



ATTACHMENTS

Ordinary Council Meeting

28 July 2020

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Town of Gawler Boundary Reform Stage 2 – Communication and Consultation Plan

Project Background

In accordance with the Council resolution 2019:11:COU421, Town of Gawler's Stage 1 Proposal for Boundary Change was submitted to the Boundaries Commission on 4 December 2019.

The Boundaries Commission met on 20 January 2020 to review submissions to the boundary change process. As a result, the Commission has written to Council providing approval to proceed to Stage 2 – the development and submission of a General Proposal.

The Commission noted in their response the:

1. Significant work that Council has undertaken to develop its potential proposal, including the details of the Community of Interest and consideration of the section 26 principles and how these relate to the identified areas.
2. Important role that the Council plays in providing services to a developing and expanding region and noted the potential significance of this proposal for the region.

Project Outcomes

Planning for future growth and ensuring Gawler continues to function as a Regional Service Centre

- Formalising Gawler's community of interest which currently extends past existing council boundaries.
- Ensuring the people who consider themselves as part of Gawler, have a say and are appropriately represented in the decision making process.
- Removing current administrative anomalies such as properties and suburbs being located in multiple council areas.
- Providing greater opportunity for investment and job creation.

Plan Objectives

- Ensure awareness of the project
- Be proactive in keeping the community and stakeholders informed.
- Ensure stakeholders have an opportunity to provide input, express their views and provide feedback.
- Provide an updated Communications and Consultation Plan that further details
 - the activities and associated costs required to undertake a comprehensive community engagement
 - the type of engagement required that will provide meaningful data and present a balanced view, through consulting with a broad range of Community Members from both the Communities of Interest and Council's current residents.

Considerations/Assumptions

The Boundary Reform process is a new process that has not been tested. There will be a number of stages, including:

- Stage 1 – Submission of a Stage 1 Initial Proposal – conducted by Council (completed)
- Stage 2 – Submission of a Stage 2 General Proposal – conducted by Council
- Stage 3 – Investigation of General Proposal – conducted by Boundaries Commission

Stage 3 will be unique to each council proposal and be largely defined by the Boundaries Commission once it has undertaken an assessment and determined the scope of the investigation.

This Plan focuses on Stage 2 only. The Plan will be refined and updated once future stages are further defined.

The following high level project schedule has been identified for Stage 2 of this project. Activities and timeframes are indicative only. Activities in red are decision/hold points where Council decision is required.

Colour coding is as follows:

Green – Community Consultation to occur

Red – Council decisions are required

Activity	Indicative timeframe
Update report to Council & Council decision to proceed to Stage 2	February 2020 (completed)
Update report to Council & Council decision to proceed with community consultation	July 2020
Stage 2 – Development and submission of a General Proposal	
Stakeholder consultation: (Aug - Oct) <ul style="list-style-type: none"> Part 1 = Initial consultation seeking community comment and input on the Boundary Change Proposal and if residents support an independent body to review Town of Gawler Local Government Area Boundary. This stage will inform Part 2 of Consultation (2 weeks). Part 2 = Community and Stakeholder open forum (with Independent Facilitator) & consultation via website – Your Voice and communication schedule below etc (4 weeks) (closing early October 2020) 	July – Oct 2020
Special Council Meeting to consider feedback from stakeholder consultation	Nov 2020
Council consideration of Stage 2 Proposal	Dec 2020
Submission of Stage 2 Proposal to Boundaries Commission	Dec/ Jan 2020
Advice received from Boundaries Commission, including high level quote for investigation	April 2021
Update report to Council and decision to proceed to Stage 3	May 2021
Stage 3 – Investigation of General Proposal	

Activities and timeframes to be defined during Stage 2. The Review will be undertaken independently and include stakeholder consultation and detailed financial analysis.	May 2021 onwards
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Issues/Risk

- Boundary reform process is new and lacks clarity.
- Significant number of stakeholders with competing priorities
- Opposition from neighbouring Councils
- Potential division within the community
- Costs associated with the investigation are unknown, however could be significant
- Resource constraints to undertake this project
- Outcomes and financial impact of those outcomes is unknown.

Key messages

- **The time is right for Town of Gawler to talk about** boundary reform for Gawler, both in terms of coordinated urban growth for the region and so we can maintain our town, steeped in rich South Australian and local history.
- Some people say **boundary reform is long overdue** and things haven't been working well. Town of Gawler has provided services and infrastructure to our neighbours for many years and it is time for fair and reasonable contributions to be made.
- Each council area has its own unique offering with each capitalising on their strengths. For Gawler it's our unique blend of **heritage** and **culture** mixed with **economic growth** and **sustainability**.
- In exploring boundary reform, we are **actively engaging** with our own and **neighbouring Councils** because we want the **best outcome for our community**.
- We are **one community** ... our residents, businesses, ratepayers and visitors always come first... a **liveable, cohesive, active, innovative, harmonious and sustainable community**.
- The proposed realignment will enable us to provide more **comprehensive and competitive services** to our community in an economically thriving community where **services and amenities** are enjoyed by all.
- The proposed realignment is about **making sensible decisions, being more efficient** in the delivery of services such as **managing parks and open spaces, roads and waste collection, and delivering sustainable business practices**.
- The planned **Roseworthy Township** is not under consideration to become part of Town of Gawler because Council recognises the significant financial impact this would have on Light Regional Council.
- Our proposal is **not about** putting other Council areas at **economic disadvantage**. A key focus of deliberations is being **more efficient** and **facilitating greater investment and jobs** for the region.
- We understand the **historic importance of the region** and will **continue to honour** and recognise this through the boundary readjustment process **working hand-in-hand with surrounding councils** to ensure the **integrity of the region's characteristics** is maintained.
- It **makes good community and economic sense** to adjust the boundaries to **future-proof Gawler** for generations to come.
- Boundary reform is important but it is **not a distraction**. It is just one opportunity that Council is pursuing to create economic prosperity for the community and region.

- The future development of new communities on Gawler's door step will create a new greater Gawler community. The proposed boundary changes will assist Council to **sustainably manage** this growth and **represent the interests of** the current and future Gawler community of interest.
- The proposed realignment will provide for **effective and efficient management of new growth** by one Council that would otherwise need multiple councils. A truly integrated and well planned community
- A boundary realignment will **encourage a strong collective voice** to deliver a **locally focussed** culturally, economically and environmentally **sustainable future**. **Let's future-proof Gawler**.
- From a community, social, economic and environmental perspective – **boundary adjustment just makes good sense**.

Key Stakeholders

Internal	External
<ul style="list-style-type: none"> • Mayor • Council Members • All Council Divisions 	<ul style="list-style-type: none"> • Residents (Town of Gawler and other Councils) • Community Groups/Service clubs etc. • Ratepayers (Town of Gawler and other Councils) • Businesses (Town of Gawler and other Councils) • Schools (Xavier College) • Light Regional Council • The Barossa Council • City of Playford • Adelaide Plains Council • Subsidiaries (GRFMA, NAWMA) • Regional Development Australia, Gawler Business Development Group • Developers • Local MPs – State and Federal

Communication channels

Owned: Customer service counters, website, community consultation portal (Your Voice Gawler), call waiting, email banners, social media – Facebook, Twitter, Instagram, You Tube, Linked-In, Gawler Connected Community App, Electronic notice boards (Civic Centre, Sports Centre, Libraries, Gawler Administration Centre), Wayfinding signage (once installed – Walker Place, Sports Centre, Visitor Information Centre)

Earned: The Bunyip, Barossa Herald, Leader, The Messenger, ABC Radio, Triple B FM, Gawler Community Radio, In Daily, GBDG, RDA Barossa, word of mouth

Communications schedule

Stage 2 – Development and submission of General Proposal (consultation activities in green text)			
Date	Channel/Stakeholder	Details	Estimated cost
January 2020	Email/face-to-face meeting	<ul style="list-style-type: none"> Meeting with Boundaries Commission regarding approach to Stage 2 proposal development 	Staff time only
August 2020	Media	<ul style="list-style-type: none"> Meet with editors from relevant publications to provide an update on the process 	Mayor Redman and staff time only
August – October 2020	Your Voice All stakeholders	<ul style="list-style-type: none"> Your Voice Gawler consultation page published and linked to boundary reform webpage). Survey released online via Your Voice Gawler and available in hard copy at Council's Customer Service counters Submissions – submitted electronically via Your Voice Gawler and Email, or hardcopy via Post or in person at Council's Customer Service counters. 	Staff time and minimal printing only
August 2020	Local press: Bunyip Leader Herald	<ul style="list-style-type: none"> Advertisements Detail for inclusion in editorial if available Media release Boundary Reform Video Series <p>Communication of open forums and survey</p>	<p>\$1,000 per full page advertisement</p> <p>Mayor Redman and staff time</p>
August 2020 September 2020 October 2020	Website Social Media Murray St bin signs	<ul style="list-style-type: none"> Latest News post Update dedicated webpage Social media post Coreflute advertising survey on bins 	<p>Mayor Redman and staff time only</p> <p>Corflute cost \$1000</p>

		Communication of open forums and survey. Multiple social media and latest news updates	
September 2020 (distributed early September) - timing changed due to August 2020 Budget Adoption	Rates Notice	Brochure to include: <ul style="list-style-type: none"> • Council is preparing a General Proposal • Areas being considered and why • Details on Open Forums • Survey link details 	\$1,500
End September 2020	Community noticeboards	<ul style="list-style-type: none"> • Advertisement of Open forums and survey 	Internal resources to be used
–August - October 2020	Gawler Connected Community app	<ul style="list-style-type: none"> • Open Forum advertisement (Sept - Oct) • Survey link (Sept-Nov) 	Staff time only
–August to October 2020	Electronic Notice Boards	<ul style="list-style-type: none"> • Advertising Open Forums and survey 	Staff time only
–August – September 2020	Council networks	<ul style="list-style-type: none"> • Council Staff to distribute Open Forum invitation and survey link to networks (e.g. service clubs, community groups, sporting groups, etc) 	Staff time only
August/September 2020	Radio	<ul style="list-style-type: none"> • Mayor Redman to speak with Radio stations regarding boundary reform and upcoming consultation 	Mayor Redman and staff time only
August 2020	Targeted letters	<ul style="list-style-type: none"> • MPs • Subsidiaries • State Government agencies • Developers <p>Communication of boundary reform proposal, open forums and survey. Invitation to meet to discuss further.</p>	Staff time and postage
September 2020	Gawler Business Development Group and RDA Barossa	<ul style="list-style-type: none"> • Distribution of invitation to open forum to relevant businesses 	Staff time only

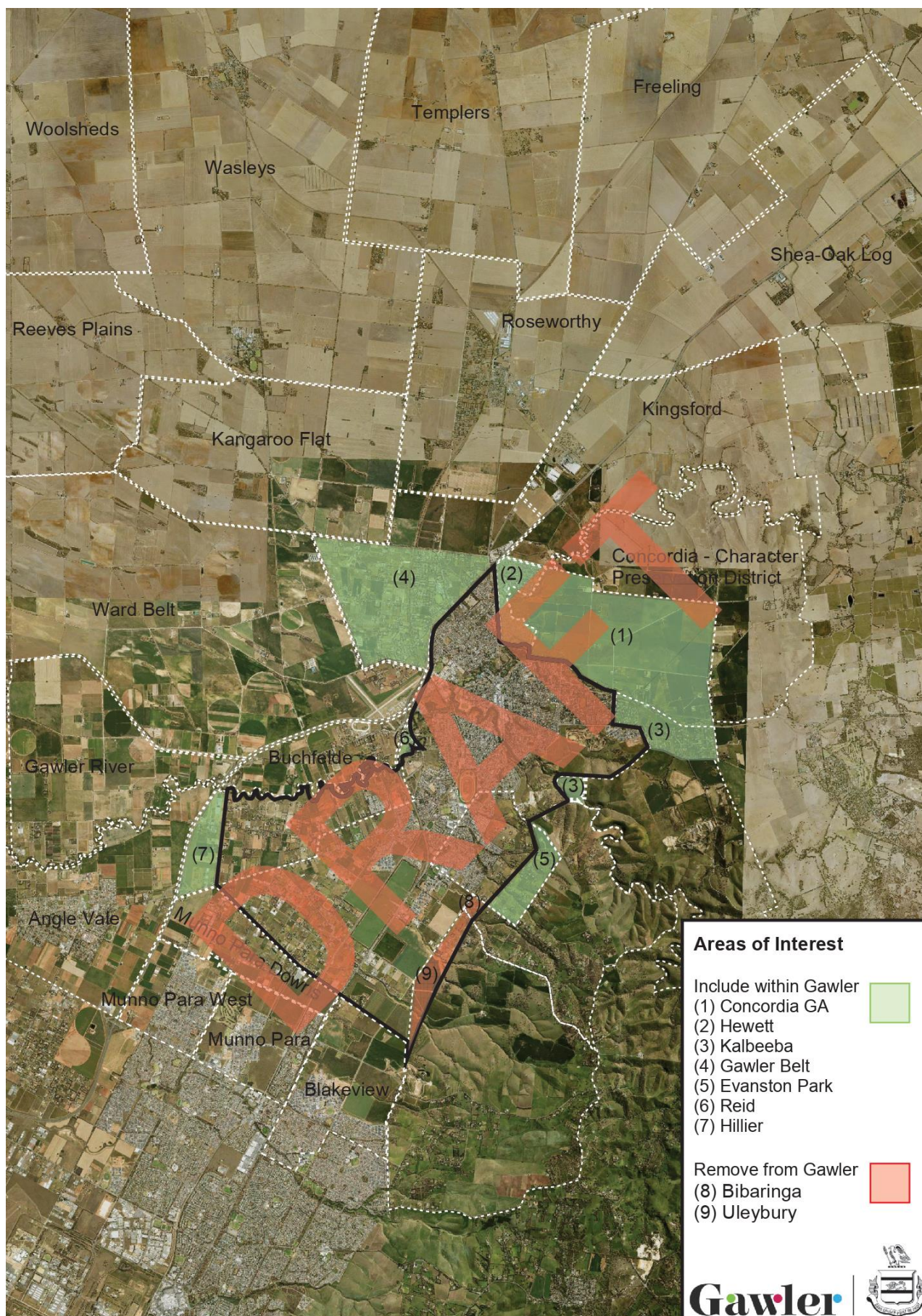
August – October 2020	All stakeholders	<p>Open forums in accordance with Resolution 2019:05:COU207. Will include discussion on:</p> <ul style="list-style-type: none"> • Overview of the boundary reform process • Why we are proposing boundary adjustments • Seek feedback on key issues <p>Open forums to be held as follows:</p> <p>Gawler Proposed location (Gawler Civic Centre)</p> <p>Hillier, Reid & Evanston Park, Kalbeeba (inc. Springwood), Concordia, Bibaringa & Uleybury Proposed locationGawler Civic Centre – Due to Covid Social Distancing requirements</p>	Independent facilitator may be engaged for forums estimated \$5,000
November 2020	Website	<ul style="list-style-type: none"> • Update dedicated webpage with Council agenda and minutes etc. • Latest news post 	Staff time only
December 2020	Media Release Social media posts	<ul style="list-style-type: none"> • December Council meeting decision – Stage 2 Proposal • Community consultation outcomes 	Mayor Redman and staff time only
December 2020	Email	<ul style="list-style-type: none"> • Distribution of consultation summary to participants 	Staff time only
December 2020	Light Regional Council The Barossa Council City of Playford	<ul style="list-style-type: none"> • Meeting with Mayors and CEO's to discuss findings from community consultation. 	Mayor Redman and staff time only
<i>Communication of December 2020 Council decision to submit Stage 2 General Proposal</i>			
January 2021	Website	<ul style="list-style-type: none"> • Update dedicated webpage with Council agenda and minutes etc. • Latest news post 	Staff time only

January 2021	Media Release Social media posts	<ul style="list-style-type: none"> • December Council meeting decision – Stage 2 Proposal • Community consultation outcomes 	Mayor Redman and staff time only
February 2021	Email/face-to-face meeting	<ul style="list-style-type: none"> • Meeting with Boundaries Commission regarding submission of Stage 2 Proposal 	Staff time only
<i>Communication of feedback received from Boundaries Commission and May 2021 Council decision to proceed to Stage 3: Investigation</i>			

Further opportunities for consideration

To further spread this message these additional measures can be considered, depending upon cost and time restrictions:

Banners – Murray Street is Gawler’s best asset and as this particular project is specific to this location, it would be worth considering the installation of banners and signs within this area. The portrait locations and entry locations are available during this consultation period.



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Cc20/15336

5 March 2020

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Dear Mr Green

Re: Potential Boundary Proposal - Request for Clarification.

Thank you for your letter dated 3 March 2020 advising that Town of Gawler could proceed to submit a General Proposal to the Commission if it wishes to do so, based on the information provided in Council's Stage 1 Boundary Change Proposal (as shown in Map 1 attached).

The letter also indicated that some of the Areas identified in the Stage 1 Proposal were considered to be minor administrative matters in nature and that Council may consider removing these Areas from the General Proposal and instead include them in an Administrative Proposal, thereby streamlining the process with regard to those areas.

Council at its Meeting held on 25 February 2020 resolved to continue its boundary reform investigations and thereby to seek clarification on key points within the Boundary Commission's letter to assist in strategically progressing the matter.

With regards to the minor administrative matters, Council Staff, in consultation with the Office of Local Government, have reviewed the Areas of interest to define which identified Areas would be minor administrative matters. Council seeks further clarification from the Commission that the Areas and the rationale behind this categorisation as shown in the table below meet with the intent of Section 30 of the Act and Guideline 2.

Administrative Proposal(s)		
Area	Rationale	Proposal
Reid Map Ref: 2	<ul style="list-style-type: none"> A section of Reid falls into the Light Regional Council (LRC) Current boundary traverses Paternoster Road multiple times placing section within the ownership of ToG and other sections in LRC Historically ToG has maintained Paternoster Road within both LGA's 	<ul style="list-style-type: none"> Seek to realign the boundary to the Gawler Bypass placing all of Reid into Town of Gawler Council is already undertaking minor operational works in this area anyway for efficiency of operations therefore service levels would not change to the community.

Mr Bruce Green SA Boundaries Commission
5 March 2020

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Uleybury Map Ref: 3	<ul style="list-style-type: none"> • Current Council boundary intersects 4 properties • One property has 2 sections of their property intersected by the boundary • A further 2 parcels of land which operate as one property and owned by the one property owner are separated by the current boundary, however the owner is the Minister for the Environment and Conservation. • Properties which intercept multiple council boundaries can create inefficiencies as well as frustration for residents who are paying two Council rates in two Council areas. Also undertaking permission for development must also be undertaken with 2 councils and in some instances this can be elevated to the State Government for assessment. A boundary change as suggested would remove the frustrations for residents. 	<ul style="list-style-type: none"> • The majority of Uleybury lies within Playford Council • Council suggests that Bentley Road and Adams Road forms the new Boundary extending to the South to the intersection with Smith Road. • Due to a driveway extending from a property in Playford Council through to ToG just moving the boundary based on property lines would result in a very narrow strip of land being a driveway access extending between two residences in ToG. • This change may provide efficiency gains in servicing this locality with a further 23 properties moving into the Playford Council area.
Kalbeeba (related to Springwood Development) Map Ref: 4	<ul style="list-style-type: none"> • A small section of Kalbeeba, currently located in the Barossa Council area, is currently zoned residential and when developed will hold approx. 130 allotments forming part of the new Springwood Estate Development. • The current boundary separates a small section of the residential development area despite being owned by the same landholder forcing the developer to deal with 2 councils for the development • It is understood that the Barossa Council's willingness to shift this section of land to ToG is part of the reason the Barossa Council has been reluctant to enter into 	<ul style="list-style-type: none"> • The current boundary separates a small section of the overall residential development area that comprises the Springwood Development therefore inclusion of this section in the ToG is proposed. • The Barossa Council has authorised its CEO to commence discussions with ToG in regards to a potential boundary adjustment.

Mr Bruce Green SA Boundaries Commission
5 March 2020

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	<p>infrastructure deeds with the ToG and Springwood Communities.</p> <ul style="list-style-type: none"> From an overall governance perspective, it would be beneficial for this development to sit within one LGA and ToG is best positioned for this with considerable infrastructure and resource investment (i.e. Gawler East Link Road) already being undertaken to support the development into the future. Inclusion of this area into the ToG would most likely result in better use of resources, efficient development management and will result in a single point of service for residents and commercial operators. 	
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Council initially sought clarification from the Office of Local Government on which areas identified in Council's Stage 1 Proposal were considered administrative in nature, which included the following statement.

"It appears from an initial review that the Council's identified areas are aligned with suburb boundaries, rather than allotment boundaries. The Commission does not consider the realignment of a Council boundary with a suburb boundary to be an administrative matter, as it is common for suburbs to cross council boundaries. However, a boundary change may be considered to be an administrative proposal if the change moves the boundary to prevent the intersection of a suburb, but its primary purpose is to move the boundary from intersecting properties."

This led Council Staff to question if Areas identified that proposed a boundary realignment to move a boundary to prevent the intersection of a suburb, whilst not being the full intention of the guidelines for an administrative proposal could actually be considered as such. For Example:

Area	Rationale	Proposal
Bibaringa Map Ref: 5	<ul style="list-style-type: none"> A majority of Bibaringa sits in the Playford Council with only 4 properties being in the ToG council area The current boundary intersects 1 property Properties which intercept multiple council boundaries can create inefficiencies as well as frustration for residents who are paying two Council rates in two Council areas. Also undertaking permission for 	<ul style="list-style-type: none"> The majority of Bibaringa is in the Playford Council Council proposal would seek to realign the boundary to Bentley Road

Mr Bruce Green SA Boundaries Commission
5 March 2020

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	<p>development must also be undertaken with 2 councils and in some instances this can be elevated to the State Government for assessment. A boundary change as suggested would remove the frustrations for resident(s).</p> <ul style="list-style-type: none">• If the proposal for Uleybury (23 properties) and Bibaringa (4 properties) were to become fully within the Playford Council area this may provide service efficiencies in that locality.	
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Council also seeks further clarification from the Commission on three other aspects with regards to developing any future proposals, being:

- Whether Administrative Proposals able to be bundled within the one Proposal or whether Council needs to submit a separate Administrative Proposal for each boundary change area proposed as Administrative in nature.
- The appropriate level of consultation considered acceptable for an Administrative Proposal in comparison to a General Proposal and whether it is acceptable to undertake the consultation for both types of proposal at the same time.
- The expected timeframe for determinations on Administrative Proposals in comparison with General Proposals.

I understand that Council Staff have sought a meeting with Alex Hart to discuss these matters further.

If the Commission could afford Council further clarity on these matters, thereby allowing Council to progress with confidence to conducting broad Community Consultation it would be much appreciated.

