological values of the reserve.

It is acknowledged that the proposed control methods are limited to 5 trees in a revegetation area of the Reserve, and will include regular follow-up monitoring at 12 and 24 month periods within the two year ‘pilot project’ life.

Under delegation from the Native Vegetation Council, vegetation clearance (pruning) of Box Mistletoe Amyema miquelii is exempt under Regulation 11(25), subject to the following conditions:

1. Clearance (pruning) is solely of Box Mistletoe Amyema miquelii from the 5 nominated trees within the Altona CSR Landcare Reserve;

2. Works are confined to the areas as described in plan titled: Management Plan – Altona CSR Landcare Reserve – Mistletoe Project 2019, prepared by Williamstown, Lyndoch Landcare Group Inc, on behalf of the Barossa Council and shown on the attached Regulation Advice Plan for application 2019/3133/960;

3. The Group (assisting in follow-up control and stewardship of the Reserve) will monitor the outcomes of control work for native vegetation management and recovery, use the findings to inform future works and if necessary adapt management approaches;

4. Reporting to the NVC via;
   - concise post-control report (e.g. 1 page report) to the NVC that details the activity including the area(s) cleared with dates,
   - concise post-follow-up control report (e.g. 1 page summary) that details the activity including the area(s) where control undertaken to the NVC at 12 months from clearance (pruning) work, and
- a brief final evaluation summary report (e.g. 1-2 pages) of effectiveness of the Amyema miquelii control and change observed at the 5 nominated sites (based on comparison of 2019 action, 2020 visit and 2021 visit) at conclusion of the project in 2021.

5. The endorsement shall be for a period of two years (i.e. until 30th September June 2021). after which time a new endorsement is required.

Please arrange for a representative of the Williamstown Lyndoch Landcare Group Inc and the landowner (Barossa Council) to complete the attached form: “Understanding of Regulation Advice” (including signature and date; a scanned copy is acceptable), to confirm that you/they fully understand the Advice and Conditions detailed in this letter. No clearance is to occur until this form is signed and returned.

Please contact Karina Mercer on 8207 7719 if you have any questions.

Yours sincerely,

[Signature]

Adam Schutz
DELEGATE
NATIVE VEGETATION COUNCIL
Note: Please read the Regulation Advice Notification to acknowledge that you have understood the Advice made by the Native Vegetation Council, then sign and return this form by email or post to:

Send to: Karina Mercer, Native Vegetation Branch, Department for Environment and Water, GPO Box 1047, Adelaide SA 5001

Scan & Email: karina.mercer@sa.gov.au

UNDERSTANDING OF REGULATION ADVICE

File: 2019/3133/960 Williamstown, Lyndoch Landcare Group Inc

I clearly understand the Native Vegetation Council’s Regulation Advice Notification and the conditions associated with clearance.

Name of Landowner(s): Barossa Council

Name and Signature for Barossa Council or seal and authorised signatory:

Name: ..............................................................

Signature: ...........................................................

Date: ..............................................................

Name of Applicant(s): Williamstown & Lyndoch Landcare Group Inc.

Signature of Applicant(s) or seal of Company and authorised signatory:

Name: ..............................................................

Signature: ...........................................................

Date: 17/09/2019
Attachment 1

Schedule 1, Regulation 11(25) — Ecological restoration and management of vegetation

Division 4 — Vegetation management

11 — Vegetation management (management plans)
(1) Native vegetation may be cleared in any of the circumstances set out in Schedule 1 Part 3 if the clearance is undertaken in accordance with—
   (a) a management plan relating to the clearance that is—
      (i) prepared in accordance with applicable guidelines adopted by the Council under section 25 of the Act; and
      (ii) approved by the Council; or
   (b) applicable guidelines adopted by the Council under section 25 of the Act, or both, as determined by the Council.
(2) The Council may, in considering whether to approve a management plan for the purposes of subregulation (1), seek and consider the advice of the regional NRM board for the NRM region where the relevant land is situated.
(3) If, on consideration of an application for approval under subregulation (1), the Council, after applying the mitigation principles, is of the opinion that the clearance would be likely to result in residual significant adverse impacts despite the application of guidelines or a management plan (or both), the clearance must not be approved.
(4) The operation of this regulation extends to native vegetation that is growing or is situated on land that is subject to a heritage agreement or a management agreement if a provision of Schedule 1 Part 3 sets out circumstances in which vegetation may be cleared specifies that the provision applies to such vegetation.

Part 3 — Management plans — vegetation management (regulation 11)

25 — Ecological restoration and management of vegetation
(1) Clearance undertaken for the purpose of conserving, managing or restoring native species, native vegetation or ecological processes, provided that—
   (a) guidelines relating to clearance of that kind have been adopted by the Council in accordance with section 25 of the Act; and
   (b) the person undertaking the clearance complies with those guidelines.
Native Vegetation Regulation 11(25) Application
Williamstown, Lyndoch Landcare Group / Barossa Council,
Altona CSR Landcare Reserve

REGULATION ADVICE PLAN
2 of 2

TO FORM PART OF THE ADVICE/DECISION TO THE
NATIVE VEGETATION COUNCIL
APPLICATION NO. 2019/3133/960

HUNDRED of BAROSSA
Deposited Plan 66305 Allotment 1000
Certificate of Title Vol 5967 Fol 489

Conditional Consent (pruning) of
5 Eucalyptus for the purposes of Box Mistletoe
Amyema miqueli removal

Heritage Agreement 1345 Boundary
Property/Section Boundary
Walking / access track

Produced for Native Vegetation Council
By Native Vegetation Branch
Department for Environment and Water

Imagery: Barossa Valley/Essex Valley.26Nov2019.2mIR.75cm
Date: 09/09/2019
Version: 0X
Datum: GDA94

AGD (KMs)

Delegate, Native Vegetation Council
Dated: 09/09/2019
8.1 CONFIDENTIAL – DIRECTOR WORKS AND ENGINEERING SERVICES

8.1.1. TENDER – CONSTRUCTION TANUNDA TERTIARY TREATMENT PLANT

The matter of the agenda item being Item 8.1.1 Tender – Construction Tanunda Tertiary Treatment Plant being for the supply of works pursuant to Section 90(3)(k) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices.

There is strong public interest in enabling members of the public to observe Council’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of pricing and company information that could compromise a competitive procurement environment leading to poor tender outcomes and costs to Council.
On balance, the above reason which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision-making.

**RECOMMENDATION**

**That Council:**

(1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3(k) of the Local Government Act 1999, relating to Item 8.1.1. Tender – Tanunda Tertiary Treatment Plant being tenders for the supply of goods, the provision of services or the carrying out of works; and

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of pricing and company information that could compromise a competitive procurement environment leading to poor tender outcomes and costs to Council.