Kind regards

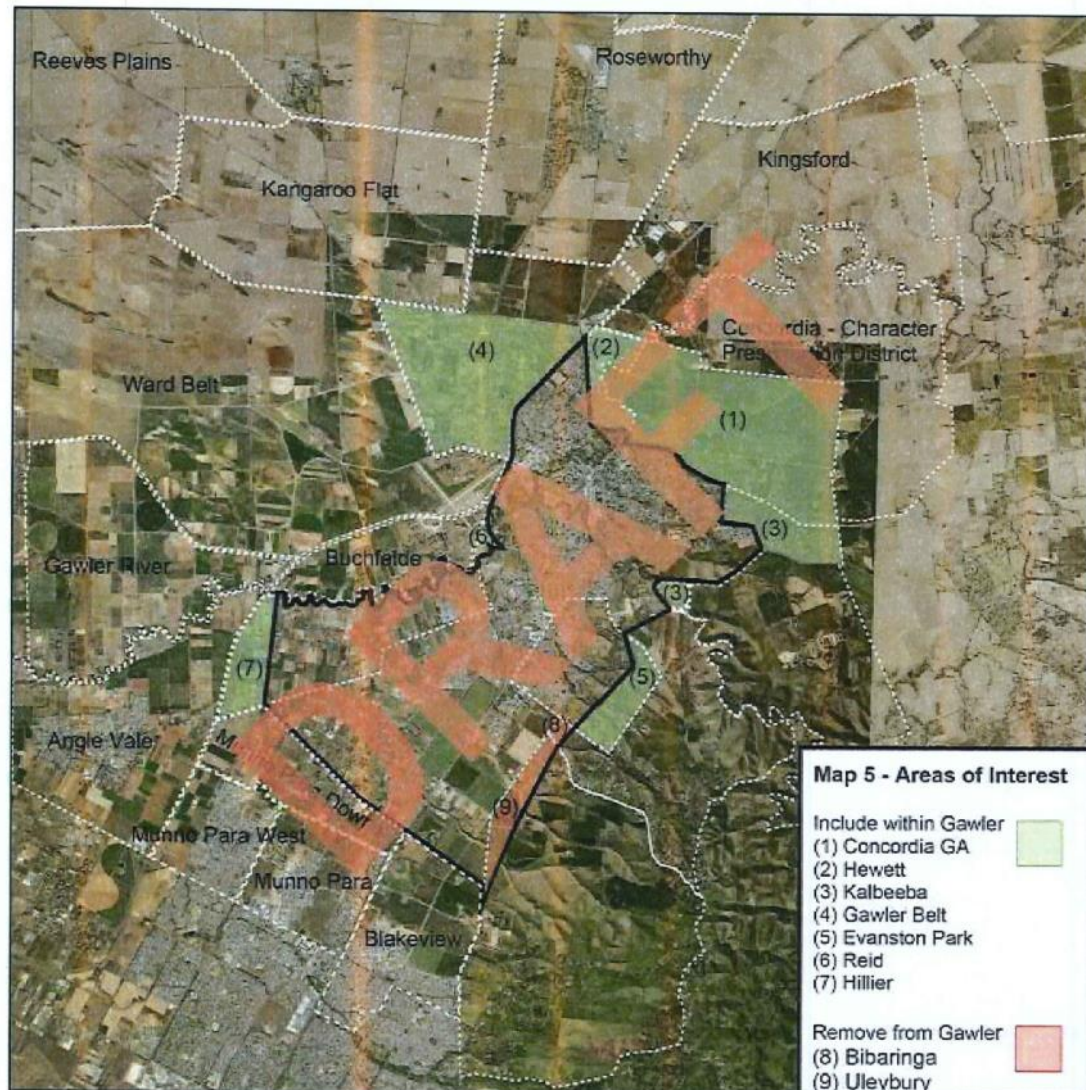


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Map 1

All areas identified in Town of Gawler Stage 1 Proposal – Both General and Administrative matters

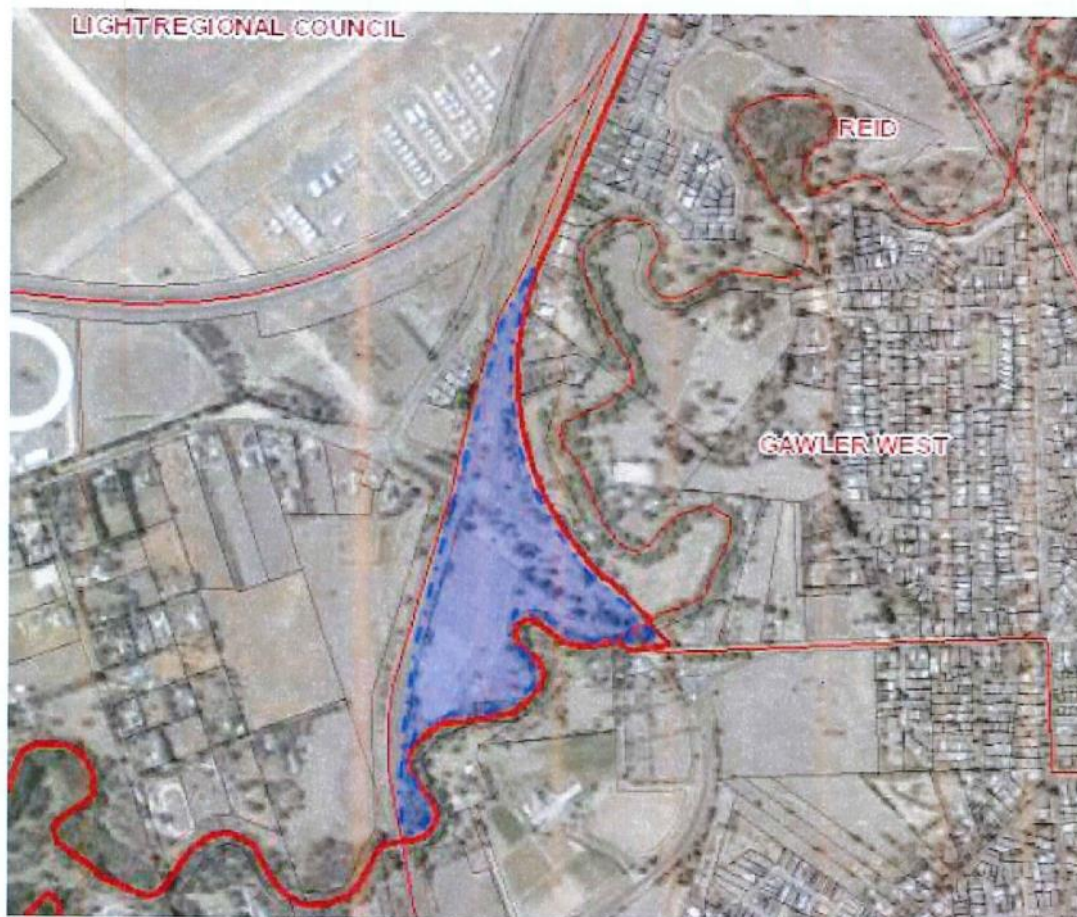


Mr Bruce Green SA Boundaries Commission
5 March 2020

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Map 2 Reid

Include the remaining area of Reid suburb which is located in the Light Regional Council (highlighted in purple above) in the Town of Gawler.



Mr Bruce Green SA Boundaries Commission
5 March 2020

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Map 3 Uleybury

Remove the small area of Uleybury which is located in the Town of Gawler and transfer this land to the City of Playford.



Mr Bruce Green SA Boundaries Commission
5 March 2020

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Map 4 Kalbeeba

Include the small portion of Kalbeeba related specifically to the Springwood Development in the Town of Gawler area – Barossa Council are supportive of this action.



Mr Bruce Green SA Boundaries Commission
5 March 2020

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Map 5 Bibaringa

Remove the small area of Bibaringa from the Town of Gawler and transfer this land to the City of Playford.





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Mr Henry Inat
Chief Executive Officer
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Dear Mr Inat,

Thank you for your letter dated 5 March 2020 and your email of 11 May 2020 requesting clarification on a number of matters relating to Administrative Boundary Proposals and the Boundaries Commission's (the Commission's) expectations for community consultation for General Proposals.

I understand that you and staff from the Town of Gawler (the Council) recently met with the Office of Local Government (OLG) to discuss a number of matters that you have raised in your letter and that this meeting provided some clarity to the Council regarding a number of these matters.

In the Commission's consideration of the Council's potential proposal (Stage 1), the Commission suggested that the Council may wish to consider the option of referring an Administrative proposal to the Commission where proposed boundary changes are minor administrative matters.

The Commission also advised the Council that Section 30 of the *Local Government Act 1999* (the Act) provides a simplified pathway for the consideration of boundary change proposals that are administrative in nature. This specifically includes a proposal 'to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties'.

Potential Administrative Proposal

I note that the Council has provided a table that outlines areas for which Council seek clarity on whether they could be considered as part of an Administrative Proposal. I can confirm, that the proposal in its current form, does not include areas that the Commission would consider to be administrative.

However, as advised through previous correspondence between OLG and the Council, the Commission has determined that aspects of the Council's proposed 'reform areas' could be considered to be administrative in nature.

As previously advised, some parts of the Council's identified areas 8 and 9 could be considered to be administrative in nature as the current council boundary appears to dissect private landowner's properties. These could be considered to be an anomaly under Section 30 of the Act.

In order for such areas to be considered in an administrative proposal the anomaly would need to be, in the Commission's view, 'generally recognised'. In determining its view, the Commission would take into account if the anomaly was recognised by the Town of Gawler, the City of Playford and the property owner(s).

However, the Council would need to amend its proposal, so that areas such as 8 and 9 do not propose a boundary realignment with a suburb boundary, but propose a boundary change to ensure that council boundaries do not divide private land.



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The Council may wish to develop an Administrative proposal that included a number of boundary changes in the one proposal. The Commission would not expect the Council to refer separate proposals for each Administrative matter.

Timeframes for Administrative Proposals

As no two proposals will be the same and the level of consultation or investigation will differ between proposals, the Commission is not in a position to provide timeframes for the determination of either Administrative or General Proposals.

Community Consultation requirements for Administrative Proposals

In regard to the Commission's requirement for consultation on Administrative Proposals, these requirements are broadly outlined in the Commission's Guideline 2.

To provide some clarity on this matter, it is important to remember that Administrative Proposals are considered to be recognised anomalies between affected councils and the property owner(s).

Therefore, the Commission would expect the Council to consult with these relevant parties. It would be appropriate to include information regarding these discussions and confirmation that all parties recognise that an anomaly exists with the Council's current boundary.

If the Council decides to progress with an Administrative Proposal, the consultation on these proposed changes could be included in the Council's broader consultation for its General Proposal.

Community Consultation requirements for General Proposals

The Commission has given significant consideration to the Council's request of 11 May 2020 seeking clarification on community consultation requirements for a General Proposal.

As a result, the Commission has formed the view that Guideline 3 does not provide sufficient clarity for councils when considering undertaking community consultation for a General Proposal.

For this reason, the Commission has amended Guideline 3 (attached) to provide clarity on community consultation requirements.

You will note that the amendments to Guidelines 3 now place greater emphasis on a 'calendar of events' rather than the need to provide evidence of 'appropriate consultation' with the community. This reflects the Commission's view that it is not appropriate for initiating councils to undertake extensive consultation on the boundary changes that it is proposing, given the difficulties that an initiating council may have in consulting communities not within their area, and, more importantly, the limitations in consulting on a proposal that has not yet been investigated, and would therefore not be in a position to include all information about the impact of the proposed boundary changes on all who would be affected by the change.

It is more appropriate and more effective for the Commission to undertake this engagement as part of its investigation, which of course it must do in accordance with both the *Local Government Act 1999* and its own Guidelines.

However, the Commission notes that it is reasonable that an initiating council would undertake community consultation that is necessary to determine whether it should proceed with a proposal to the Commission. Guideline 3 therefore clarifies that a council should provide



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DPTI.BoundariesCommission@sa.gov.au

evidence of key council decisions, announcements, notices, details of any public meeting(s), press articles and any correspondence received in support or objection to the Council's proposal.

Further, Councils should give consideration to Attachment 2 of Guideline 3, which provides a number of questions that Councils may wish to consider when formulating a general proposal. These questions, along with the Section 26 principles, guide the Commission in balancing various council and community interests.

In regards to the Council's request for the Commission to undertake community consultation on behalf of the Council, the Commission has determined that as an independent body, the Commission is not in a position to undertake consultation on behalf of a Council. As noted above, if the Commission decides to investigate a proposal it will undertake consultation in line with Guideline 9, which will include the design of a specific engagement plan in consultation with affected Councils.

I also note that you have requested to meet with the Commission, however, at this stage, the Commission is of the view that discussions at officer level are more appropriate at this stage of the process.

I trust that this information is of assistance to you. If you have further questions, please contact Mr Thomas Rossini in the Office of Local Government on 7109 7443, or thomas.rossini@sa.gov.au.

Yours sincerely

Bruce Green

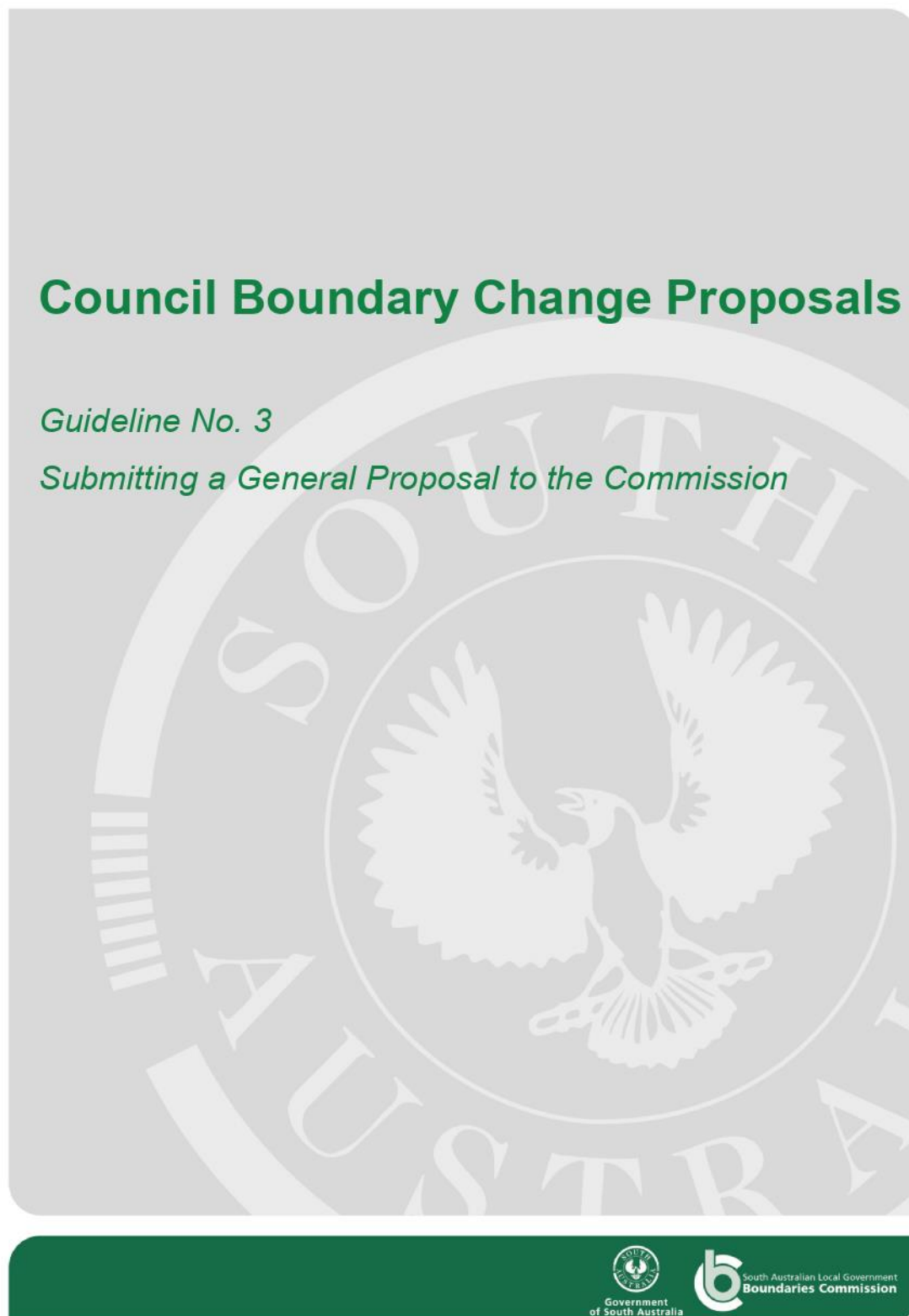
Chair, SA Local Government Boundaries Commission

16 July 2020

Council Boundary Change Proposals

Guideline No. 3

Submitting a General Proposal to the Commission



This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on general proposals, including the steps that need to be taken to prepare a submission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors as defined in section 27(1) of the Act.

What is a general proposal?

A general proposal is a proposal that is not defined as an ‘administrative proposal’ within section 30(7) of the *Local Government Act 1999* (for example, general proposals may include a significant boundary change or amalgamation). Further information on administrative proposals is contained within Guideline 2.

Who can submit a general proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament;
- by the Minister;
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council. Further information on the process for public initiated submissions is contained within Guideline 6.

How to prepare a submission to the Commission

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

A single council, or councils in agreement with each other, may submit a boundary change proposal to the Commission.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the principles contained within section 26 of the Act (Attachment 1). Attachment 2 contains a more detailed discussion about the principles.

Prior to submitting a proposal to the Commission, councils should consider the principles contained in Attachment 1 and described in Attachment 2 and determine whether a submission for boundary change is the best way to proceed. Councils are encouraged to contact the Commission at this point to discuss the process.



The Commission requests councils to make a general proposal in two stages to enable the Commission to provide early feedback on a potential proposal. This will assist councils to determine at the outset whether a proposal is likely to proceed prior to undertaking extensive work on a potential proposal.

Stage 1 — Initial consideration of a potential proposal

Write to the Commission outlining the nature of the potential proposal and the reasons why the council(s) consider boundary change as the best option, including a brief outline of how the proposal addresses the section 26 principles, particularly in regard to the identified community of interest, social fabric and common interests of the area and how service provision would be improved as a result of the proposal.

At this point, the Commission will consider the correspondence and provide advice to the council(s), including whether a general proposal can be referred for consideration, if more work is recommended to be undertaken or further information is sought by the Commission.

Councils should note that advice from the Commission that a general proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 — Referral of a general proposal to the commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made and the issues that should be considered in an assessment of the change to boundaries. The Commission requires the matters listed below to be included in your proposal, noting that the Commission expects a proposal to cover these matters as far as the initiating council can be reasonably aware of them.

Given that the Commission is obliged to take the section 26 principles into consideration when making recommendations about boundary changes, initiating council(s) are required to detail how their proposal fits with these principles when referring a proposal.

Description of the proposal

- Provide a detailed description of the proposal
- Clearly identify all councils involved

Section 26 principles

- Describe the proposal with reference to the principles set out in section 26 of the Act and contained and described in Attachment 1 and 2.
- Prior to accepting a proposal, the Commission may request information from other affected councils in relation to their view of how the proposal will address the principles.

Community of interest

- Discuss various components (cultural, heritage, shopping, community services, road and other transport links, sporting, etc.) of the social fabric of the area which is the subject of the proposal. Identify common interests that would be likely to benefit from the proposal.

Council Boundary Change Proposals — Guideline No. 3

Version: 2 July 2020

- Identify any individual large community or business assets, or significant geographical features in the area of the proposal that you consider affect the community of interest.

Consultation

The purpose of consultation at this stage of the process in submitting a proposal is to demonstrate that an initiating council has undertaken the consultation that is necessary to determine that it should submit a general proposal to the Commission for consideration (noting that it is the Commission's role to consult with all affected communities on the impact of all proposals that it investigates— refer Guideline 9).

Information provided when a general proposal is submitted must therefore include any details of the consultation a council has undertaken to form its view that it should submit a proposal. This may include:

- a list in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.
- numbers of letters received supporting and opposing the proposal, details of public meetings held to discuss the proposal, and estimates of numbers attending. Provide copies of news articles, letters to the editor and public notices in newspapers.
- the degree of support shown for and against the submittal of the proposal , any concerns that were raised during the consultation, and how these have been addressed by the council

Advantages and Disadvantages

- Provide a balanced representation of the advantages and disadvantages of the proposal.
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

Any other relevant information

- Information the council considers relevant for matters the Commission must consider under section 31(3)(b).

Administrative matters

- Maps should be supplied which depict in sufficient detail the area the subject of, and surrounding area of the proposal (where relevant).
- Name and contact details of the officer(s) of the proponent council(s) to whom the Commission should direct its questions and correspondence.



Council Boundary Change Proposals — Guideline No. 3

Version: 2 July 2020

This information will enable the Commission to make a decision whether to accept the referral. If accepted, the Commission will request further information as part of its investigation of the proposal. Further details are contained within Guideline 4.

What happens following a submission to the Commission?

The Commission will assess the proposal in accordance with the Act and the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or
- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal, for example, the issues raised in the inquiry were dealt with through a previous representation review in line with Section 12 of the Act.

The Commission may also decide to defer consideration of a proposal if it is of the view that the proposal cannot be finalised and gazetted by 31 December of the calendar year preceding a periodic council election.

The Commission may seek additional information to assist with its decision, and will directly notify the initiator of its decision.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a general proposal, section 31 of the Act sets out the process for these inquiries. Guideline 4 provides information on inquiries into general proposals, including how a submission is progressed by the Commission.

In line with the Commissions 'Publication Policy' the Commission will, upon receipt of all proposals, make the proposal publicly available on its website. **Contact Details:**

Boundaries Commission

GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au

Website: www.dpti.sa.gov.au/local_govt/boundary_changes



ATTACHMENT 1**26—Principles**

(1) The Commission should have regard to—

- The objects of the Act
- The roles, functions and objectives of councils under this Act; and
- The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal—

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?



OFFICE OF THE MAYOR

Gawler



Contact: Mayor Karen Redman

Ref: KR:kd
CR20/13955

27 February 2020

Mayor Bill O'Brien
Light Regional Council
PO Box 72
KAPUNDA SA 5373Dear Mayor ~~O'Brien~~ ^{B. J.}**Re: Boundary Reform**

I am writing in response to your letter dated 16 December 2019 with regard to Boundary Reform, providing Town of Gawler with an update of Light Regional Council's resolution from its December Council Meeting on this matter.

Light Regional Council's resolutions contained in the letter included:

- A formal invitation to Town of Gawler to pursue the Regional Vision (Part 2), redirecting resources to that objective and to withdraw or defer any boundary reform proposals to the Boundaries Commission; and
- Highlighting the possibility of Light Regional Council submitting a counter proposal being Light's Alternative proposal.

I can confirm that Town of Gawler lodged its Stage 1 Proposal to the Boundaries Commission on 4 December 2019 and has since received advice from the Commission that it may progress to a Stage 2 General Proposal. I understand that the Boundaries Commission has provided Light Regional Council, The Barossa Council and the City of Playford with official notification of this as Councils affected by our Stage 1 submission.

In consideration of the advice received from the Boundaries Commission, Council has resolved to progress with its Boundary Reform Proposal, consequently I am writing to inform you that Town of Gawler:

- Is progressing with its Boundary Reform considerations;
- Rejects Light Regional Council's Alternative proposal which includes extending Light Regional Council's boundary to include Willaston;
- Is, in principle, supportive of progressing a Regional Vision project in partnership with Light Regional Council, The Barossa Council, Adelaide Plains Council, Regional Development Australia Barossa Gawler Light, Adelaide Plains and other regional partners; and

Mayor Bill O'Brien/Light Regional Council
27 February 2020

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-
- That since the Regional Vision project is not contingent on any boundary changes Town of Gawler feels it can be progressed regardless of Boundary Reform considerations.

I would welcome further discussions with you on any of the above matters.

Kind regards



Karen Redman
Mayor

Direct line: (08) 8522 9221
Email: Mayor@gawler.sa.gov.au

**FROM THE OFFICE OF THE MAYOR**

20 March 2020

Ms Karen Redman 
Mayor Town of Gawler
PO Box 130
GAWLER SA 5118

Via Email: mayor@gawler.sa.gov.au

Dear Mayor Redman

I refer to your correspondence of 27 February 2020 where you advised that the Town of Gawler "is progressing with its boundary reform considerations" (from Stage 1 to Stage 2).

On behalf of Light Regional Council, I again respectfully ask that you defer or withdraw your boundary reform aspirations and redirect your resources and efforts towards the delivery of a Regional Vision.

Light Regional Council has taken the view that our scarce resources ought to be applied to regional growth initiatives as a priority and not be utilised in a process which merely adjusts boundaries between Councils.

We are currently facing unprecedented 'headwinds' created by various setbacks, namely:-

1. US-China Trade Tensions;
2. Drought;
3. Bush fires; and
4. Now COVID-19

Collectively, we need to do all that we can to stimulate our economy in order to save businesses, jobs and our communities' standard of living. All economic commentators are forecasting a global recession that will adversely impact on Australia, South Australia and our region. The Regional Vision package (Draft) is designed to take measures to progressively address these economic impacts. Accordingly, I again ask that you shift your policy stance away from boundary adjustments and towards regional initiatives designed to stimulate our economy.

Your early response to this request would be appreciated as I have instructed Council's Chief Executive Officer to report on this matter at the Tuesday, 28 April 2020 meeting of Council.

Yours sincerely


Mayor Bill O'Brien

Postal Address:

PO Box 72, Kapunda, South Australia 5373

Telephone: (08) 8525 3200

Email: light@light.sa.gov.au

Website: www.light.sa.gov.au

Principal Office

93 Main Street, Kapunda, SA 5373

Branch Office

12 Hanson Street, Freeling, SA 5372

Light Regional Council ABN: 35 455 841 625

Doc ID: 423983

21 April 2020



FROM THE OFFICE OF THE MAYOR

Mr Glen Docherty
Mayor
Playford City Council

Via email: MayorDocherty@playford.sa.gov.au

Dear Mayor Docherty

Boundary Reform

I write to advise you that Council's Chief Executive Officer will be reporting to the Light Regional Council's next meeting (28 April 2020) on Boundary Reform.

As you are aware, the Light Regional Council has been encouraging the Town of Gawler to defer or withdraw their boundary expansion aspirations in favour of delivering a Regional Vision in response to the difficult economic times which lay ahead.

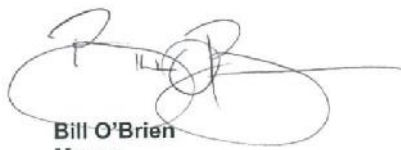
On 20 March 2020, Mayor Redman was again asked to responsibly consider this request, yet to no avail (see copy of letter attached).

Light Regional Council's Chief Executive Officer has now reviewed the situation and has advised me that he will be presenting a Structural Reform alternative which will have the effect of redistributing the Town of Gawler to the Barossa Council, the City of Playford and the Light Regional Council (see Map attached).

A copy of the Chief Executive Officer's presentation will be included in the Agenda posted on the Council's website on Friday, 24 April 2020.

I bring this matter to our attention in the interest of open and transparent governance.

Yours sincerely,

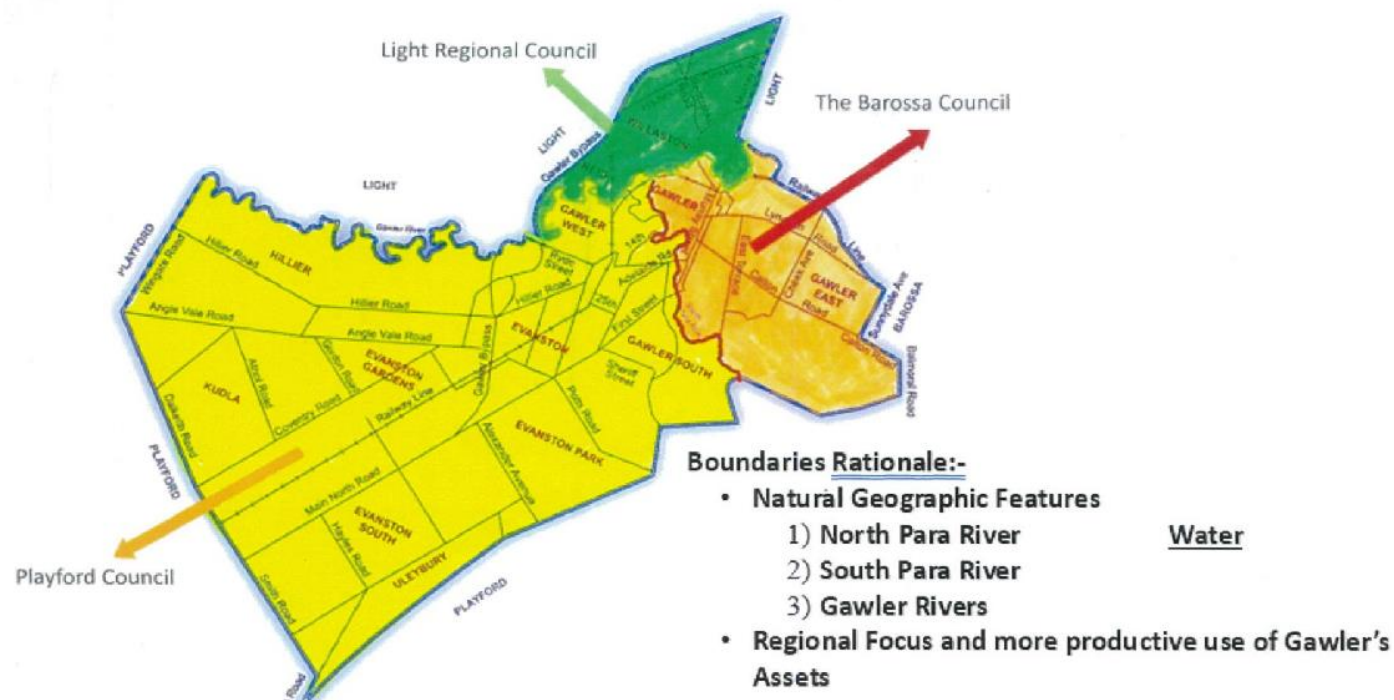


Bill O'Brien
Mayor

Cc

Enc.

Redistribution of Gawler Council – Structural Reform



COPY



FROM THE OFFICE OF THE MAYOR

20 March 2020

Ms Karen Redman
Mayor Town of Gawler
PO Box 130
GAWLER SA 5118

Via Email: mayor@gawler.sa.gov.au

Dear Mayor Redman:

I refer to your correspondence of 27 February 2020 where you advised that the Town of Gawler "is progressing with its boundary reform considerations" (from Stage 1 to Stage 2).

On behalf of Light Regional Council, I again respectfully ask that you defer or withdraw your boundary reform aspirations and redirect your resources and efforts towards the delivery of a Regional Vision.

Light Regional Council has taken the view that our scarce resources ought to be applied to regional growth initiatives as a priority and not be utilised in a process which merely adjusts boundaries between Councils.

We are currently facing unprecedented 'headwinds' created by various setbacks, namely:-

1. US-China Trade Tensions;
2. Drought;
3. Bush fires; and
4. New COVID-19

Collectively, we need to do all that we can to stimulate our economy in order to save businesses, jobs and our communities' standard of living. All economic commentators are forecasting a global recession that will adversely impact on Australia, South Australia and our region. The Regional Vision package (Draft) is designed to take measures to progressively address these economic impacts. Accordingly, I again ask that you shift your policy stance away from boundary adjustments and towards regional initiatives designed to stimulate our economy.

Your early response to this request would be appreciated as I have instructed Council's Chief Executive Officer to report on this matter at the Tuesday, 26 April 2020 meeting of Council.

Yours sincerely

Mayor Bill O'Brien

Postal Address:

PO Box 72, Kapunda, South Australia 5373

Telephone: (08) 8525 3200
Email: light@light.sa.gov.au
Website: www.light.sa.gov.au

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93 Main Street, Kapunda, SA 5373

Light Regional Council ABN: 13 435 841 525

Branch Office
12 Hanson Street, Freeling, SA 5372

Doc ID: 424001 and 423983

21 April 2020



FROM THE OFFICE OF THE MAYOR

Mr Michael Lange
Mayor
The Barossa Council

Via email: BLange@barossa.sa.gov.au

Dear Mayor Lange

Boundary Reform

I write to advise you that Council's Chief Executive Officer will be reporting to the Light Regional Council's next meeting (28 April 2020) on Boundary Reform.

As you are aware, the Light Regional Council has been encouraging the Town of Gawler to defer or withdraw their boundary expansion aspirations in favour of delivering a Regional Vision in response to the difficult economic times which lay ahead.


On 20 March 2020, Mayor Redman was again asked to responsibly consider this request, yet to no avail (see copy of letter attached).

Light Regional Council's Chief Executive Officer has now reviewed the situation and has advised me that he will be presenting a Structural Reform alternative which will have the effect of redistributing the Town of Gawler to the Barossa Council, the City of Playford and the Light Regional Council (see Map attached).

A copy of the Chief Executive Officer's presentation will be included in the Agenda posted on the Council's website on Friday, 24 April 2020.

I bring this matter to our attention in the interest of open and transparent governance.

Yours sincerely,

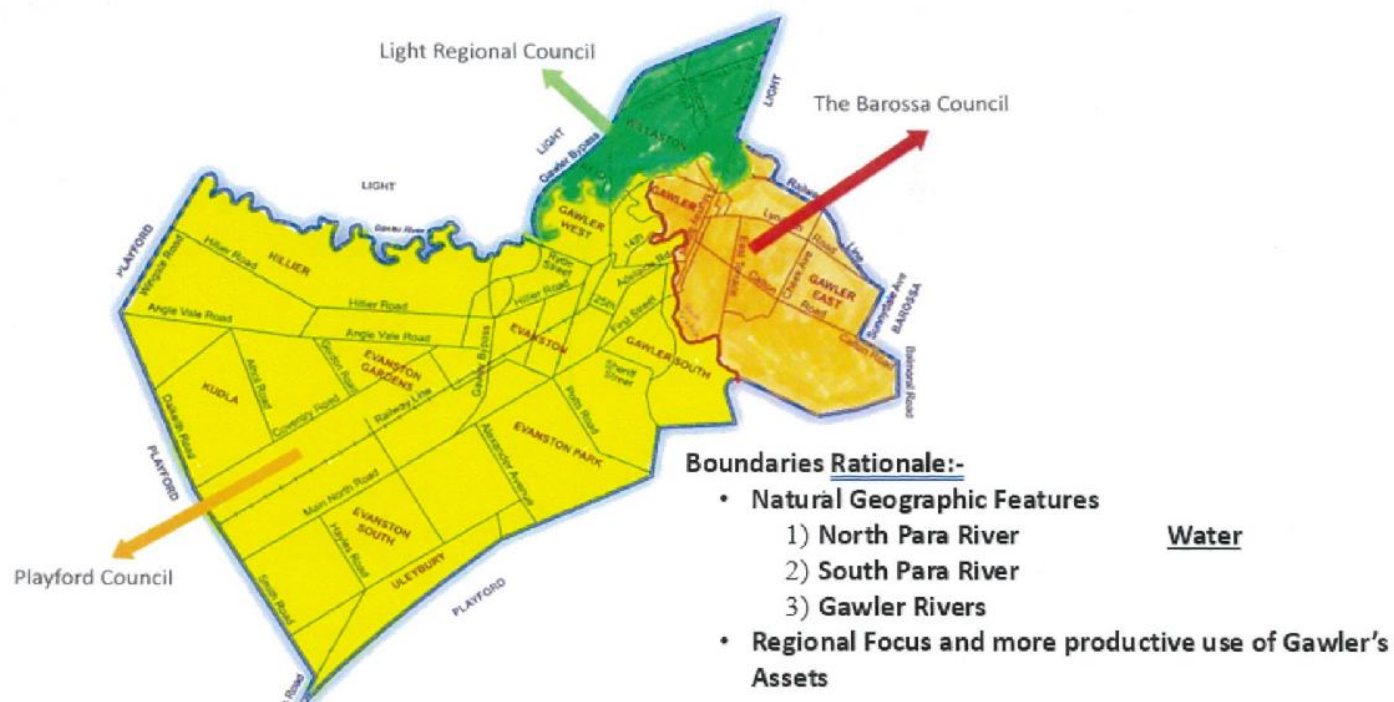


Bill O'Brien
Mayor

Cc

Enc.

Redistribution of Gawler Council – Structural Reform



COPY**FROM THE OFFICE OF THE MAYOR**

20 March 2020

Ms Karen Redman *Karen*
 Mayor Town of Gawler
 PO Box 130
 GAWLER SA 5118

Via Email: mayor@gawler.sa.gov.au

Dear Mayor Redman

I refer to your correspondence of 27 February 2020 where you advised that the Town of Gawler "is progressing with its boundary reform considerations" (from Stage 1 to Stage 2).

On behalf of Light Regional Council, I again respectfully ask that you defer or withdraw your boundary reform aspirations and redirect your resources and efforts towards the delivery of a Regional Vision.

Light Regional Council has taken the view that our scarce resources ought to be applied to regional growth initiatives as a priority and not be utilised in a process which merely adjusts boundaries between Councils.

We are currently facing unprecedented 'headwinds' created by various setbacks, namely:-

1. US-China Trade Tensions;
2. Drought;
3. Bush fires; and
4. Now COVID-19

Collectively, we need to do all that we can to stimulate our economy in order to save businesses, jobs and our communities' standard of living. All economic commentators are forecasting a global recession that will adversely impact on Australia, South Australia and our region. The Regional Vision package (Draft) is designed to take measures to progressively address these economic impacts. Accordingly, I again ask that you shift your policy stance away from boundary adjustments and towards regional initiatives designed to stimulate our economy.

Your early response to this request would be appreciated as I have instructed Council's Chief Executive Officer to report on this matter at the Tuesday, 26 April 2020 meeting of Council.

Yours sincerely

Bill O'Brien
 Mayor Bill O'Brien

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Ref: BC:TS
Doc ID: 425483

29 April 2020



FROM THE OFFICE OF THE MAYOR

Ms Karen Redman
Mayor
Town of Gawler
Via Email: mayor@gawler.sa.gov.au

Dear Karen

Re: Boundary Reform – Resolution of Council 28 April 2020

I refer to previous correspondence in this matter and in particular my letter to you of 20 March 2020 wherein I requested that you defer or withdraw your boundary reform aspirations and redirect your resources and efforts towards the delivery of a Regional Vision. To date I have not received a response from you to this correspondence.

On 28 April 2020, the Light Regional Council's Chief Executive Officer, Brian Carr, reported to the Council's meeting on Boundary Reform and at that meeting the following resolution was passed as set out below. The attached Map – Appendix 13.1G is from the Agenda Report of that meeting:-

"13.1.1 Boundary Proposals - Update

1. *That the presentation from the Chief Executive Officer titled Boundary Proposals – "Update" be noted and supported.*
2. *That Light Regional Council acknowledge and appreciate the decision by The Barossa Council (18.2.20) not to undertake a formal (stage 2) general submission on boundary reform in favour of other Regional priorities at this time.*
3. *That Light Regional Council express its disappointment of the Town of Gawler's decision (25.2.20) to progress its boundary reform proposals to Stage 2 despite several requests for them to withdraw or defer in the interest of progressing the Regional Vision.*
4. *That Light Regional Council considers the decision by the Town of Gawler to proceed to be insular and self-serving and not in the Region's economic interests particularly given the recent adverse economic impacts to Australia and our Region due to China-US Trade Conflicts, bushfires, drought and now the emerging effects of COVID-19; demanding a positive Regional response as being articulated in the draft Regional Vision by the Councils of Adelaide Plains, Barossa and the Light Regional Council*

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93 Main Street, Kapunda, SA 5373

Light Regional Council ABN: 35 455 841 625

Branch Office
12 Hanson Street, Freeling, SA 5372

5. *Given that the Town of Gawler has decided to proceed with its flawed boundary proposals, the Chief Executive Officer of the Light Regional Council is instructed to lodge a (Stage 1) submission to the Boundaries Commission proposing "Regional Structural Reform" in support of the Regional Vision.*
6. *The 'Regional Structural Reform' proposal from Light Regional Council to divide the Local Government area under the jurisdiction of the Gawler Council between The Barossa Council, City of Playford and Light Regional Council applying the natural water courses of North and South Para and Gawler Rivers as logical boundaries (see Map – Appendix 13.1G of the Agenda Report)*
7. *That Light Regional Council considers the 'Regional Structural Reform' package by redeploying the assets and resources currently under the jurisdiction of the Town of Gawler will generate Regional opportunities, enhance efficient and effective Regional decision-making and create a more productive use of the Town of Gawler's assets and resources in the interest of the entire Region.*
8. *That Light Regional Council emphasise that this proposal is to support the residents and ratepayers of the current Town of Gawler, as the Town of Gawler and its heritage will continue and remain a significant feature of the Region's fabric; whilst its local government jurisdiction will be spread over 3 Councils; Playford, Barossa and Light Regional Council, providing efficiencies and productivity in the communities and Region's interest."*

Yours sincerely,

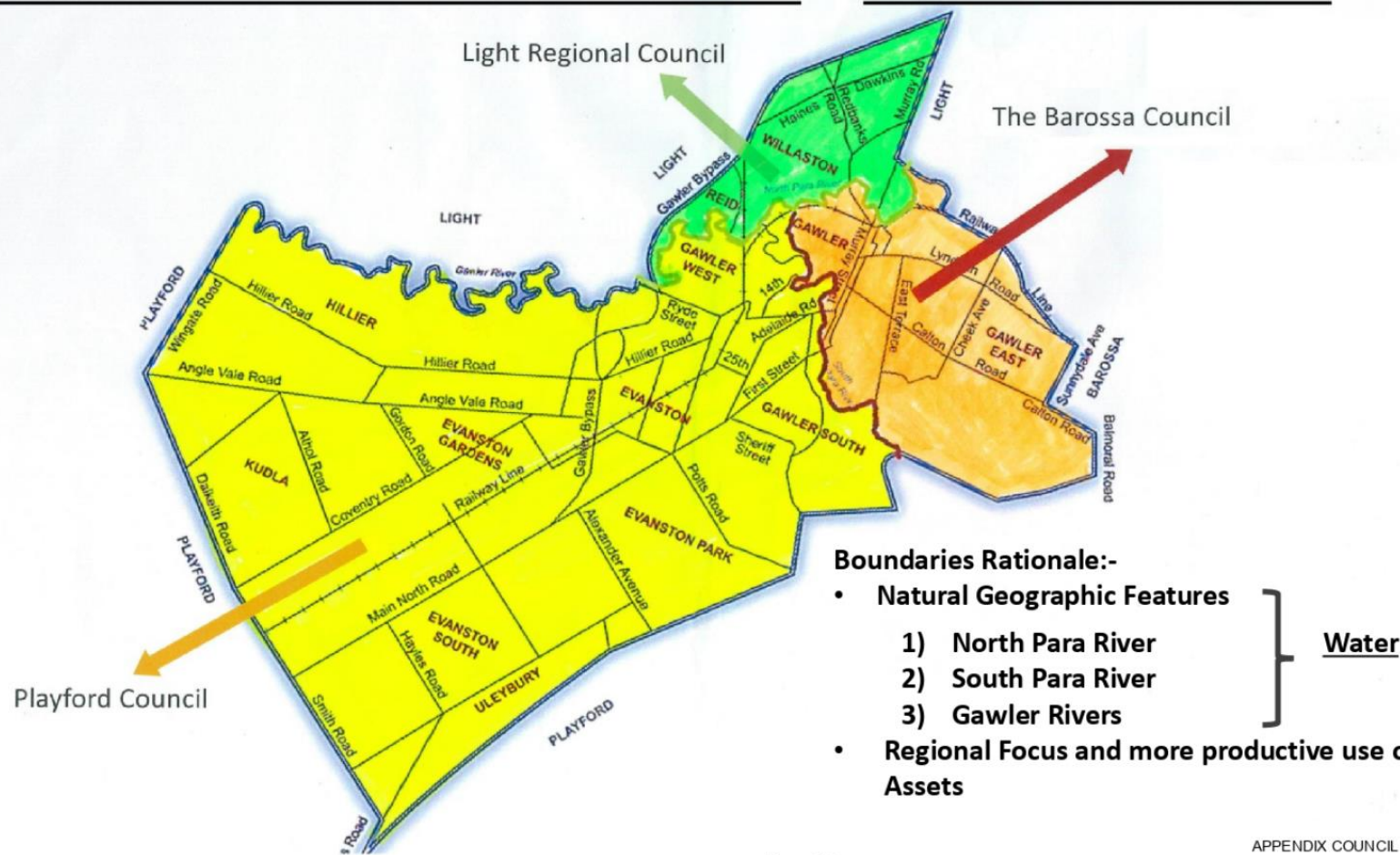


Bill O'Brien
Mayor, Light Regional Council

Cc: Mr Henry Inat – CEO Town of Gawler
RDA-Barossa Chair, Mr Ivan Venning and CEO, Ms Anne Moroney

Enc. Map – Appendix 13.1G from Agenda Report 28.4.20

Redistribution of Gawler Council – Structural Reform



OFFICE OF THE MAYOR**Town of Gawler Administration Centre**

43 High Street
Gawler East SA 5118
PO Box 130
Gawler SA 5118
Phone: (08) 8522 9211
council@gawler.sa.gov.au
gawler.sa.gov.au

Contact: Mayor Karen Redman

Ref: KR:kd
CC16/772: CR20/29351

7 May 2020

Mayor Bill O'Brien
Light Regional Council
PO Box 72
KAPUNDA SA 5373

Email: bobrien@light.sa.gov.au

Dear Mayor O'Brien

Re: Boundary Reform

I write in response to your recent correspondence which references the following:

1. That the Town of Gawler withdraw or defer its boundary reform considerations and instead
2. Council focus on the Regional Vision Package (draft) which is being proposed by Light Regional Council (LRC)
3. LRC advises the Town of Gawler of their Boundary Reform resolution made on 28 April 2020.

In our February 2020 letter to you, Council was able to clarify that we are proceeding with our Boundary Reform considerations. Of interest, at our February Council meeting, Council also rejected LRC's alternative proposal which at that stage referenced the annexation of Willaston, an area as old as Gawler and intrinsically connected to our town through the original Finnis and Co Special Survey in 1839.

Since then, LRC has resolved to go down an unfortunate pathway with your stage one proposal, titled: 'Regional Structural Reform' which proposes to break Gawler up across three Council areas.

Despite this, Council has clearly indicated that it would, in principle, be open to working collaboratively on any important regional opportunity. Light Regional Council references a Regional Vision which we assume would include Gawler, yet we note that the Town of Gawler has not received any formal briefing on this vision. Having not provided any opportunity for us to engage it is surprising to see projects for our town included in the Regional Vision without any discussions with the Town of Gawler on the matter. I think this is unfortunate and not in the spirit of open dialogue, indeed, one could argue it reflects a rather paternalistic view of how to communicate effectively. Council would however, welcome a briefing as was requested almost 6 months ago at the Regional Mayors/CEOs get together held on 4 December 2019.

Mayor O'Brien/ Light Regional Council
7 May 2020

2

Council is aware that there have been briefings with State Government Ministers regarding your Regional Vision and note, with disappointment, that the Town of Gawler has not been invited to provide relevant information for these briefings or participate in the briefings. This is a concern if such a project is truly to be embraced by the entire region.

Without being party to the discussions that Light Regional Council is having with other areas of Government and/or private enterprise with respect to its Regional Vision, it is difficult for the Town of Gawler to contribute to the project or assess what importance it may have for our community.

In reference to your regional opportunity regarding water, Council has for a long time seen flood mitigation as a priority, so it's our view that projects such as those identified by the Gawler River Floodplain Authority are of critical importance to the region for obvious reasons. This is even more important now, particularly given the effects of Climate Change, the fact both your Council and ours have declared a climate emergency, and the need to put these types of projects front and centre.

It's quite surprising that this issue, from what we can gather, is not seen as a priority in your Regional Vision, given your leadership on climate change.

Recent events should also be incorporated into any future discussions regarding the proposed Regional Vision. The economic impacts of COVID-19 on the world economy are likely to impact heavily on South Australia and our region. No doubt, with the economic impact predicted, all Councils will need to assess the effect on our sector, regions and local communities and direct resources and funding to promote as much economic stimulus as possible, leveraging any opportunities that may arise.

The Town of Gawler is no exception as it continues to respond to this unprecedented situation. Therefore, Council is open to regional discussions on opportunities to support and stabilise the economy.

It's important to stress that investigating the appropriateness of Local Government boundaries does not prevent us from engaging with our regional partners and delivering the required economic stimulus opportunities that will see the region stabilise and rebound from bushfires, drought and the Coronavirus pandemic. It's most important we continue to engage with each other on regional opportunities so I am hopeful that inclusive conversations can be had in this space.

Notwithstanding our strong opposition to your Boundary Reform proposal, titled, 'Regional Structural Reform', I reiterate that Town of Gawler stands ready to work collaboratively with all neighbouring Councils to navigate the upcoming economic challenges that are being felt as a consequence of the Coronavirus pandemic that has come on the back of the recent bushfires and ongoing drought.

Boundary reform for Gawler is not a new idea. Our community has been having this discussion for many, many years. It was highlighted in our very first strategic plan in the early nineties so it should come as no surprise at all that Council is endorsing this process. It is what our community wants and as you have said many times, Mayor O'Brien, we are here for our community and act on their behalf.

Mayor O'Brien/ Light Regional Council
7 May 2020

3

As authentic regional economic outcomes are not contingent on any boundary changes, the Town of Gawler respectfully request a full and comprehensive briefing on your Regional Vision project. This briefing is essential so my Council can be included in the conversation and adequately consider such a proposal.

I look forward to your response on these matters, and as always, happy to discuss, so we can go forward with initiatives that we can collectively agree on.

Kind regards



Karen Redman
Mayor

Direct line: (08) 8522 9221
Email: Mayor@gawler.sa.gov.au

cc: Mayor Glenn Docherty, Playford Council
Mayor Bim Lange, Barossa Council
Ms Anne Moroney, CEO, Regional Development Australia Barossa, Gawler,
Light and Adelaide Plans
Mr Bruce Green, Chair, Boundaries Commission
Hon Stephan Knoll, Minister for Transport, Infrastructure and Local Government,
Minister for Planning

Ref: BC:TS
Doc ID: 426987

18 May 2020



FROM THE OFFICE OF THE MAYOR

Ms Karen Redman
Mayor
Town of Gawler
Via Email: mayor@gawler.sa.gov.au

Dear Karen

Re: Boundary Reform

I refer to Light Regional Council's correspondence to The Town of Gawler dated 20 March 2020 (see attached), its resolution of 28 April 2020 regarding 'Regional Structural Reform' (see attached) and your response to both of those matters on 7 May 2020.

As you have noted in your letter both councils share a view in relation to boundary adjustments however Light Regional Council has taken the view that it is structural reform required and not just simply moving some 'lines' on a map that is loosely aligned to where people might currently shop. I am comfortable with the approach that Light Regional Council is pursuing and comfortable that it is a different approach to the Town of Gawler's. Either way the matter will now be considered by the Boundaries Reform Commission and will be adjudicated in due course.

I would also like to reiterate that Council's Chief Executive Officer has assured me that in no way will these differing pathways interfere with the strong regional collaboration that currently exists between the Mid-Murray Council, The Barossa Council, Adelaide Plains Council and the Town of Gawler. The gains and benefits that have been shared by all councils is evident and must and will continue.

You have also questioned the draft Regional Vision (Plan) that is currently being discussed within our region. This Plan was first presented to the RDA Barossa Gawler Light Adelaide Plains Inc Board on 14 August 2019 by Light Regional Council's Chief Executive Officer in his capacity as an RDA Board Member. The RDA immediately recognised the value of a Regional Vision and has since undertaken a substantial body of work aligning with the Regional Road Map and game changer strategies that would have seen a once in a generation investment into economic prosperity, but with the impact of COVID-19 is now more likely to be economic recovery.

While I commend my Council's CEO for his visionary and courageous approach to pitching this Plan, it is a plan for the region and is now a plan that all RDA member councils need to provide input to for it to have true regional success. The Town of Gawler was again encouraged to have regard and input to the plan at the CEO/Mayors forum held on 2 December 2019 but to date has been noticeably silent on participating or including projects of regional significance. I am sure that there are many worthwhile projects that the Town of Gawler is considering and I urge you and your council to engage and participate in the Plan otherwise you would be doing a great disservice to your ratepayers and risk leaving the Gawler area languishing for years to come.

Since the meeting of 2 December 2019, the Light Regional Council has continued to assist the RDA Barossa Gawler Light Adelaide Plains Inc Board with a water re-use project being led by a **private sector consortium** and the compilation of **shovel ready economic projects** in response to the economic impacts as outlined in my correspondence to you of 20 March 2020.

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PO Box 72, Kapunda, South Australia 5373

Telephone: (08) 8525 3200
Email: light@light.sa.gov.au
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Principal Office
93 Main Street, Kapunda, SA 5373

Light Regional Council ABN: 35 455 841 625

Branch Office
12 Hanson Street, Freeling, SA 5372

Light Regional Council has referenced the Oscar Project at Seppeltsfield including the sealing of Gerald Roberts Road and the Kidman Project in Kapunda, connecting Seppeltsfield, Kapunda and Anlaby with a heritage narrative as typical **shovel ready** projects. Similarly, the Adelaide Plains Council has submitted the \$27m Gawler River Floodplain Authority project (Northern Floodway) into the **shovel ready** projects draft plan.

To assist you with your deliberations I refer to the following information that has been previously provided to you post the Mayors/CEO's meeting held on the 2 December 2019:

- Notes taken at the meeting of 2/12/19;
- Light Regional Council's resolution of 10/12/19; and
- Regional Vision Powerpoint

I trust that all of this information clarifies the pathway that Light Regional Council and the RDA are well advanced on.

Yours sincerely,



Bill O'Brien
Mayor, Light Regional Council

Cc: CEO Town of Gawler
Chair and CEO RDA-Barossa Gawler Light Adelaide Plains Inc
Mayor and CEO The Barossa Council
Mayor and CEO Adelaide Plains Council
Mayor and CEO Playford Council
Mayor and CEO Mid Murray Council
Elected Members Light Regional Council
Boundaries Commissioner
Minister Knoll

Encl: Ltr The Town of Gawler dated 20 March 2020
Resolution LRC Council 28 April 2020 'Regional Structural Reform'



FROM THE OFFICE OF THE MAYOR

20 March 2020

Ms Karen Redman
Mayor Town of Gawler
PO Box 130
GAWLER SA 5118

Via Email: mayor@gawler.sa.gov.au

Dear Mayor Redman

I refer to your correspondence of 27 February 2020 where you advised that the Town of Gawler "is progressing with its boundary reform considerations" (from Stage 1 to Stage 2).

On behalf of Light Regional Council, I again respectfully ask that you defer or withdraw your boundary reform aspirations and redirect your resources and efforts towards the delivery of a Regional Vision.

Light Regional Council has taken the view that our scarce resources ought to be applied to regional growth initiatives as a priority and not be utilised in a process which merely adjusts boundaries between Councils.

We are currently facing unprecedented 'headwinds' created by various setbacks, namely:-

1. US-China Trade Tensions;
2. Drought;
3. Bush fires; and
4. Now COVID-19

Collectively, we need to do all that we can to stimulate our economy in order to save businesses, jobs and our communities' standard of living. All economic commentators are forecasting a global recession that will adversely impact on Australia, South Australia and our region. The Regional Vision package (Draft) is designed to take measures to progressively address these economic impacts. Accordingly, I again ask that you shift your policy stance away from boundary adjustments and towards regional initiatives designed to stimulate our economy.

Your early response to this request would be appreciated as I have instructed Council's Chief Executive Officer to report on this matter at the Tuesday, 28 April 2020 meeting of Council.

Yours sincerely

Mayor Bill O'Brien

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LIGHT REGIONAL COUNCIL MINUTES
COUNCIL MEETING – Tuesday, 28 April 2020

2020/75

12.5 GENERAL MANAGER, ECONOMIC DEVELOPMENT

12.5.1 Economic Development Panel, Terms of Reference Amendment

Consensus Motion:

Moved Cr Grain

Seconded Cr Zeller

1. That the Light Regional Council receives the report titled "Economic Development Panel, Terms of Reference Amendment";
2. That, taking into account Council's authorisation provided at the 24 March 2020 Council meeting, and with reference to clause 6 "Meetings", sub-clauses 6.1, 6.2 and 6.3 of the Light Regional Council Economic Development Panel Terms of Reference, the Terms of Reference be amended by the addition of a new sub-clause as follows;

Sub-clause 6.11 – Emergency Meeting Procedure

In recognition of a declared public emergency event or of a significant risk management threat, the Committee may meet through telephone or other electronic means as allowed by virtue of section 90(7a) of the Local Government Act 1999 so long as the meeting is conducted in a place that is open to the public save for separate exclusion as determined by section 90(2) of the Act. Following the determination of the conclusion of the event or threat, the Committee may choose upon the ratification of the Council, to continue to meet in accordance with the above provisions of the Act.

CARRIED

13. POLICY REPORTS FOR DECISION

13.1 CHIEF EXECUTIVE OFFICER

13.1.1 Boundary Proposals - Update

Moved Cr Grain

Seconded Cr Kennelly

1. That the presentation from the Chief Executive Officer titled *Boundary Proposals – "Update"* be noted and supported.
2. That Light Regional Council acknowledge and appreciate the decision by The Barossa Council (18.2.20) not to undertake a formal (stage 2) general submission on boundary reform in favour of other Regional priorities at this time.
3. That Light Regional Council express its disappointment of the Town of Gawler's decision (25.2.20) to progress its boundary reform proposals to Stage 2 despite several requests for them to withdraw or defer in the interest of progressing the Regional Vision.
4. That Light Regional Council considers the decision by the Town of Gawler to proceed to be insular and self-serving and not in the Region's economic interests particularly given the recent adverse economic impacts to Australia and our Region due to China-US Trade Conflicts, bushfires, drought and now the emerging effects of COVID-19; demanding a positive Regional response as being articulated in the draft Regional Vision by the Councils of Adelaide Plains, Barossa and the Light Regional Council
5. Given that the Town of Gawler has decided to proceed with its flawed boundary proposals, the Chief Executive Officer of the Light Regional Council is instructed to lodge a (Stage 1) submission to the Boundaries Commission proposing "Regional Structural Reform" in support of the Regional Vision.

LIGHT REGIONAL COUNCIL MINUTES
COUNCIL MEETING – Tuesday, 28 April 2020

2020/76

6. The 'Regional Structural Reform' proposal from Light Regional Council to divide the Local Government area under the jurisdiction of the Gawler Council between The Barossa Council, City of Playford and Light Regional Council applying the natural water courses of North and South Para and Gawler Rivers as logical boundaries (see Map – *Appendix 13.1G* of the Agenda Report)
7. That Light Regional Council considers the 'Regional Structural Reform' package by redeploying the assets and resources currently under the jurisdiction of the Town of Gawler will generate Regional opportunities, enhance efficient and effective Regional decision-making and create a more productive use of the Town of Gawler's assets and resources in the interest of the entire Region.
8. That Light Regional Council emphasise that this proposal is to support the residents and ratepayers of the current Town of Gawler, as the Town of Gawler and its heritage will continue and remain a significant feature of the Region's fabric; whilst its local government jurisdiction will be spread over 3 Councils; Playford, Barossa and Light Regional Council, providing efficiencies and productivity in the communities and Region's interest.

CARRIEDCr Zeller called for a **Division**:

For: Cr Mosley, Cr Lewis, Cr Kennelly, Cr Frankcom, Cr Close, Cr Rohrlach, Cr Reichstein, Cr Grain and Cr Mitchell.

Against: Cr Zeller

Mayor O'Brien adjourned the meeting to allow for 10 minute break at 7:38pm.
At 7:50pm the meeting was reconvened.**13.1.2 Covid-19 Council Rating Policy Ratepayer Support**

Moved Cr Kennelly

Seconded Cr Grain

That Council, acknowledging the impact of the significant Public Health Emergency event known as COVID-19 (Coronavirus), offers the following support options for ratepayers who have suffered hardship by virtue of the event:

1. Council will REMIT ALL FINES AND INTEREST on outstanding rates and rates arrears to ALL RATEABLE ASSESSMENTS in the council area added in accordance with the Local Government Act 1999 from the period commencing with the Declaration of the Major Emergency by the State Coordinator for South Australia, that is 22 March 2020, and concluding on 31 December 2020 (inclusive);
2. For those ratepayers who have suffered hardship by virtue of the COVID-19 event, Council will POSTPONE THE PAYMENT OF THE COUNCIL RATES INSTALMENTS due in June and September 2020 quarters, until the due date for the payment of the December 2020 quarter rates instalment..
3. Council will SUSPEND ALL DEBT COLLECTION ACTIVITIES to and including 31 December 2020.
4. Council will prepare its draft 2020/2021 Annual Business Plan and Budget based on a NO INCREASE (0%) TO THE RATE-IN-THE-DOLLAR levied against each land use category utilised for the purposes of raising council general rates;
5. Further, in relation to the draft 2020/2021 Annual Business Plan and Budget, Council will NOT INCREASE THE PER UNIT COMMUNITY WASTEWATER MANAGEMENT SCHEME ANNUAL



Monday 1st June 2020

ABN 70 509 677 325

Mayor Bill O'Brien
Light Regional Council PO
Box 72
Kapunda SA 5353

The Institute
28 Murray Street, Tanunda
PO Box 767, Tanunda SA 5352
Ph +618 8563 3603
www.barossa.org.au

Dear Bill,

I write in relation to your letter of 18 May, addressed to Mayor Redman and copied to others including RDA, which addresses a number of matters relevant to the Board of RDA to which I believe a response is required.

Firstly, the letter is written in the context of ongoing discussions about local government boundary reform. I wish to make it clear that RDA works with and across the entire region and does not take a position in relation to the current debate, other than to be open to discussions at its board table that those involved wish to raise. Whilst RDA is willing to do what it can to assist those in dispute to a workable position, RDA does not involve itself in the matters in dispute.

Secondly, and importantly, some comments were made in that letter about a regional plan which I believe warrant clarification. RDA works and has always worked on evolving regional plans and priorities, which inform and facilitate future economic growth and jobs prosperity for the region. For the past eight months RDA has been addressing research and consultations for the next iteration of a Regional Roadmap with identified priorities. The timing of this work has been somewhat influenced by the timing of individual Councils' economic plans. At a Board meeting in the second half of 2019, Brian Carr as CEO of Light Regional Council and a Board member of RDA, tabled Light's "one page vision" for the region, comprising the regional map with a number of important potential investments noted against a background of existing growth industries.

A degree of confusion seems to have been created by a tendency to refer to this one page vision statement as a plan. Detail on this vision statement was only made available to the RDA Board after the recent May 13th Board meeting in the form of a discussion paper with valuable insights and proposals that will be incorporated into the work RDA is undertaking on a Regional Roadmap and Recovery and Transformation Plan post the current economic crisis.



An Australian Government Initiative



An Initiative of
Government
of South Australia

The core project in the vision map, expanded upon in the discussion paper, most certainly addresses a priority for the region. Water been identified by RDA as a priority for the past 8 years and more. As a Board, we agree that broader distribution of fit for purpose recycled water is the most important infrastructure project for the region. Nor do we dispute the value of all the projects identified in the map. These are exciting projects for our region, along with other opportunities identified by RDA and its partners. The dissent is that the RDA Board does not agree with the description of the one page vision map as a regional plan and one that others have ignored or failed to engage in.

The confusion that has arisen regionally around this description is more than semantic, and is causing a distraction that is not helpful at a time when so much is to be done for a unified approach to economic recovery. It may be that the use of the term "plan" for the one pager was inadvertent, and so I hasten to bring it to your attention.

I look very much forward to our collective action in transforming and recalibrating our regional economy with the large number of opportunities to be activated and the excellent positioning the region has for the future. We have important discussions ahead of us and decisive action. It is important that there is true collaboration in this.

Bill, we live in exciting/challenging times and my full co-operation with you and your Council has and always will be total.

With kind regards,



Ivan Venning,

Chair.

Cc CEO Town of Gawler
 Mayor and CEO The Barossa Council
 Mayor and CEO Adelaide Plains Council
 Mayor and CEO Playford Council
 Mayor and CEO Mid Murray Council
 Boundaries Commissioner
 Minister Knoll

Have Your Say on Boundary Reform!

A change to state government legislation in January 2019 means Council is now able to consider and seek boundary realignment to better meet the needs of our whole community.

Under this new legislation Council can apply to an independent body, being the South Australian Boundaries Commission (the Commission), to assess and investigate its proposal for boundary change.

The new legislation provides Council with an important opportunity to put forward a case on behalf of our community so we can continue to provide services and infrastructure to our residents, businesses, visitors and community into the future. We can see strong economic, social and environmental reasons for presenting a submission to the SA Boundaries Commission which is why we are commencing our investigations in this regard. The time is right for Town of Gawler to talk about boundary reform for Gawler, both in terms of coordinated urban growth for the region and so we can maintain our town, steeped in rich South Australian and local history.

This Consultation seeks your comments on:

- Town of Gawler's Boundary Reform Proposal; and
- Whether this Proposal should be presented to the Boundaries Commission for it to further investigate?

Why consider a change?

- We are one community ... our residents, businesses, ratepayers and visitors always come first... a liveable, cohesive, active, innovative, harmonious and sustainable community.
- The proposed realignment would enable us to provide more comprehensive and competitive services to our community in an economically thriving community where services and amenities are enjoyed by all. Town of Gawler has provided services and infrastructure to our neighbours for many years and it is time for fair and reasonable contributions to be made.
- Each council area has its own unique offering with each capitalising on their strengths. For Gawler it's our unique blend of heritage and culture mixed with economic growth and sustainability.
- The proposed realignment is about making sensible decisions, being more efficient in the delivery of services such as managing parks and open spaces, roads and waste collection, and delivering sustainable business practices. In exploring boundary reform, we are actively engaging with our own and neighbouring Councils because we want the best outcome for our community.
- Our proposal is not about putting other Council areas at economic disadvantage. A key focus of deliberations is being more efficient and facilitating greater investment and jobs for the region. The planned Roseworthy Township is not under consideration to become part of Town of Gawler because Council recognises the significant financial impact this would have on Light Regional Council.

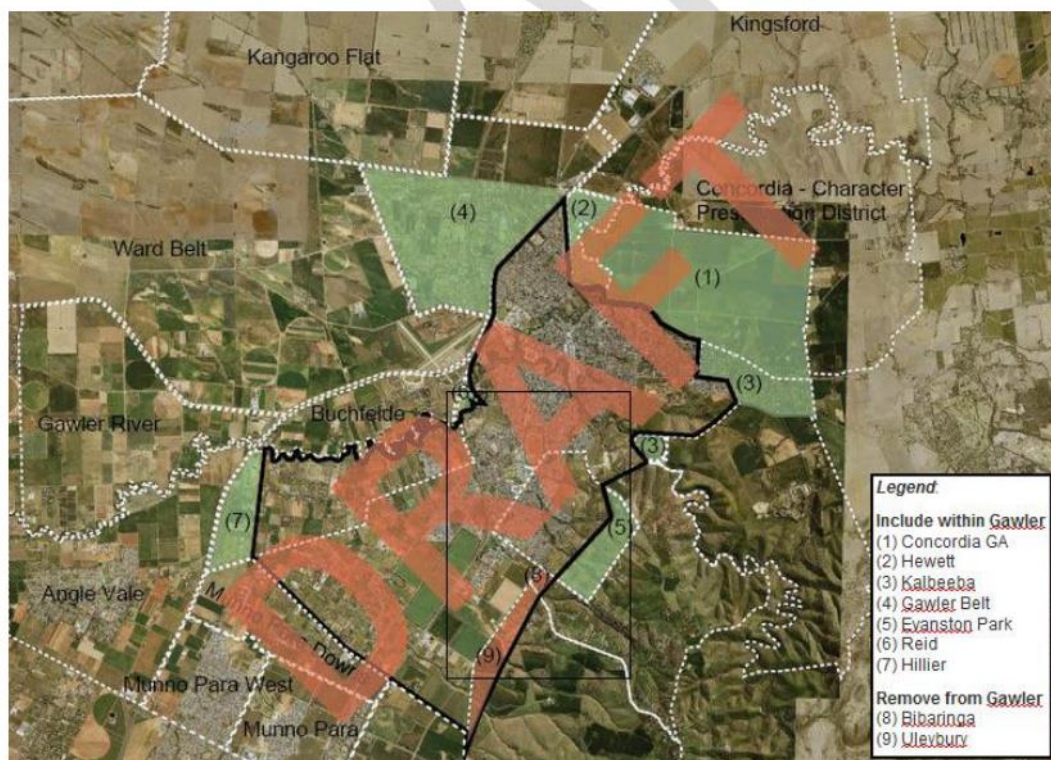
- We understand the historic importance of the region and will continue to honour and recognise this through the boundary readjustment process working hand-in-hand with surrounding councils to ensure the integrity of the region's characteristics are maintained.
- It makes good community and economic sense to adjust the boundaries to future-proof Gawler for generations to come. Boundary reform is important but it is not a distraction. It is just one opportunity that Council is pursuing to create economic prosperity for the community and region.
- From a community, social, economic and environmental perspective – boundary adjustment just makes good sense.

The following areas are being considered for inclusion within Gawler:

- Concordia growth area;
- Hewett;
- a portion of Kalbeeba (including Springwood's rural living; and yet to be developed residential area);
- a portion of Gawler Belt;
- Evanston Park;
- Reid;
- Hillier

The following areas are being considered for removal from Gawler:

- The small portion of Bilbaringa that is currently within Gawler;
- The small portion of Uleybury that is currently within Gawler



What would boundary reform mean for the Community?

Boundary reform could mean that the footprint of Gawler will realign to include adjacent areas we already see as part of the Gawler community and who already utilise our services and infrastructure. It will embrace communities where there is already a natural association with our town.

Gawler will be able to plan and grow in a logical and managed way so that infrastructure and services will be delivered more effectively and efficiently and keep up with the demands of the community. Over the next 20 years Gawler is forecasted to almost triple in population and surrounding areas are anticipated to grow and be developed as urban infill occurs. We want to be ready to accommodate the extra pressures this will place on our services and infrastructure.

A boundary realignment would enable us to provide more services to more people as we realise economies of scale. In addition, those residents now living adjacent the Gawler boundaries who enjoy our services and infrastructure will become part of Gawler and be able to have their say in how the services and infrastructure are formally developed and shaped into the future as our population grows over the next 20 years and beyond.

How much will boundary reform cost and how long will it take?

At this stage we are unsure of the cost of completing the boundary reform process. This information will become clearer as we progress through the boundary reform process and Council will evaluate the financial viability of each stage of the process (once costs are known) and will make decisions accordingly. The formal investigations to be undertaken if Council decides to proceed will be undertaken by the SA Boundaries Commission at Council's cost.

This is a new process for the State Government and timeframes are unknown. However, this is a significant matter to consider and is expected to take some time, possibly one to two years.

Will the value of my property be affected and will my Council rates increase?

Boundary Reform is unlikely to affect the value of your property. Council adopts property valuations (capital values) derived from an independent State Government assessment undertaken by the Valuer-General of South Australia.

The impact of boundary adjustments on rate payers is unknown at this early stage. Cost is an important consideration and will be examined in detail as the stages progress.

For More Information, to review Council's Boundary Change Proposal or to comment:

www.gawler.sa.gov.au/your-voice

A Community Forum on Boundary Reform will be held: XXXXXXXXXXXXXXXX

Written submissions can be lodged via the following methods:

- **Post** – to PO Box 130, Gawler SA 5118
- **Over the counter** – Town of Gawler Administration Centre, 43 High Street, Gawler East

In addition, verbal representations can be made at a community forum to be held on XXXXX 2020 in the xx, Gawler at 7pm.

Ref: 11953

18 May 2020

Mr Bruce Green
Boundaries Commission
GPO Box 2329
Adelaide SA 5001



Dear Mr Green

Re: Structural Reform Proposal

I advise that at the Light Regional Councils Ordinary April meeting held on Tuesday, 28 April 2020, Council resolved to proceed with a submission to the Boundaries Commission, for structural reform.

Light Regional Council

The Light Regional Council includes 46% of the famed Barossa Valley (Seppeltsfield, Marananga, Greenock, etc) and is located to the north of the greater metropolitan area of Adelaide. The region enjoys the benefits associated with the Barossa Valley together with the richness in mining heritage and premier farming country.

Encompassing the townships of Kapunda, Freeling, Greenock, Roseworthy, Wasleys, and the suburb of Hewett, the Light Regional Council is a progressive, growth, regional Council. It takes in a diverse and thriving area of broad acre farming, viticulture (eg. Seppeltsfield) and appealing rural-urban living options.

The Council continues to attract important viticultural and agricultural development to the area, along with associated support industries (eg. Ahrens Group, Amcor). Significant industrial growth contributes to creating additional opportunities for employment and economic development in the area.

Light Regional Council's Population as of 2019: 15,359

Area: 1,278 km²

Background

Two of our neighbouring Councils have lodged proposals with the Boundaries Commission:

- 17 October 2019, The Barossa Council - Stage 1 Boundary Realignment proposal,
- 4 December 2019, the Town of Gawler – Stage 1 Boundary Change proposal.

Both Stage 1 proposals were accepted by the Boundaries Commission and confirmation to proceed to Stage 2 was provided by the Commission.

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Light Regional Council at its Tuesday, 10 December 2019 ordinary meeting resolved that letters be sent to The Barossa Council and the Town of Gawler, requesting both Councils defer or withdraw their Boundary Reform Proposals. Preferring all Councils to redirect their time and resources, to collaborate and pursue a Regional Vision, presented to and supported by Regional Development Australia Barossa Gawler Light Adelaide Plains Inc at their Board meeting of 14 August 2019, so as to benefit the region as a whole. The Regional Vision is discussed further below within this proposal.

On the 18 February 2020, The Barossa Council resolved not to *undertake a formal (stage 2) general submission to the SA Local Government Boundaries Commission at this time but continue to engage with stakeholders informally.*

The Town of Gawler on Tuesday, 25 February 2020, at its February Ordinary meeting resolved to *confirm its intention to strategically progress with its proposed Boundary Reforms in demonstration of its commitment to delivering services to its communities of interest.*

Light Regional Council, at its Tuesday, 28 April 2020 ordinary meeting, resolved to proceed with a submission to the Boundaries Commission, for structural reform, citing that the proposal by the Town of Gawler *is not in the Region's economic interests* and the following resolution being passed:

Moved Cr Grain

Seconded Cr Kennelly

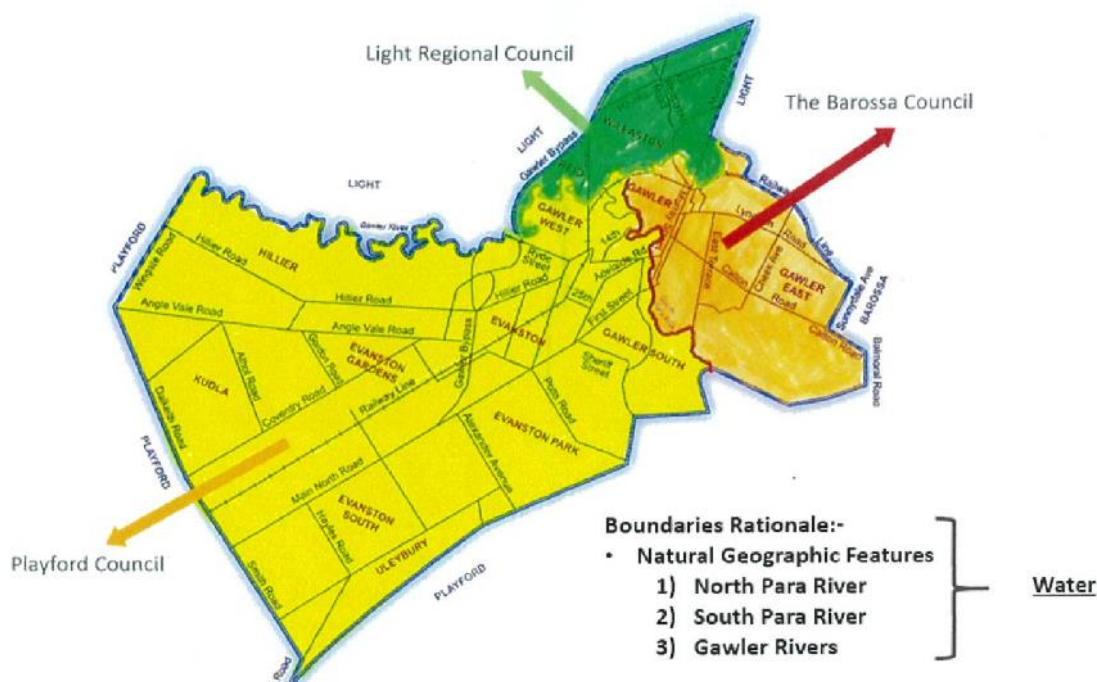
1. *That the presentation from the Chief Executive Officer titled Boundary Proposals – "Update" be noted and supported.*
2. *That Light Regional Council acknowledge and appreciate the decision by The Barossa Council (18.2.20) not to undertake a formal (stage 2) general submission on boundary reform in favour of other Regional priorities at this time.*
3. *That Light Regional Council express its disappointment of the Town of Gawler's decision (25.2.20) to progress its boundary reform proposals to Stage 2 despite several requests for them to withdraw or defer in the interest of progressing the Regional Vision.*
4. *That Light Regional Council considers the decision by the Town of Gawler to proceed to be insular and self-serving and not in the Region's economic interests particularly given the recent adverse economic impacts to Australia and our Region due to China-US Trade Conflicts, bushfires, drought and now the emerging effects of COVID-19; demanding a positive Regional response as being articulated in the draft Regional Vision by the Councils of Adelaide Plains, Barossa and the Light Regional Council*
5. *Given that the Town of Gawler has decided to proceed with its flawed boundary proposals, the Chief Executive Officer of the Light Regional Council is instructed to lodge a (Stage 1) submission to the Boundaries Commission proposing "Regional Structural Reform" in support of the Regional Vision.*
6. *The 'Regional Structural Reform' proposal from Light Regional Council to divide the Local Government area under the jurisdiction of the Gawler Council between The Barossa Council, City of Playford and Light Regional Council applying the natural water courses of North and South Para and Gawler Rivers as logical boundaries (see Map – Appendix 13.1G of the Agenda Report)*
7. *That Light Regional Council considers the 'Regional Structural Reform' package by redeploying the assets and resources currently under the jurisdiction of the Town of Gawler will generate Regional opportunities, enhance efficient and effective Regional decision-making and create a more productive use of the Town of Gawler's assets and resources in the interest of the entire Region.*
8. *That Light Regional Council emphasise that this proposal is to support the residents and ratepayers of the current Town of Gawler, as the Town of Gawler and its heritage will continue and remain a significant feature of the Region's fabric; whilst its local government jurisdiction will be spread over 3 Councils; Playford, Barossa and Light Regional Council, providing efficiencies and productivity in the communities and Region's interest.*

CARRIED

Light Regional Council Submission

The Light Regional Council would like to proceed with a general proposal, as set out under Chapter 3, Part 2 of the *Local Government Act 1999*.

The intent of Light Regional Council's boundary proposal has a focus on structural reform, providing for regional productivity improvements and strengthening the regional governance and economies of the area by redistributing the Town of Gawler Council area and assets, between the neighbouring Councils of The Barossa Council, City of Playford and the Light Regional Council. The boundaries would then follow the natural geographic features of the North Para, South Para and Gawler Rivers:



Distribution of the Town of Gawler's small area into the aforementioned adjoining Councils will result in their increased capacity, allowing regional productivity improvements via better use of Gawler assets and Local Government economies of scale. The proposed structural reform strongly supports the Principles in section 26 of the *Local Government Act 1999* (the Act). Primarily:

- (c) (i) *the resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;*
- (ii) *proposed changes should, wherever practicable, benefit ratepayers;*
- (iii) *a council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;*
- (v) *a council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;*
- (vi) *a council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes;*
- (xii) *a scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change;*

It will also facilitate in strengthening the outcomes of The Barossa Council, City of Playford and the Light Regional Council, as outlined in Section 7, functions of a Council, in the Act. In particular:

- (a) *To plan at the local and regional level for the development and future requirements of its area;*
- (b) *To 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 or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);*
- (g) *To promote its area and to provide attractive climate and locations for the development of business, commerce, industry and tourism*

Structural boundary change, along with delivery of the Regional Vision, aims to deliver beneficial outcomes to the community in a more strategic and efficient way.

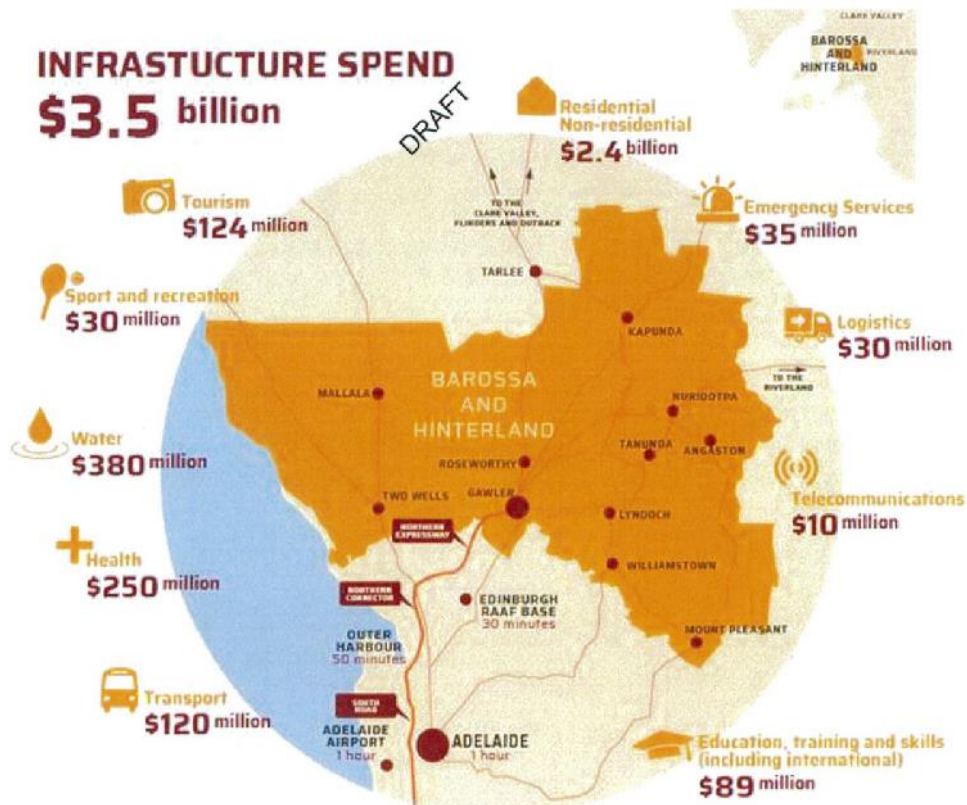
Efficiencies, productivity and effectiveness can be demonstrated. For example:

- With regional support, the function of the Gawler Main Street could be vastly improved and repositioned as the 'Gateway to the Barossa'.
- The current Civic Centre could be converted to a regional Headquarters for major business and as a technical centre for the entire region
- The City of Playford, with its Regional Commercial Centre could easily absorb the delineated Gawler suburbs (marked yellow on the map) and more effectively and efficiently deliver local government services
- Light Regional Council currently delivers exceptional local government services to the Hewett community and with the incorporation of Willaston could deliver those same services more effectively and efficiently to that community.

The Regional Vision

The objective of the Regional Vision is to partner with the State and Federal Governments, for investing in an envelope of economic stimulus projects over a 15-year period (2020-2035) that will achieve 3-4% annual economic growth. This is in line with the State Government's "Growth State" plans and would boost the local economy which has averaged only 0.6% annual economic growth over the past decade.

The draft Regional Vision focusses on water infrastructure, agriculture, viticulture and tourism industries and leverages significant private sector spend in these sectors as well as planned residential growth (Roseworthy Township Expansion). The total public and private infrastructure spend in the plan is estimated at around \$3.5b and would achieve 5.6% annual economic growth, creating up to 40,000 jobs over the 15 years to 2035.



On behalf of the Light Regional Council I respectfully seek support for this Stage 1 proposal. Your approval to proceed to Stage 2 will facilitate a comprehensive consultation process to be undertaken by Light Regional Council with the effected/adjoining Councils related to meaningful structural reform in the economic and productive interests of the Region.

Should you wish to discuss this submission further, please do not hesitate to contact me on telephone 8525 3200 or Brian Carr, Chief Executive Officer on 8522 3200 or via email at bcarr@light.sa.gov.au.

Yours sincerely,

Bill O'Brien
Mayor

Phone: 8525 3200
Email: bobrien@light.sa.gov.au



GPO Box 2329
Adelaide SA 5001

Tel (08) 7109 7145
DPT.BoundariesCommission@sa.gov.au

Mr Bill O'Brien
Mayor
Light Regional Council
PO Box 72
KAPUNDA SA 5373

Notification of stage 1 potential boundary proposal

Dear Mayor O'Brien

Thank you for your letter of 18 May 2020 outlining the potential proposal for a boundary change from the Light Regional Council (the Council), as required by the Boundaries Commission's (the Commission's) Guideline 3 — Submitting a General Proposal to the Commission.

The intent of the two-stage requirement under Guideline 3 is to enable the Commission to provide advice it considers relevant to a potential general proposal, including whether a general proposal can be referred for the Commission's consideration before extensive work is undertaken by a proponent to fully-develop the proposal.

At its meeting on 11 June 2020, the Commission considered the Council's potential proposal along with correspondence received in relation to it.

When discussing potential proposals, the Commission gives close consideration to the principles contained under section 26 of the *Local Government Act 1999* (the Act). These principles are of fundamental importance to boundary change proposals and ultimately form the basis of any recommendation that the Commission makes to the Minister.

It is for this reason that the Commission's Guidelines require prospective initiators to consider these principles at the outset of a potential proposal.

The Commission determined that the Council's potential proposal does not easily align with the section 26 principles.

The Commission acknowledges that the Council has made reference to a number of section 26 principles. However, the Commission determined that the potential proposal does not address the broader concept of a 'community of interest' nor does it specifically identify common interests between the affected communities.

Further to this, the Commission does not believe that additional work or information from the Council at this stage would assist in the progression of this proposal, and therefore advises that a general proposal as outlined in the potential proposal cannot be referred for consideration.

The Commission noted that the key objective of the potential proposal to enhance regional productivity, regional governance and regional economics. However, the Commission is of the view that the potential proposal does not sufficiently demonstrate that link between these objectives and the boundary changes that the potential proposal outlines.



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If the Council is of the view that boundary changes to the councils in the region are necessary to achieve this 'regional vision', a potential proposal must demonstrate this much more clearly, in the context of the section 26 principles.

More specifically, the Council would need to identify and demonstrate the cultural, heritage, shopping, community services, sporting or any other component that the Council identifies that in the Council's view, forms the social fabric of the affected areas.

Further to this, the Commission also expects that a potential proposal that is based on such significant changes to the boundaries of numerous councils should explicitly reference views from these councils.

The Commission is aware that the Council has received correspondence from Regional Development Australia (Barossa, Gawler, Light and Adelaide Plains) and the Town of Gawler in relation to its proposal. Should the Council resolve to reconsider a potential proposal, details of this correspondence should be included in the Council's proposal, along with any other correspondence in support or opposition of the proposal.

Finally, I note that the initiating council is responsible for the costs associated with the investigation of any general proposal that the Commission determines to investigate that is initiated by councils. Your Council may wish to note at this point that the costs of the investigation for a proposal of the nature that you have put forward are likely to be very significant.

As set out in Guideline 9, please be advised that I have notified the councils affected by this potential proposal.

I also advise that, in accordance with the Commission's publication policy, the information about the potential proposal, including this response, has been made available at—
www.dpti.sa.gov.au/local_govt/boundary_changes.

I trust that this information is of assistance to you. If you have further questions, please contact the Commission's Executive Officer on (08) 7109 7148.

Yours sincerely

Bruce Green
Chair, SA Local Government Boundaries Commission

9 July 2020



GPO Box 2329
Adelaide SA 5001

Tel (08) 7109 7145
DPT.BoundariesCommission@sa.gov.au

Ms Karen Redmen
Mayor
Town of Gawler
PO Box 130
GAWLER SA 5118

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

Mr Glenn Docherty
Mayor
City of Playford
12 Bishopstone Road
DAVOREN PARK SA 5113

Notification of stage 1 potential boundary proposal

I write to inform you that the Boundaries Commission (the Commission) has been notified by the Light Regional Council (the Council) of a potential boundary change proposal (the Potential Proposal). This Potential Proposal relates to a boundary change affecting the Light Regional Council, The Barossa Council, the Town of Gawler, and the City of Playford.

The process by which the Commission deals with boundary proposals is set out under Chapter 3 Part 2 of the *Local Government Act 1999* (the Act) and in the nine guidelines that the Commission has published that detail certain aspects of the boundary change process.

At its meeting on 11 June 2020, the Commission considered the Potential Proposal along with relevant information, including all correspondence received in relation to the Potential Proposal.

When discussing potential proposals, the Commission gives close consideration to the principles contained under section 26 of the Act. These principles are of fundamental importance to boundary change proposals and ultimately form the basis of any recommendation that the Commission makes to the Minister.

It is for this reason that the Commission's Guidelines require prospective initiators to consider these principles at the outset of a potential proposal.

The Commission has determined that the Council's Potential Proposal would be a general proposals, however, it does not easily align with the principles under section 26.

In particular the Commission notes that the Potential Proposal does not address the broader concept of a 'community of interest' nor does it specifically identify common interests between the affected communities.



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DPTI.BoundariesCommission@sa.gov.au

Therefore, under Stage 1 of Guideline 3, the Commission has advised the Council that a general proposal as outlined in the Potential Proposal cannot be referred for consideration.

The information about the Potential Proposal from the Council along with the Commission's nine guidelines are available at the Office of Local Government's (OLG's) website—www.dpti.sa.gov.au/local_govt/boundary_changes.

Please note that under the Commission's publication policy it publishes documentation relating to council boundary change proposals received by the Commission as well as the Commission's correspondence providing notification of proposals. This documentation is also available at OLG's website.

If you have further questions, please contact the Commission's Executive Officer on (08) 7109 7148.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Green'.

Bruce Green
Chair, SA Local Government Boundaries Commission

9 July 2020

From: [Henry Inat](#)
To: ["DPTI.BoundariesCommission@sa.gov.au"](mailto:DPTI.BoundariesCommission@sa.gov.au)
Subject: Boundary Reform - Clarification sought on consultation matter & meeting request
Date: Monday, 11 May 2020 12:58:40 PM

Attention: Mr Bruce Green
Chair: SA Boundaries Commission

Good Morning Bruce

As you may be aware my staff and I met with Alex Hart, Tom Rossini and Phil Ilee on Tuesday to discuss Town of Gawler's Boundary Change proposal and working through to a Stage 2 submission. We discussed correspondence that was forwarded to the Boundaries Commission on 6 March 2020, which Council had yet to receive a response to. It seems, unfortunately, that the letter may have been caught up in your internal mail system, so we have since forwarded a copy by email.

As you can appreciate, with no precedents to refer to and with both parties feeling their way seeking the best outcome for the community, the process poses significant challenges for us, being the first Council in South Australia to undertake it.

The guidelines are quite broad in their statements and leave a lot of scope for interpretation, which we understand was done on purpose to allow the Commission to be flexible, however as the first cab off the rank further guidance and clarity is needed to ensure that we are delivering in our Stage 2 Proposal, exactly what the Boundaries Commission requires to allow an appropriate assessment of the proposal. Our further concern is overstepping or doubling up on the work of any further investigation thereby paying for the work to be undertaken twice due to the Commission having to undertake their own fully independent investigation.

Therefore, Council would like to seek further clarification on the level of Community Consultation required to prepare its Stage 2 Proposal whilst avoiding duplication of effort and cost.

Guideline 3 provides the statement *"Provide evidence that appropriate consultation has taken place with the community"* and whilst it provides further points of clarity around providing letters received supporting or opposing, details of public meetings and media articles etc it does not provide a real indication of what extent of consultation is deemed "appropriate".

Council's consultation approach is flexible depending on the type of consultation that will be effective but regularly includes:

- Consultation advertised in local newspaper, on Council digital platforms (social media, App and Website)
- Undertake a community forum to discuss and consult on the matter, allowing community input into a project/proposal or feedback
- Provide information via facebook and website (Your Voice Gawler portal) for community to provide feedback, ask questions or answer surveys etc
- Display points in all Council operated buildings being: Gawler Administration Centre, Gawler Civic Centre, Gawler sport and Community Centre, Evanston Gardens Library
- Letter box drop to affected residents

For the Boundary reform matter Council is looking at the value of doing all of the above (when Covid-19 Restrictions allow such a level of consultation) however we also believe there might be some value in engaging an independent professional marketing research company to undertake a consultative survey. This would provide statistically valid data with a low % of inaccuracy.

In this scenario where Council needs to reach beyond its current LGA borders, we feel this needs to be done effectively and sensitively (more information on why sensitivity is required is provided below) but also with a level of independence so that the Community and our neighbouring Councils can have confidence in the results and reduce the media storm of claims of Town of Gawler skewing data in the manner by which it undertook its consultation. Council is considering funding this independent consultative survey however, as Town of Gawler is the initiator of the boundary reform proposal, Council understands that it will be responsible for the costs of the Commission's investigation (if the matter progresses that far) as well. It is also understood that the Commission's investigation will need to undertake extensive community consultation (funded by the initiator) and that previous consultation reports garnered by the initiator may not be able to be used by the Commission for this purpose. The result of this process is potentially forcing the initiator of a Boundary Reform proposal to pay for the same (or very similar) consultation processes twice – once in developing the Stage 2 Proposal and again if the Commission is engaged to undertake the full investigation.

For that reason Town of Gawler asks if it is possible for the Boundaries Commission to undertake the independent consultative survey to assist in informing Council's Stage 2 General Proposal? Council would fund the consultative survey but the Commission would engage the company to undertake the survey thereby removing any claims that Town of Gawler skewed the consultation data to meet its objectives and enabling the results of this work to be used as part of the response to the full investigation conducted by the Commission in the event that the process goes that far as well.

We fully understand this might be an unusual request but as the pioneers of this process we want to ensure the consultation provides the most accurate reflection of where our true community of interest begins and ends and so we are looking at all options that might offer this outcome.

As discussed with Alex and the Team on Tuesday, there have been some recent unfortunate developments from the Light Regional Council in response to Gawler's boundary reform considerations and this is why greater sensitivity when reaching outside of our current LGA is needed.

Light Regional Council (LRC) were of course incensed that Town of Gawler would progress its boundary reform proposal to bring Hewett and parts of Reid and Gawler Belt under its LGA and were previously touting an "Alternative Proposal" that saw Light extend to the river taking Willaston and merging with the Barossa to become a new Council and Town of Gawler take Concordia and Kalbeeba. It now seems that as of their Ordinary Meeting held on the 28th April 2020 LRC CEO has chosen to attack Gawler Council, accusing it of being dysfunctional and insular, with a flawed proposal and presenting numerous unfortunate media articles as part their agenda item on boundary reform attacking the Town of Gawler Council and its Administration.

The LRC Council resolution indicates that LRC intend to progress its own boundary change proposal which is its right, but is abandoning its previous "Alternative Proposal" it had been flagging to instead adopt a position which was nominated by one persons comment on a Bunyip Newspaper Facebook pole, to use the rivers intersecting Gawler as the new boundary, splitting Gawler LGA into Light, Playford and Barossa Councils and dissolving Town of Gawler.

Town of Gawler rejects the derogatory manner in which LRC is conducting itself in its response to the Town of Gawler's proposal and does not believe their new proposal has any credibility when reviewed against the Section 26 principles for Boundary Reform but of course that is for the Commission to assess if LRC do progress to lodging an actual proposal with the Commission.

However with Light Regional Council deciding to play this scenario out in the media in a rather unsavoury fashion by attacking my organisation I believe it would be worthwhile for the Mayor and Myself to meet with yourself and/or the Commission as a whole to discuss the road ahead. If you are happy to meet with us to discuss the road ahead for Town of Gawler please contact my office at your earliest convenience to arrange a time that suits all.

In closing I advise that Town of Gawler is preparing a report to its 23 June Ordinary Council Meeting to update Council Members on the project and provide further details on how we will progress the matter. It would be extremely helpful to have a response to the above matters and the matters contained in our previous correspondence provided to your office by early June in time to inform this report, however we understand if more time is needed to consider our requests in these uncharted waters.

I thank you for your time and consideration.

Kind Regards

Henry Inat | Chief Executive Officer
Town of Gawler | 43 High Street Gawler East | PO Box 130 | Gawler SA 5118
Ph 8522 9276 | Mobile 0403 060 779
www.gawler.sa.gov.au

Gawler

Contact: Mr H Inat

Ref: HI:js
CC16/772

25 May 2020

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43 High Street
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PO Box 130
Gawler SA 5118
Phone: (08) 8522 9211
council@gawler.sa.gov.au
gawler.sa.gov.au

Mr Brian Carr
Chief Executive Officer
Light Regional Council
PO Box 72
KAPUNDA SA 5373

Dear Brian

RE: BOUNDARY REFORM – REQUEST FOR ASSET INFORMATION

I write to you in the interests of Council's boundary reform considerations. As you are aware, Town of Gawler is progressing towards preparing a "Stage 2 General Proposal" to the South Australian Local Government Boundaries Commission for their investigation and further consideration.

Town of Gawler also notes as per correspondence from Mayor O'Brien, dated the 29 April 2020, and subsequent letter received on the 18 May 2020, that in response to Town of Gawler's unwillingness to defer or withdraw its boundary reform considerations Light Regional Council has recently resolved to progress your own Stage 1 Proposal to the Boundaries Commission.

Whilst we do not support your proposed boundary changes, we are keen to consider boundary reform collectively including the sharing of relevant information between Councils to assist with respective investigations. The sharing of information would allow each Council to undertake more detailed investigations on their communities' behalf prior to lodging their respective Stage 2 proposals and allow a greater transparency for the communities involved.

In this spirit and in the knowledge that the Boundaries Commission will ultimately require the same information, as part of their own investigations, we are requesting relevant electronic data from your asset management system not publically available in your asset management plans. The extracts of data we are interested in are for the Light Regional Council areas outlined on the attached draft Map 5; specifically Area 2 – Hewett, Area 4 – Portion of Gawler Belt and Area 6 – Portion of Reid.

The asset management system information we are requesting would entail; asset description, asset condition and financial data (including replacement cost, useful life, remaining life, install date etc) for the following assets:

Mr Brian Carr
25 May 2020

2

- Transport infrastructure (eg. roads, footpaths, kerb and gutter, traffic control devices etc)
- Stormwater infrastructure (eg. pits, pipes, culverts, detention/retention basins, stormwater quality devices)
- Open space (eg. parks, gardens, public furniture, fencing, cemeteries, sporting areas, erosion control on river banks, plus any tree management plans and roadside vegetation plans)
- Electrical (eg. street lighting, open space and other lighting, CCTV)
- Council Buildings & Structures
- Service Levels and recurrent costs for maintenance of roads, buildings, storm water and open spaces

It would also be of assistance if you could provide copies of any long term management plans for any infrastructure in these areas which highlight proposed renewals/upgrades, new infrastructure and any backlog of works.

Town of Gawler staff would be happy to meet with your relevant staff to discuss the above in more detail and also any information that your Council may seek from Town of Gawler.

Thank you for your consideration of this matter.

Yours faithfully



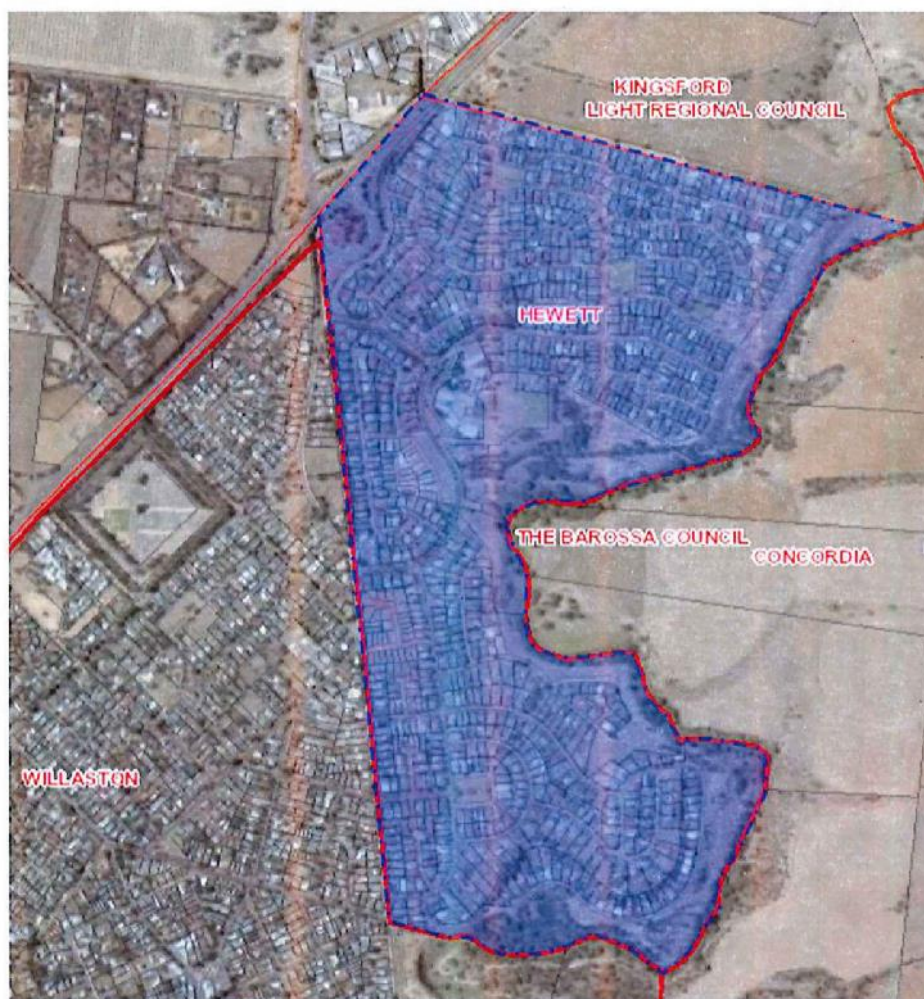
Henry Inat
Chief Executive Officer

Direct line: (08) 8522 9221
Email: henry.inat@gawler.sa.gov.au



AREA (2) HEWETT

Area of interest - highlighted in purple

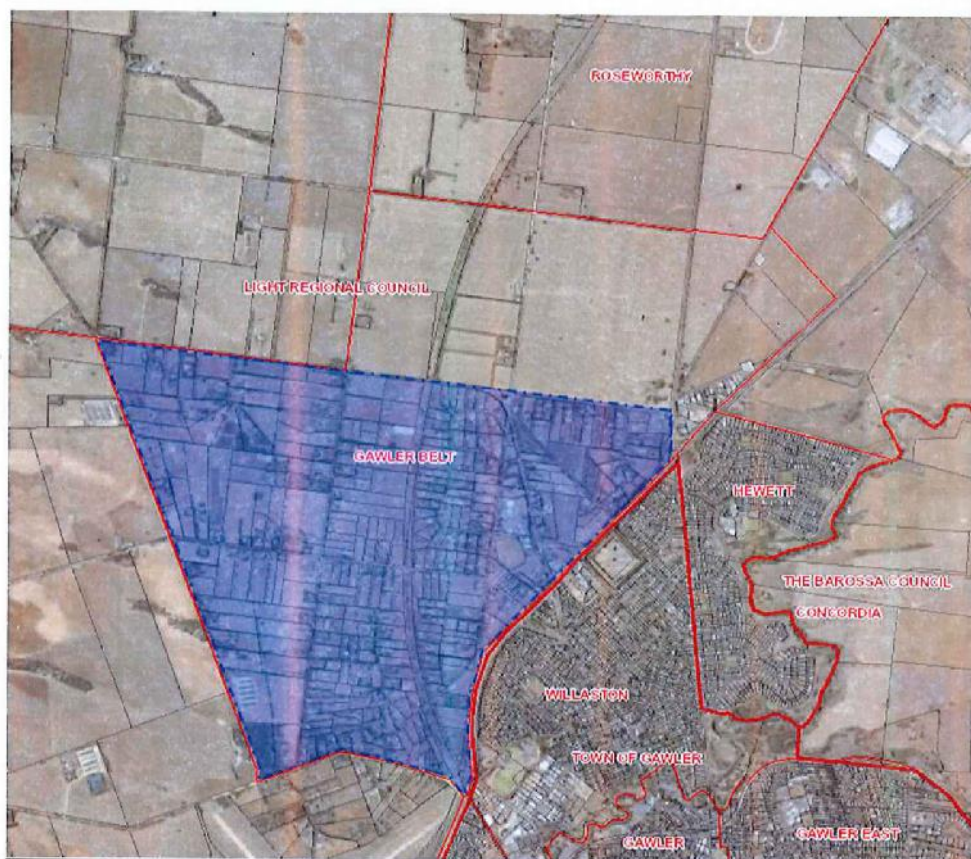


CR20/35986

Light Regional Council Areas

AREA (4) GAWLER BELT

Area of interest - highlighted in purple

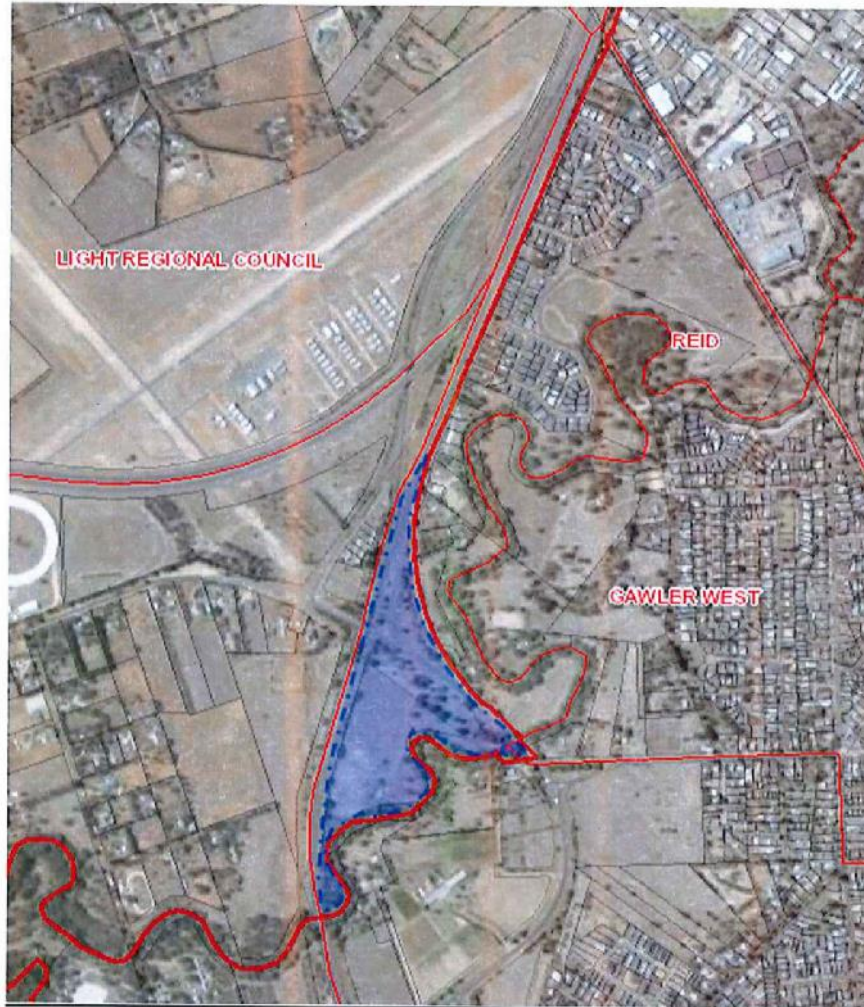


CR20/35986

Light Regional Council Areas

AREA (6) REID

Area of interest - highlighted in purple



CR20/35986

Light Regional Council Areas

Contact: Mr H Inat

Ref: Hljjs
CC16/772

25 May 2020

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355



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43 High Street
Gawler East SA 5118
PO Box 130
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Phone: (08) 8522 9211
council@gawler.sa.gov.au
gawler.sa.gov.au

Dear Martin

RE: BOUNDARY REFORM – REQUEST FOR ASSET INFORMATION

I write to you in the interests of Council's boundary reform considerations. As you are aware, Town of Gawler is progressing towards preparing a "Stage 2 General Proposal" to the South Australian Local Government Boundaries Commission for their investigation and further consideration, as per our letter to Mayor Lange dated 19 March 2020 and shared correspondence more recently on 7 May 2020.

Town of Gawler appreciates The Barossa Council's participation in previous discussions with regard to boundary reform considerations across the region and notes that your own boundary reform considerations have been "deferred" awaiting the outcome and an understanding of the costs imposed in regard to the Town of Gawler's Proposal.

Moving forward we are keen to continue to consider boundary reform collectively including the sharing of relevant information between Councils to assist with effective consultation and investigations. The sharing of information would allow each Council to more fully assess boundary changes as a result of more detailed investigations on their communities' behalf and allow greater transparency for all the communities involved.

In this spirit and in the knowledge that the Boundaries Commission will ultimately require the same information, as part of their own investigations, we are requesting relevant electronic data from your asset management system not publicly available in your asset management plans. The extracts of data we are interested in are for The Barossa Council areas outlined on the attached draft Map 5; specifically Area 1 – proposed Concordia area (in terms of existing assets) and Area 3 - Portion of Kalbeeba including a section of Springwood.

The asset management system information we are requesting would entail; asset description, asset condition and financial data (including replacement cost, useful life, remaining life, install date etc) for the following assets:

- Transport infrastructure (eg. roads, footpaths, kerb and gutter, traffic control devices etc)
- Stormwater infrastructure (eg. pits, pipes, culverts, detention/retention basins, stormwater quality devices)

Mr Martin McCarthy
25 May 2020

2

- Open space (eg. parks, gardens, public furniture, fencing, cemeteries, sporting areas, erosion control on river banks, plus any tree management plans and roadside vegetation plans)
- Electrical (eg. street lighting, open space and other lighting, CCTV)
- Council Buildings & Structures
- Service Levels and recurrent costs for maintenance of roads, buildings, storm water and open spaces

It would also be of assistance if you could provide copies of any long term management plans for any infrastructure in these areas which highlight proposed renewals/upgrades, new infrastructure and any backlog of works.

Town of Gawler staff would be happy to meet with your relevant staff to discuss the above in more detail and also any information that your Council may seek from Town of Gawler.

Thank you for your consideration of this matter.

Yours faithfully



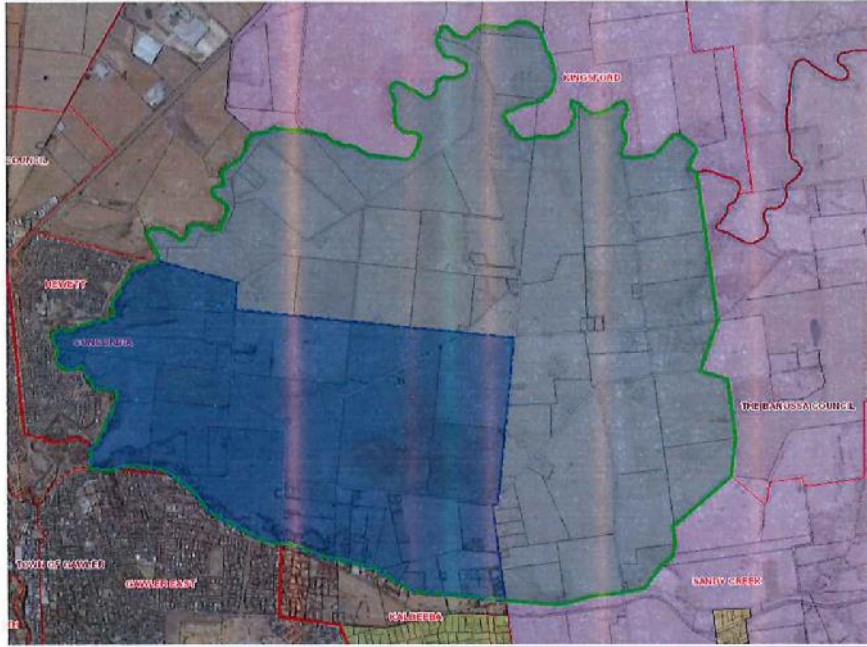
Henry Inat
Chief Executive Officer

Direct line: (08) 8522 9221
Email: henry.inat@gawler.sa.gov.au



AREA (1) CONCORDIA

Area of interest - highlighted in blue



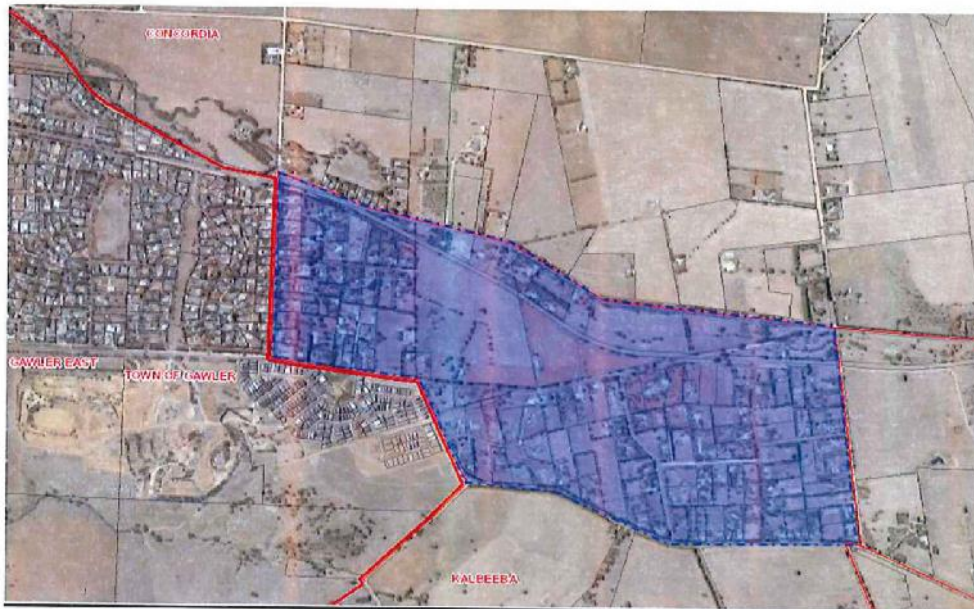
CR20/35985

The Barossa Council Areas

AREA (3) KALBEEBA

Area of interest - highlighted in purple

Includes two areas from within the suburb of Kalbeeba. These areas include the northern sections which are currently zoned for Rural Living as well as a portion of land which is in fact a part of the Springwood Development in Gawler East.



CR20/35985

The Barossa Council Areas

Contact: Mr H Inat

Ref: Hl:js
CC16/772

25 May 2020

Mr Sam Green
Chief Executive Officer
City of Playford
12 Bishopstone Road
DAVOREN PARK SA 5113



Town of Gawler Administration Centre
43 High Street
Gawler East SA 5118
PO Box 130
Gawler SA 5118
Phone: (08) 8522 9211
council@gawler.sa.gov.au
gawler.sa.gov.au

Dear Sam

RE: BOUNDARY REFORM – REQUEST FOR ASSET INFORMATION

I write to you in the interests of Council's boundary reform considerations. As you are aware, Town of Gawler is progressing towards preparing a "Stage 2 General Proposal" to the South Australian Local Government Boundaries Commission for their investigation and further consideration, as per our letter to Mayor Docherty dated 19 March 2020 and shared correspondence more recently on 7 May 2020.

Town of Gawler has been providing City of Playford with regular updates as we progress our boundary reform considerations and our Mayor Karen Redman has sought to engage with City of Playford on the matter. To date we have not had a response from City of Playford however acknowledge you may be waiting further developments in this space.

I am reaching out in the hope of having a full and open discussion with yourself and perhaps Mayor Docherty on this matter as we are keen to consider boundary reform collectively including the sharing of relevant information between Councils to assist with effective consultation and investigations. The sharing of information would allow each Council to more fully assess boundary changes as a result of more detailed investigations on their communities' behalf and allow greater transparency for all the communities involved.

In this spirit and in the knowledge that the Boundaries Commission will ultimately require the same information, as part of their own investigations, we are requesting relevant electronic data from your asset management system not publically available in your asset management plans. The extracts of data we are interested in are for the City of Playford areas outlined on the attached draft Map 5; specifically Area 5 – Evanston Park and Area 7 - Hiller.

The asset management system information we are requesting would entail; asset description, asset condition and financial data (including replacement cost, useful life, remaining life, install date etc) for the following assets:

- Transport infrastructure (eg. roads, footpaths, kerb and gutter, traffic control devices etc)
- Stormwater infrastructure (eg. pits, pipes, culverts, detention/retention basins, stormwater quality devices)

Mr Sam Green
25 May 2020

2

- Open space (eg. parks, gardens, public furniture, fencing, cemeteries, sporting areas, erosion control on river banks, plus any tree management plans and roadside vegetation plans)
- Electrical (eg. street lighting, open space and other lighting, CCTV)
- Council Buildings & Structures
- Service Levels and recurrent costs for maintenance of roads, buildings, storm water and open spaces

It would also be of assistance if you could provide copies of any long term management plans for any infrastructure in these areas which highlight proposed renewals/upgrades, new infrastructure and any backlog of works.

Town of Gawler staff would be happy to meet with your relevant staff to discuss the above in more detail and also any information that your Council may seek from Town of Gawler.

I would like to emphasise that I believe it would be helpful to meet and discuss boundary reform considerations and the process Town of Gawler has committed to on behalf of its Community. If you are happy to meet with myself to discuss the road ahead please contact my office at your earliest convenience to arrange a time that suits all.

Thank you for your consideration of this matter.

Yours faithfully



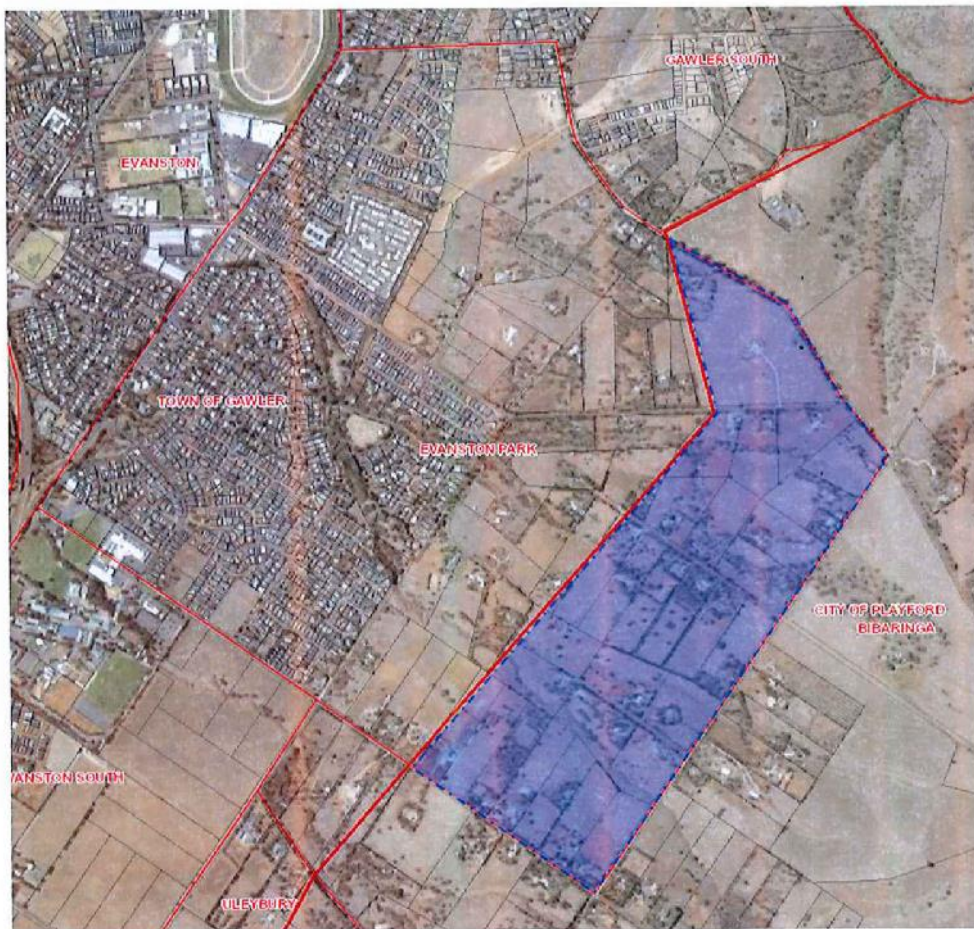
Henry Inat
Chief Executive Officer

Direct line: (08) 8522 9221
Email: henry.inat@gawler.sa.gov.au



AREA (5) EVANSTON PARK

Area of interest - highlighted in purple

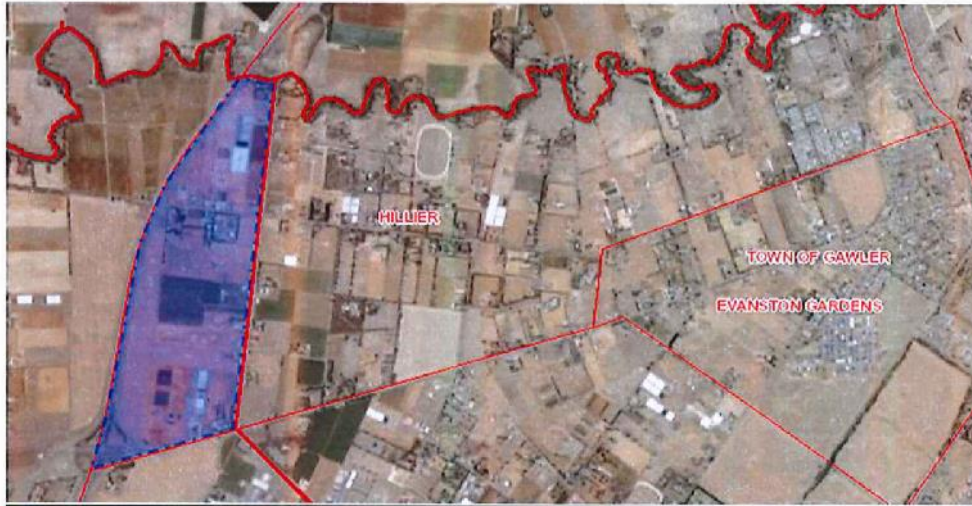


CR20/35987

City of Playford Areas

AREA (7) HILLIER

Area of interest - highlighted in purple



CR20/35987

City of Playford Areas

Ref: BC:ts
Doc ID: 429993

11 June 2020



Mr Henry Inat
Chief Executive Officer
Town of Gawler
PO Box 130
GAWLER SA 5118

Via Email: Henry.Inat@gawler.sa.gov.au

Dear Henry

Boundary Reform

Reference is made to your letter dated 25 May 2020 (received 29.5.20) wherein you seek access to "electronic data from Council's asset management system not publicly available in Council's asset management plans".

I confirm that Light Regional Council has recently lodged a Stage 1 Proposal with the Boundaries Commission and are currently awaiting a favourable response to proceed to Stage 2 from the Commission.

With that in mind and in the knowledge that the Boundaries Commission or its investigators will seek relevant information from councils affected by these proposals at the appropriate time, I consider your request to be premature, potentially an unnecessary cost and thus unwarranted in the anticipated circumstances.

Accordingly, I advise that until such time as a response is received from the Commission, Council is not in a position to accede to your request.

Yours sincerely,

Brian Carr
Chief Executive Officer

Postal Address:

PO Box 72, Kapunda, South Australia 5373

Telephone: (08) 8525 3200
Email: light@light.sa.gov.au
Website: www.light.sa.gov.au

Principal Office
93 Main Street, Kapunda, SA 5373

Light Regional Council ABN: 35 455 841 625

Branch Office
12 Hanson Street, Freeling, SA 5372

From: [Henry Inat](#)
To: [David Barrett](#); [Kirsty Dudley](#)
Cc: [Sam Dillner](#); [Tracie Hanson](#)
Subject: FW: Asset data request
Date: Tuesday, 16 June 2020 05:37:57 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Dear all fyi.

Henry Inat | Chief Executive Officer
Town of Gawler | 43 High Street Gawler East | PO Box 130 | Gawler SA 5118
Ph 8522 9276 | Mobile 0403 060 779
www.gawler.sa.gov.au

From: Henry Inat
Sent: Tuesday, 16 June 2020 5:37 PM
To: 'Martin McCarthy' <mmccarthy@barossa.sa.gov.au>
Cc: Mayor Lange <MLange2@barossa.sa.gov.au>; Matt Elding <melding@barossa.sa.gov.au>
Subject: RE: Asset data request

Martin, thank you for your response. Look forward to receiving the information once you are able to provide.

Regards

Henry Inat | Chief Executive Officer
Town of Gawler | 43 High Street Gawler East | PO Box 130 | Gawler SA 5118
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From: Martin McCarthy <mmccarthy@barossa.sa.gov.au>
Sent: Tuesday, 16 June 2020 7:12 AM
To: Henry Inat <Henry.Inat@gawler.sa.gov.au>
Cc: Mayor Lange <MLange2@barossa.sa.gov.au>; Matt Elding <melding@barossa.sa.gov.au>
Subject: Asset data request

Hi Henry

Thanks for the letter seeking significant asset management and financial data. I confirm receipt.

Right now we are in a major restructure of our asset system and implementation of connectivity to our digital reforms along with implementing new software and processes for real time asset management in the field. With significant customer and efficiency improvements. This is coupled with end of financial year.

I will get the data you seek but I am not going to remove staff from these processes at present for this administrative purpose. Council have instructed that we have higher value work at present that boundary reform as outlined in our correspondence. I cannot predict the time with the data will be available but it will be after we complete end of financial year work and complete the restructure and digitisation processes at least 6-8 week away.

Kind regards

Martin

Martin McCarthy
Chief Executive Officer
T: 08 8563 8399

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House of Assembly—No 67

As laid on the table and read a first time, 17 June 2020

South Australia

**Statutes Amendment (Local Government Review)
Bill 2020**

A BILL FOR

An Act to amend the *Local Government Act 1999*, the *Local Government (Elections) Act 1999*, the *City of Adelaide Act 1998* and to amend various other Acts related to the review of the system of local government in South Australia.

Statutes Amendment (Local Government Review) Bill 2020
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5	This Act may be cited as the <i>Statutes Amendment (Local Government Review) Act 2020</i> .
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Statutes Amendment (Local Government Review) Bill 2020
Part 1—Preliminary

2—Commencement

- (1) This Act comes into operation on a day to be fixed by proclamation.
- (2) Section 7(5) of the *Acts Interpretation Act 1915* does not apply to this Act.

3—Amendment provisions

- 5 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 3—Objects

- Section 3(f)—after "communities" insert:
- 10 and to provide for appropriate financial contributions by ratepayers to those services and facilities

5—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *authorised person* insert:
 - behavioural management policy*—see section 262B(1);
 - 15 *behavioural standards* means the standards of behaviour to be observed by members of councils published under Chapter 5 Part 4 Division 2;
 - Behavioural Standards Panel* or *Panel* means the Behavioural Standards Panel established under Chapter 13 Part A1 Division 2;
 - behavioural support policy*—see section 75F(1);
- 20 (2) Section 4(1), definition of *Commission*—delete the definition and substitute:
 - Commission* or *South Australian Local Government Boundaries Commission* means the South Australian Local Government Grants Commission established under the *South Australian Local Government Grants Commission Act 1992*;
- 25 (3) Section 4(1)—after the definition of *Commission* insert:
 - community engagement charter*—see Chapter 4 Part 5;
 - community engagement policy*—see Chapter 4 Part 5;
- (4) Section 4(1)—after the definition of *day therapy centre* insert:
 - designated authority*—see section 123;
- 30 (5) Section 4(1)—after the definition of *independent living units* insert:
 - integrity provision* means—
 - (a) in relation to members of councils—a provision of Chapter 5 Part 4 Division 1; or
 - (b) in relation to employees of councils—a provision of Chapter 7 Part 4 Division 1;
- 35 (6) Section 4(1), definition of *public consultation policies*—delete the definition

Statutes Amendment (Local Government Review) Bill 2020
Amendment of *Local Government Act 1999*—Part 2

- (7) Section 4(1), definition of *relative*—delete the definition and substitute:

relative of a person means—

- (a) the spouse or domestic partner; or
- (b) a parent, step parent or remoter lineal ancestor; or
- (c) a child, step child or remoter descendant; or
- (d) a sibling or step sibling; or
- (e) any member of the person's family who resides in the person's household;

- (8) Section 4(1)—after the definition of *relative* insert:

relevant audit and risk committee means—

- (a) in relation to a council that has, with 1 or more other councils, established a regional audit and risk committee—the regional audit and risk committee; or
- (b) in relation to any other council—the council audit and risk committee;

- (9) Section 4(1), definition of *site value*—delete the definition

- (10) Section 4—before subsection (1aa) insert:

(1aaa) For the purposes of this Act, *public consultation* is undertaken if consultation is conducted in accordance with the relevant provisions of the community engagement charter and community engagement policy (if applicable).

- (11) Section 4(1aa)(a)(ii)(B)—delete "; and" and substitute:

; or

- (12) Section 4(1aa)(b)—delete paragraph (b) and substitute:

- (b) if the community engagement charter provides for the giving of public notice under this Act—notice is published in accordance with the community engagement charter.

6—Amendment of section 6—Principal role of council

Section 6(b)—delete paragraph (b) and substitute:

- (b) to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities; and

7—Amendment of section 7—Functions of council

- (1) Section 7(b)—delete "(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)"

Statutes Amendment (Local Government Review) Bill 2020
 Part 2—Amendment of *Local Government Act 1999*

(2) Section 7—after paragraph (b) insert:

- (ba) to determine the appropriate financial contribution to be made by ratepayers to the resources of the council;

8—Amendment of section 8—Principles to be observed by council

5 (1) Section 8(ea)—delete "and form partnerships" and substitute:

, form partnerships and share resources

(2) Section 8(h)—after "efficiently" insert:

and council services, facilities and programs are provided effectively and efficiently

10 (3) Section 8—after paragraph (i) insert:

- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;

9—Insertion of section 11A

15 Before section 12 insert:

11A—Number of members

(1) Despite any other provision of this Chapter, a council must not be comprised of more than 12 members.

(2) Subsection (1) applies to a council from—

20 (a) in the case of a council that commences a representation review in accordance with section 12 after the commencement of subsection (1) and completes the review before 1 January 2022—polling day for the periodic election next due to be held after the commencement of subsection (1); or

25 (b) in any other case—polling day for the second periodic election due to be held after the commencement of subsection (1).

30 (3) A reference to completing a review under subsection (2)(a) includes (if relevant) publishing any notice or notices in the Gazette under section 12(15)(b) in relation to the review.

10—Amendment of section 12—Composition and wards

(1) Section 12(5) to (10)—delete subsections (5) to (10) (inclusive) and substitute:

35 (5) A council must, in order to commence a review, initiate the preparation of a report (a *representation report*) by a person who, in the opinion of the council, is qualified to address the representation and governance issues that may arise with respect to the matters under review.

Statutes Amendment (Local Government Review) Bill 2020
 Amendment of *Local Government Act 1999*—Part 2

- (6) The representation report must—
- (a) examine the advantages and disadvantages of various options that are available to the council under subsection (1) (insofar as the various features of the composition and structure of the council are under review) and, in particular (to the extent that may be relevant)—
 - (i) examine the question of whether the number of members should be reduced; and
 - (ii) if the area of the council is divided into wards, examine the question of whether the division of the area into wards should be abolished; and
 - (b) set out any proposal that the council considers should be carried into effect under this section; and
 - (c) in respect of any such proposal—include an analysis of how the proposal relates to the principles under section 26(1)(c) and the matters referred to in section 33 (to the extent that may be relevant); and
 - (d) examine such other relevant issues as the council or the person preparing the report thinks fit.
- (7) The council must undertake public consultation on the representation report.
- (2) Section 12(11a) to (11d)—delete subsections (11a) to (11d) (inclusive)
 - (3) Section 12(12)—delete ", taking into account the operation of the preceding subsection,"
 - (4) Section 12(12a)—delete subsection (12a) and substitute:
 - (12a) The report must, if written submissions are received as part of public consultation undertaken under subsection (7), include copies of any written submissions that relate to the subject-matter of the proposal.
 - (5) Section 12(17)—delete "subsections (9) and (10)" and substitute:
 - subsection (7)
 - (6) Section 12(18a)—delete subsection (18a)

11—Amendment of section 13—Status of council or change of various names

Section 13(2)(ba)—delete paragraph (ba)

12—Amendment of section 26—Principles

- Section 26(1)—before "Commission" insert:
 - South Australian Local Government Boundaries

Statutes Amendment (Local Government Review) Bill 2020
 Part 2—Amendment of *Local Government Act 1999*

13—Amendment of section 44—Delegations

(1) Section 44(2)—after paragraph (b) insert:

(ba) to a joint planning board established under a planning agreement to which the council is a party; or

5 (2) Section 44(7) and (8)—delete subsections (7) and (8)

14—Amendment of section 45—Principal office

Section 45(3)—delete "consult with its local community in accordance with its public consultation policy" and substitute:

undertake public consultation

10 **15—Amendment of section 48—Prudential requirements for certain activities**

(1) Section 48(5)—delete subsection (5)

(2) Section 48(6)—delete "However, a council may take steps to prevent the disclosure of specific information" and substitute:

15 A council may take steps to prevent the disclosure of specific information in a report under subsection (1)

16—Amendment of section 49—Contracts and tenders policies

Section 49(4) and (5)—delete subsections (4) and (5)

17—Substitution of Chapter 4 Part 5

Chapter 4 Part 5—delete the Part and substitute:

20 **Part 5—Community engagement**

50—Community engagement charter

(1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish a community engagement charter for the purposes of this Act.

25 (2) The following principles must be taken into account in relation to the charter:

30 (a) members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities and processes of councils and to participate in relevant processes;

(b) information about issues should be in plain language, readily accessible and in a form that facilitates community participation;

35 (c) participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils;

Statutes Amendment (Local Government Review) Bill 2020
 Amendment of *Local Government Act 1999*—Part 2

- (d) participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes;
- (e) insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for decisions or actions of councils.
- (3) The charter—
- (a) will relate to—
- (i) community consultation and participation with respect to any decision, activity or process where compliance with the charter is contemplated by this Act; and
- (ii) any other circumstance where compliance with the charter is contemplated by this Act; and
- (b) may relate to any other circumstances, or provide for any other matter, determined by the Minister.
- (4) The charter may—
- (a) establish categories of statutory processes to which various parts of the charter will apply; and
- (b) in relation to each category established under paragraph (a)—
- (i) specify mandatory requirements; and
- (ii) set out principles and performance outcomes that are to apply to the extent that mandatory requirements are not imposed; and
- (c) in relation to performance outcomes under paragraph (b)(ii)—
- (i) provide guidance on specific measures or techniques by which the outcomes may be achieved; and
- (ii) set out measures to help evaluate whether, and to what degree, the outcomes have been achieved.
- (5) The charter may—
- (a) be of general or limited application; and
- (b) vary in operation according to factors stated in the charter; and
- (c) provide for, or for the granting by the Minister of, exemptions (conditional or unconditional) from specified provisions of the charter.

Statutes Amendment (Local Government Review) Bill 2020
 Part 2—Amendment of *Local Government Act 1999*

- (6) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the charter.
- 5 (7) The Minister must, before establishing, varying or substituting the charter—
- (a) consult with the LGA; and
- (b) undertake such other consultation as the Minister thinks fit, on the charter, variation or substitute charter (as the case may be).
- 10 (8) An entity to which the charter applies must—
- (a) comply with any mandatory requirement that applies in a relevant case; and
- (b) to the extent that paragraph (a) does not apply, have regard to, and seek to achieve, any principles or performance outcomes that apply in a relevant case.
- 15 (9) A notice published under subsection (1) or (6) may come into operation on the day on which it is published or on a later day or days specified in the notice.
- 20 (10) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (6) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (6) (as the case requires)).

50A—Council community engagement policy

- 25 (1) A council must prepare and adopt a policy relating to community engagement for the purposes of this Act (a ***community engagement policy***).
- (2) The policy may—
- 30 (a) in relation to any decision, activity or process in respect of which the community engagement charter prescribes requirements, principles or performance outcomes applying to community consultation and participation (relating to the decision, activity or process), make additional provision (not inconsistent with the charter) specifying how the council will—
- 35 (i) comply with the requirements in a relevant case; or
- (ii) seek to achieve the principles or performance outcomes in a relevant case; and
- 40 (b) in relation to any other decision, activity or process of the council, provide for community consultation and participation in relation to the decision, activity or process.
- (3) The policy must be consistent with, and comply with any requirements specified by, the community engagement charter.

Statutes Amendment (Local Government Review) Bill 2020
Amendment of *Local Government Act 1999*—Part 2

- (4) The policy may—
- (a) be of general or limited application; and
 - (b) vary in operation according to factors stated in the policy; and
 - (c) provide for, or for the granting by the council of, exemptions (conditional or unconditional) from specified provisions of the policy.
- (5) A council may from time to time alter a community engagement policy, or substitute a new policy.
- (6) Before a council—
- (a) adopts a community engagement policy; or
 - (b) alters, or substitutes, a community engagement policy,
- the council must undertake public consultation on the community engagement policy, alteration or substituted policy (as the case may be).

18—Amendment of section 51—Principal member of council

- (1) Section 51(1) and (2)—delete subsections (1) and (2) and substitute:
- (1) A council must be constituted on the basis that the principal member is to be appointed¹ or elected as a representative of the area as a whole (in which case the principal member is to be called a mayor).
- (2) Section 51(3)—delete subsection (3) and substitute:
- (3) If the council so resolves, there may also be a deputy mayor.
- (3) Section 51(4)—delete "or deputy chairperson"
- (4) Section 51(5)—delete "chairperson, deputy mayor or deputy chairperson" and substitute:
- deputy mayor
- (5) Section 51(6) and (7)—delete subsections (6) and (7) and substitute:
- (6) In the absence of the mayor, a deputy mayor may act in the office of mayor.
 - (7) If the mayor is absent from official duties and there is no deputy mayor, or the deputy mayor is not available to act in the office of mayor, a member chosen by the council may act in the office of mayor during the relevant period.

19—Amendment of section 54—Casual vacancies

- (1) Section 54(1)(g)—delete paragraph (g)
- (2) Section 54(1)(k)—delete "a court order" and substitute:
- an order of a court or SACAT

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(3) Section 54(2a)(b)(ii)—delete subparagraph (ii) and substitute:

(ii) the conclusion of the election falls within 12 months before polling day for—

(A) a periodic election; or

(B) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy.

(4) Section 54(4)—delete "Division 2 of Part 4 of this Chapter or"

20—Amendment of section 55—Specific requirements if member disqualified

(1) Section 55(a)—delete "62 or"

(2) Section 55(b)—delete "62" and substitute:

68, 80A, 80B

(3) Section 55, penalty provision—delete "\$5 000" and substitute:

\$15 000

21—Insertion of section 55A

After section 55 insert:

55A—Leave of absence—council member contesting election

(1) If a person holding office as a member of a council stands as a candidate for election as a member of the Parliament of the State, the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the election close until the result of the election is publicly declared.

(2) Leave of absence under subsection (1) extends to all other offices held in the person's capacity as a member of the council or by virtue of being a member of the council.

(3) Subsection (1) does not apply if the nomination of a member of a council as a candidate for election is revoked (as a result of the member's withdrawal of their consent to stand as a candidate).

(4) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council who is taken to have been granted leave of absence in accordance with this section is not entitled to receive any allowance in respect of the member's office for the period of leave.

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- (5) A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—

- 5 (a) use a facility or service provided by the council (not being a facility or service generally provided to members of the public by the council) for any purpose related to the election or to the member's functions or duties as a member of the council; or
- 10 (b) carry out any function or duty of the office of member of the council.

Maximum penalty: \$15 000.

- (6) The following provisions apply during the period of the leave of absence of a member of a council to whom this clause applies:

- 15 (a) the member is not required—
- (i) to submit a return for the purposes of the Register of Interests in accordance with Chapter 5 Part 4 Division 1 Subdivision 2; or
- 20 (ii) if relevant, to notify the chief executive officer of a change or variation of a kind referred to in section 67(1),

provided that, on the cessation of the suspension, the member—

- 25 (iii) submits any return for the purposes of the Register of Interests that the member would, but for the suspension, have been required to submit in accordance with Chapter 5 Part 4 Division 1 Subdivision 2 during the period of suspension; and
- 30 (iv) notifies the chief executive officer of a change or variation of a kind referred to in section 67(1) of which the member would, but for the suspension, have been required to notify the chief executive officer under section 67(1) during the period of suspension;
- 35 (b) to avoid doubt, section 54(1)(d) does not apply to the member.

22—Amendment of section 58—Specific roles of principal member

- (1) Section 58(1)—delete subsection (1) and substitute:

- (1) The role of the principal member of a council as leader of the council is—
- 40 (a) to provide leadership and guidance to the council; and
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and

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- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- 5 (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a
10 decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- 15 (i) to carry out the civic and ceremonial duties of the office of principal member.

(2) Section 58(2)—delete "Subsection (1)(c)" and substitute:

Subsection (1)(g)

23—Amendment of section 59—Roles of members of councils

(1) Section 59(1)(a)—delete paragraph (a) and substitute:

- 20 (a) as a member of the governing body of the council—
 - (i) to act with integrity; and
 - (ii) to ensure positive and constructive working relationships within the council; and
 - 25 (iii) to recognise and support the role of the principal member under the Act; and
 - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and
 - (v) to participate in the deliberations and activities of the council; and
 - 30 (vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and
 - (vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
 - 35 (viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and
 - (ix) to participate in setting and assessing performance standards to be met under the council's contract with the chief executive officer; and
 - 40 (x) to serve the overall public interest of the council; and

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- (2) Section 59(1)(b)—after "ratepayers" insert:
of the council

24—Substitution of heading to Chapter 5 Part 4

Heading to Chapter 5 Part 4—delete the heading and substitute:

5 **Part 4—Member integrity and behaviour**

25—Substitution of heading to Chapter 5 Part 4 Division 1

Heading to Chapter 5 Part 4 Division 1—delete the heading and substitute:

Division 1—Member integrity

26—Insertion of Subdivision heading

10 Before section 62 insert:

Subdivision 1—General

27—Amendment of section 62—General duties

- (1) Section 62(3), penalty provision—delete the penalty provision
- (2) Section 62(4), penalty provision—delete the penalty provision
- 15 (3) Section 62(4a)—delete subsection (4a) and substitute:
- (4a) A member or former member of a council must not disclose information or a document—
- (a) in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially; or
- 20 style="padding-left: 80px;">(b) that the member or former member knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.
- (4) Section 62—after subsection (4b) insert:
- 25 style="padding-left: 40px;">(4c) A member of a council must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to the employee.
- (4d) Without limiting subsection (4c), a member of a council must not request an employee of a council—
- 30 style="padding-left: 80px;">(a) to provide information or a document; or
- (b) to take action or perform work,
- except in accordance with the requirements of the chief executive officer of the council.
- 35 style="padding-left: 40px;">(4e) A member of a council must comply with any requirements prescribed by the regulations relating to the conduct of members that are expressed to be integrity provisions.
- (5) Section 62(5) and (6)—delete subsections (5) and (6)

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(6) Section 62(7)—delete "The" and substitute:

Subject to the regulations, the

28—Repeal of section 63

Section 63—delete the section

5 **29—Substitution of heading to Chapter 5 Part 4 Division 2**

Heading to Chapter 5 Part 4 Division 2—delete the heading and substitute:

Subdivision 2—Register of Interests

30—Amendment of Chapter 5 Part 4 Division 2

10 Chapter 5 Part 4 Division 2—delete "this Division" wherever occurring and substitute in each case:

this Subdivision

31—Amendment of section 64—Interpretation

Section 64, definition of *return period*—delete the definition

32—Amendment of section 67—Form and content of returns

15 (1) Section 67(1)—delete "person related to the member" and substitute:

designated person or entity in relation to the member

(2) Section 67(1), penalty provision—delete the penalty provision

(3) Section 67(2)—delete "a defence to a prosecution for an offence against subsection (1) to prove" and substitute:

20 not a breach of subsection (1) if a member proves

33—Amendment of section 68—Register of Interests

(1) Section 68—after subsection (1) insert:

25 (1a) If a member of a council fails to submit a return to the chief executive officer before the expiration of 1 month from the end of the period allowed under this Subdivision for the submission of the return, the member is suspended from the office of member of the council.

30 (1b) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (1a) is not entitled to an allowance under section 76 during the period of suspension.

(2) Section 68(2)—delete "Division 1 of Part 2 of this Chapter" and substitute:

subsection (1a)

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(3) Section 68—after subsection (3) insert:

- 5 (3a) If a member of a council suspended under subsection (1a) for a failure to submit a return submits (after the commencement of the suspension) to the chief executive officer of the council the return that was required to be submitted and the chief executive officer is satisfied that the return complies with the requirements of this Subdivision (other than the requirement as to the period allowed for the submission of the return)—
- 10 (a) the chief executive officer must immediately publish a notice on a website determined by the chief executive officer specifying the date on which the member submitted the return; and
- (b) the suspension is taken to be revoked on the date of publication of the notice.
- 15 (3b) If a member of a council is suspended under subsection (1a) for a continuous period of more than the prescribed period, the chief executive officer may apply to SACAT for an order disqualifying the member of the council from the office of member under this Act.
- 20 (3c) If a member is disqualified under subsection (3b), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.

34—Amendment of section 69—Provision of false information

Section 69, penalty provision—delete the penalty provision

25 **35—Amendment of section 70—Publication of Register**

(1) Section 70(a1)—delete subsection (a1) and substitute:

- (a1) The chief executive officer must publish the Register on a website determined by the chief executive officer.
- 30 (a2) However, the chief executive officer must ensure that the following details are not published under subsection (a1):
- (a) a person's residential address;
- (b) any other address suppressed from the Register under section 68(4)(a).

(2) Section 70(1) and (2)—delete subsections (1) and (2)

35 **36—Amendment of section 71—Restrictions on publication**

Section 71(2), penalty provision—delete "\$10 000" and substitute:

\$15 000

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37—Insertion of Chapter 5 Part 4 Division 1 Subdivision 3

Chapter 5 Part 4—after section 72 insert:

Subdivision 3—Gifts and benefits

72A—Register of gifts and benefits

- 5 (1) A member of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the member or influence the member in the performance or discharge of their functions or duties.
- 10 (2) If a member of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the member must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- 15 (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- (4) The chief executive officer of a council must maintain a register of gifts and benefits received by members of the council and must ensure that the details of each gift and benefit provided under this
- 20 section are included in the register.
- (5) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to a member of a council will be treated as a gift or benefit (as the case requires) received by the member.
- 25 (6) For the purposes of this section—
 - 30 (a) 2 or more separate gifts or benefits received by a member or a designated person or entity in relation to the member from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the member; and
 - 35 (b) 2 or more separate transactions to which a member or a designated person or entity in relation to the member is a party with the same person during a financial year under which the member or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the member has had the use of property of the other person during the financial year.
- 40 (7) Unless the contrary intention appears, terms and expressions used in this section and in Schedule 3 have the same respective meanings in this section as they have in that Schedule.

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38—Substitution of Chapter 5 Part 4 Division 3

Chapter 5 Part 4 Division 3—delete Division 3 and substitute:

Subdivision 4—Conflicts of interest

73—Preliminary

5 In this Subdivision—

agency or instrumentality of the Crown includes—

- (a) an administrative unit of the Public Service; and
- (b) a body corporate comprised of or including, or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown;

conflict of interest means—

- (a) a general conflict of interest; or
- (b) a material conflict of interest;

general conflict of interest—see section 74;

material conflict of interest—see section 75.

74—General conflicts of interest

- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *general conflict of interest* in a matter to be discussed at a meeting of the council if an impartial, fair-minded person would consider that the member's private interests could result in the member acting in a manner that is contrary to their public duty.
- (2) For the purposes of subsection (1)—
private interests means any direct or indirect interest of a member that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;
public duty means the responsibilities and obligations that a member has to members of the public in their role as a member.

75—Material conflicts of interest

- Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *material conflict of interest* in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:
 - (a) the member;
 - (b) a relative of the member;

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- (c) a body corporate of which the member is a director or a member of the governing body;
- (d) a proprietary company in which the member is a shareholder;
- 5 (e) a family company of the member (within the meaning of Schedule 3);
- (f) a family trust of the member (within the meaning of Schedule 3);
- 10 (g) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
- (h) a partner of the member;
- (i) the employer or an employee of the member;
- 15 (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;
- 20 (k) a person or body from whom the member has received a gift of a kind required to be disclosed in a return under Part 14 of the *Local Government (Elections) Act 1999* relating to the last election at which the member was elected;
- (l) a person of a prescribed class.

75A—Exemptions and other matters

- 25 (1) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—
- 30 (a) if the interest is held in common with a substantial proportion of the ratepayers, electors or residents of the council area and does not exceed the interest held by the other ratepayers, electors or residents; or
- (b) if the interest in the matter is that of an employer or employee of the member, and the member does not know, and could not reasonably be expected to know, of that interest; or
- 35 (c) if the interest in the matter is that of a relative of the member, other than the member's spouse or domestic partner, and the member does not know, and could not reasonably be expected to know, of that interest; or
- 40 (d) if—
 - (i) the interest arises in relation to a prescribed matter or in prescribed circumstances; and

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- (ii) the member complies with the requirements of the regulations (if any) relating to dealing with the matter.
- 5 (2) Without limiting subsection (1), a member of a council will not be regarded as having a general conflict of interest in a matter to be discussed at a meeting of the council by reason only of—
- (a) an engagement with a community group, sporting club or similar organisation undertaken by the member in their capacity as a member; or
- 10 (b) membership of a political party; or
- (c) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or
- 15 (d) the member having been a student of a particular school or their involvement with a school as parent of a student at the school; or
- (e) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council.
- 20 (3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a
- 25 member, officer or employee of the agency or instrumentality.
- (4) Regulations under subsection (1)(d)—
- (a) may be limited to material conflicts of interest or general conflicts of interest, or may relate to conflicts of interest generally; and
- 30 (b) may make different provision according to the matter or circumstances to which they are expressed to apply.

75B—Dealing with general conflicts of interest

- 35 (1) If a member of a council has a general conflict of interest in relation to a matter to be discussed at a meeting of the council, the member must deal with the interest in a transparent and accountable way and, in particular, must inform the meeting of—
- (a) the member's interest in the matter; and
- (b) whether or not the member proposes to participate in the meeting in relation to the matter; and
- 40 (c) if the member proposes to participate in the meeting in relation to the matter—

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- (i) how the member intends to deal with the general conflict of interest, including whether the member intends to abstain from voting on the matter; and
- (ii) the member's reasons for participating (and, if relevant, voting) in relation to the matter.
- (2) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude themselves from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- (3) If a member of a council discloses a general conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- (a) the member's name;
- (b) the nature of the interest, as described by the member;
- (c) the manner in which the member dealt with the general conflict of interest;
- (d) if the member voted on the matter, the manner in which the member voted;
- (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- (4) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with a general conflict of interest of the member in a matter to be discussed at the meeting.

75C—Dealing with material conflicts of interest

- (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
- (a) inform the meeting of the member's material conflict of interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.
- (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting if the member—
- (a) has been granted an approval under subsection (3); and
- (b) complies with the conditions of the approval.

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- (3) The Minister may grant an approval in writing to a member of the council to take part in the meeting if—
- (a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; and
 - (b) it appears to the Minister to be in the interests of the council's community and area.
- (4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.
- (5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) if the member took part in the meeting under an approval under subsection (3), the fact that the member took part in the meeting.

75D—Application of Subdivision to members and meetings of committees and subsidiaries

- (1) The provisions of this Subdivision extend to committees and to members of committees established by councils as if—
- (a) a committee were a council; and
 - (b) a member of a committee were a member of a council.
- (2) The provisions of this Subdivision extend to subsidiaries and to board members of subsidiaries as if—
- (a) a subsidiary were a council; and
 - (b) a board member of a subsidiary were a member of a council.
- (3) However—
- (a) a member of a council committee, or a board member of a council subsidiary, who is also a member or employee of the council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the committee or subsidiary (as the case requires) by reason only of the fact that the member is a member or employee of the council or constituent council; or
 - (b) a board member of a regional subsidiary who is also a member or employee of a constituent council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the regional subsidiary if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils.

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39—Insertion of Chapter 5 Part 4 Division 2

Chapter 5—before Part 5 insert:

Division 2—Member behaviour

75E—Behavioural standards

- 5 (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that—
- (a) specify standards of behaviour to be observed by members of councils; and
- 10 (b) provide for any other matter relating to behaviour of members of councils.
- (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- 15 (3) A member of a council must comply with the behavioural standards.
- (4) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the behavioural standards.
- 20 (5) The Minister must, before establishing, varying or substituting the behavioural standards—
- (a) consult with the LGA; and
- (b) undertake such other consultation as the Minister thinks fit, on the behavioural standards, variation or substitute behavioural standards (as the case may be).
- 25 (6) A notice published under subsection (1) or (4) may come into operation on the day on which it is published in the Gazette or on a later day or days specified in the notice.
- 30 (7) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (4) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (4) (as the case requires)).

75F—Council behavioural support policies

- 35 (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may—
- (a) specify directions relating to behaviour that must be observed by members of the council; and

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- (b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and
- (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (3) A behavioural support policy—
- (a) must not be inconsistent with the behavioural standards; and
- (b) must comply with any requirement specified by the behavioural standards.
- (4) A member of a council must comply with the council's behavioural support policies.
- (5) A council may from time to time alter a behavioural support policy, or substitute a new policy.
- (6) Before a council—
- (a) adopts a behavioural support policy; or
- (b) alters, or substitutes, a behavioural support policy,
- the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).
- (7) A council must, within 6 months after the conclusion of each periodic election—
- (a) in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or
- (b) in any other case—consider whether it should adopt behavioural support policies.

Division 3—Health and safety duties

75G—Health and safety duties

- (1) A member of a council must—
- (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and
- (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.

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- (2) For the purposes of subsection (1)(b), the *responsible person* is—
- (a) if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or
 - 5 (b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or
 - (c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—
 - 10 (i) unless subparagraph (ii) applies, the principal member of the council; or
 - (ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.
 - 15
- (3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).
- 20 (4) This section is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*.
- (5) In this section—
- 25 *health* has the same meaning as in the *Work Health and Safety Act 2012*.

40—Amendment of section 76—Allowances

- (1) Section 76(1)—delete "section" first occurring and substitute:
- Act
- (2) Section 76(9)—delete "under a scheme prescribed by the regulations"
- 30 (3) Section 76(13)—delete "under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal"

41—Amendment of section 77—Reimbursement of expenses

Section 77(3) and (4)—delete subsections (3) and (4)

35 **42—Amendment of section 79—Register of allowances and benefits**

Section 79(3) and (4)—delete subsections (3) and (4)

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43—Amendment of section 80A—Training and development

(1) Section 80A—delete subsection (2) and substitute:

(2) The policy—

- 5 (a) must be aimed at assisting members in the performance and discharge of their functions and duties; and
- (b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and
- 10 (c) may specify other requirements relating to the conduct and completion of training and development by members.
- (2a) A training and development policy of a council may make different provision according to different members of the council.
- (2b) If a member of a council fails to comply with the prescribed mandatory requirements, the chief executive officer of the council must suspend the member from the office of member of the council, unless the member satisfies the chief executive officer that there were good reasons for the failure to comply.
- 15 (2c) If a chief executive officer of a council suspends a member of the council under subsection (2b), the chief executive officer must give public notice of the suspension as soon as practicable after determining to suspend the member.
- 20 (2d) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (2b) is not entitled to an allowance under section 76 during the period of suspension.
- 25 (2e) If a member of a council who is suspended under subsection (2b) as a result of failing to comply with the prescribed mandatory requirements satisfies the chief executive officer that the member has complied with the prescribed mandatory requirements, the chief executive officer must revoke the suspension and give public notice of the revocation.
- 30 (2f) If a member of a council is suspended under subsection (2b) for a continuous period of more than the prescribed period, the chief executive officer of the council may apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.
- 35 (2g) If a member is disqualified under subsection (2f), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.
- 40 (2h) The chief executive officer must maintain a register relating to training and development in accordance with the regulations.

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- (2i) A member of a council must, at the request of the chief executive officer, provide to the chief executive officer, within a period specified in the request, specified information, or information of a specified kind, relating to training and development by the member.
- 5 (2j) A member of a council must not contravene, or fail to comply with, a request under subsection (2i).
- (2k) In this section—
- prescribed mandatory requirements* means the requirements prescribed by the regulations relating to training and development that must be completed by members of councils, which may include
- 10 timeframes for the completion of such training and development.
- (2) Section 80A(4) and (5)—delete subsections (4) and (5)

44—Insertion of Chapter 5 Part 7

After Chapter 5 Part 6 insert:

15 **Part 7—Other matters**

80B—Suspension—member of council subject to intervention order

- (1) If a member of a council is subject to a relevant interim intervention order, the chief executive officer of the council may, if the chief executive officer considers it appropriate to do so, suspend the member from the office of member of the council.
- 20 (2) A member of a council suspended under subsection (1) is entitled to an allowance under section 76 during the period of suspension.
- (3) The chief executive officer of a council—
- 25 (a) must revoke a suspension under subsection (1) if the relevant interim intervention order is revoked; and
- (b) may revoke a suspension under subsection (1) if the chief executive officer considers it appropriate to do so.
- (4) If a member of a council is subject to a relevant final intervention order, the member is suspended from the office of member of the council.
- 30 (5) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (4) is not entitled to an allowance under section 76 during the period of suspension.
- 35 (6) The chief executive officer of a council must, as soon as is reasonably practicable after becoming aware that a member of the council is subject to a relevant final intervention order, notify the member of the suspension under subsection (4).
- 40 (7) If a relevant final intervention order is revoked, the suspension under subsection (4) relating to the relevant final intervention order is revoked.

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- 5 (8) If a member of a council is suspended under subsection (4) for a continuous period of more than the prescribed period, the chief executive officer of the council may apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.
- (9) If a member is disqualified under subsection (8), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.
- 10 (10) In this section—
- final intervention order* means a final intervention order (within the meaning of section 3(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*) or a domestic violence order (other than an interim DVO) that is a recognised DVO under Part 3A of that Act;
- 15 *interim intervention order* means an interim intervention order (within the meaning of section 3(1) of the *Intervention Orders (Prevention of Abuse) Act 2009*) or an interim DVO that is a recognised DVO under Part 3A of that Act;
- 20 *relevant final intervention order*—a final intervention order to which a member of a council is subject is a *relevant final intervention order* if a person protected by the order is another member, or an employee, of the council;
- 25 *relevant interim intervention order*—an interim intervention order to which a member of a council is subject is a *relevant interim intervention order* if a person protected by the order is another member, or an employee, of the council.

45—Amendment of section 83—Notice of ordinary or special meetings

- (1) Section 83(6)(d)—delete "(eg facsimile transmission)"
- (2) Section 83(8)—delete subsection (8)

46—Amendment of section 84—Public notice of council meetings

- 30 (1) Section 84(1a)—delete subsection (1a) and substitute:
- (1a) The chief executive officer must publicly display the notice required under subsection (1) at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132(1)(a).
- 35 (2) Section 84(3) and (4)—delete subsections (3) and (4) and substitute:
- (3) The notice required under subsection (1) must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.
- (3) Section 84(5)(a)—delete "at the principal office of the council" and substitute:
- 40 on a website determined by the chief executive officer

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47—Amendment of section 85—Quorum

Section 85—after subsection (1) insert:

(2) For the purposes of the definition of *prescribed number*—

- (a) a member of a council who is suspended from the office of member of the council; and
- (b) a member of a council who is taken to have been granted leave of absence from the office of member of the council under section 55A,

is not to be counted in the total number of members of the council.

48—Amendment of section 86—Procedure at meetings

(1) Section 86—after subsection (6) insert:

(6a) A member of a council must not, while at a meeting—

- (a) behave in an improper or disorderly manner; or
- (b) cause an interruption or interrupt another member who is speaking.

(6b) If a member contravenes or fails to comply with subsection (6a), the presiding member may, in accordance with the regulations, direct that the member be excluded from the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion at the meeting, and remain out of the meeting room for a period (not exceeding 15 minutes) determined by the presiding member.

(6c) A member excluded from a meeting under subsection (6b) must comply with the direction and any requirements of the regulations in relation to the exclusion.

(6d) A matter must not be put to a vote at a meeting of a council while a member is excluded under subsection (6b).

(6e) Nothing in subsections (6a) to (6d) prevents the regulations from prescribing procedures authorising a council to resolve to censure a member of the council or exclude or suspend a member from a meeting in accordance with the regulations.

(2) Section 86(7)—delete subsection (7)

49—Amendment of section 87—Calling and timing of committee meetings

Section 87(11)(d)—delete "(eg facsimile transmission)"

50—Amendment of section 88—Public notice of committee meetings

(1) Section 88(1a)—delete subsection (1a) and substitute:

- (1a) The chief executive officer must publicly display the notice required under subsection (1) at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132(1)(a).

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- (2) Section 88(3) and (4)—delete subsections (3) and (4) and substitute:
- (3) The notice required under subsection (1) must be kept on public display and continue to be published in accordance with section 132(1)(a) until the completion of the relevant meeting.

- 5 (3) Section 88(5)—delete "at the principal office of the council" and substitute:
on a website determined by the chief executive officer

51—Amendment of section 90—Meetings to be held in public except in special circumstances

- (1) Section 90(1)—after "section" insert:
10 and section 90A
- (2) Section 90(3)—after paragraph (n) insert:

(o) information relating to a proposed award recipient before the presentation of the award.
- (3) Section 90(8) to (8e)—delete subsections (8) to (8e) (inclusive)

15 **52—Insertion of section 90A—Information or briefing sessions**

After section 90 insert:

90A—Information or briefing sessions

- (1) A council, or the chief executive officer of a council, may hold or
20 arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which 1 or more members of the council or a council committee are invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an *information or briefing session*).
- 25 (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.
- 30 (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.
- 35 (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after
40 taking into account any relevant consideration under that subsection).

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- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of—
- (a) the grounds on which the order was made; and
 - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter publicly at the information or briefing session would be contrary to the public interest.
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply:
- (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee;
 - (b) a prescribed matter cannot be dealt with at an information or briefing session;
 - (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:
- (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
 - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session.

53—Amendment of section 91—Minutes and release of documents

- (1) Section 91(4) to (6)—delete subsections (4) to (6) (inclusive)
- (2) Section 91(7)—delete "However, subsections (4), (5) and (6) do" and substitute:
 Section 132(1) does

54—Amendment of section 92—Access to meetings and documents—code of practice

Section 92(5) to (7)—delete subsections (5) to (7) (inclusive) and substitute:

- (5) Before a council adopts, alters or substitutes a code of practice under this section it must undertake public consultation on the proposed code, alterations or substitute code (as the case may be).

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55—Amendment of section 93—Meetings of electors

- (1) Section 93(2)—delete ", by advertisement in a newspaper circulating in the area, give notice" and substitute:

give public notice

- 5 (2) Section 93(6)(a)—delete "or deputy chairperson"

56—Repeal of section 94A

Section 94A—delete the section

57—Amendment of section 97—Vacancy in office

- (1) Section 97—after subsection (3) insert:

- 10 (3a) Before terminating the appointment of a chief executive officer on a ground referred to in subsection (1)(a)(iv) or (v) or (1)(b), a council must have regard to advice from a qualified independent person.

- (2) Section 97—after subsection (5) insert:

- (6) In this section—

15 *qualified independent person* means a person—

- (a) who is not a member or employee of the council; and

- (b) who is—

- (i) a legal practitioner; or

- 20 (ii) determined by the council to have appropriate qualifications or experience in human resource management.

58—Amendment of section 98—Appointment procedures

- (1) Section 98(3)—delete "in a newspaper circulating throughout the State" and substitute:

25 on a website determined by the council

- (2) Section 98—after subsection (4) insert:

- (4a) The council must ensure that either or both of the following applies to the process for appointing a chief executive officer under this section:

- 30 (a) the council appoints at least 1 person who is not a member or employee of the council to the selection panel;

- 35 (b) before making the appointment to the office of chief executive officer, the council obtains and considers independent advice on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).

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59—Amendment of section 99—Role of chief executive officer

Section 99(1)—after paragraph (i) insert:

- (ia) to ensure that effective policies, systems and procedures are established and maintained for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks;
- (ib) to report annually to the relevant audit and risk committee on the council's internal audit processes;

60—Insertion of section 99A

After section 99 insert:

99A—Remuneration of chief executive officer

- (1) Subject to this section, the remuneration of the chief executive officer of a council will be determined by the council.
- (2) The Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils.
- (3) In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.
- (4) A determination under subsection (2)—
 - (a) may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and
 - (b) may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination.
- (5) The regulations—
 - (a) may make further provision in relation to a determination of the Remuneration Tribunal for the purposes of this section; and
 - (b) may modify the application of section 10 of the *Remuneration Act 1990* in relation to a determination under this section.
- (6) Sections 17 and 19 of the *Remuneration Act 1990* do not apply in relation to a determination under this section.
- (7) A reference in the *Remuneration Act 1990* to determining remuneration payable in respect of an office will, for the purposes of this section, be taken to include a reference to determining the minimum and maximum remuneration payable in respect of the office.

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- 5 (8) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement determined by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.
- (9) A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section.

10 **61—Insertion of section 102A**

After section 102 insert:

102A—Chief executive officer—performance review

- (1) A council must review the performance of its chief executive officer—
- 15 (a) at least once in each year that the chief executive officer holds office as chief executive officer; and
- (b) if relevant, before reappointment of the chief executive officer.
- 20 (2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).
- (3) In this section—
- qualified independent person* means a person who is—
- (a) not a member or employee of the council; and
- 25 (b) determined by the council to have appropriate qualifications or experience in human resource management.

62—Amendment of section 105—Register of remuneration, salaries and benefits

Section 105(3) and (4)—delete subsections (3) and (4)

63—Substitution of heading to Chapter 7 Part 4

30 Heading to Chapter 7 Part 4—delete the heading and substitute:

Part 4—Employee integrity and behaviour

64—Substitution of heading to Chapter 7 Part 4 Division 1

Heading to Chapter 7 Part 4 Division 1—delete the heading and substitute:

Division 1—Employee integrity

35 **65—Insertion of Subdivision heading**

Before section 108 insert:

Subdivision 1—General

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66—Amendment of section 108—Interpretation

Section 108—delete "Division" and substitute:

Subdivision

67—Amendment of section 109—General duty and compliance

5 Section 109—after subsection (2) insert:

- (3) An employee of a council must comply with the integrity provisions relating to employees.
- (4) Contravention of, or failure to comply with, an integrity provision by an employee of a council constitutes a ground for suspending,
10 dismissing or taking other disciplinary action against the employee.

68—Repeal of section 110

Section 110—delete the section

69—Amendment of section 110A—Duty to protect confidential information

Section 110A(1)—delete subsection (1) and substitute:

- 15 (1) An employee or former employee of a council must not disclose information or a document—
 - (a) in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially; or
 - 20 (b) that the employee or former employee knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.

Maximum penalty: \$15 000 or 2 years imprisonment.

70—Substitution of heading to Chapter 7 Part 4 Division 2

25 Heading to Chapter 7 Part 4 Division 2—delete the heading and substitute:

Subdivision 2—Register of Interests

71—Amendment of Chapter 7 Part 4 Division 2

Chapter 7 Part 4 Division 2—delete "Division" wherever occurring and substitute in each case:

30 Subdivision

72—Amendment of section 117—Provision of false information

Section 117, penalty provision—delete "\$10 000" and substitute:

\$15 000

73—Amendment of section 119—Restrictions on disclosure

35 Section 119(1), penalty provision—delete "\$10 000" and substitute:

\$15 000

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74—Insertion of Chapter 7 Part 4 Division 1 Subdivision 2A

Chapter 5 Part 4—after section 119 insert:

Subdivision 2A—Gifts and benefits

119A—Register of gifts and benefits

- 5 (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation to a person on the part of the employee or influence the employee in the performance or discharge of the employee's functions or duties.
- 10 (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- 15 (3) The Minister must consult with the LGA before publishing a notice under subsection (2).
- 20 (4) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this section are included in the register.
- (5) A register maintained under this section—
- 25 (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and
- (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- 30 (6) For the purposes of this section, a gift or benefit received by a designated person or entity in relation to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) For the purposes of this section—
- 35 (a) 2 or more separate gifts or benefits received by an employee or a designated person or entity in relation to the employee from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the employee; and

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- (b) 2 or more separate transactions to which an employee or a designated person or entity in relation to the employee is a party with the same person during a financial year under which the employee or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the employee has had the use of property of the other person during the financial year.
- (8) Unless the contrary intention appears, terms and expressions used in this section and in Schedule 3 have the same respective meanings in this section as they have in that Schedule, provided that a reference in Schedule 3 to a member will be taken, for the purposes of this clause, to be a reference to an employee.

75—Substitution of heading to Chapter 7 Part 4 Division 3

- Heading to Chapter 7 Part 4 Division 3—delete the heading and substitute:

Subdivision 3—Conflict of interest

76—Amendment of section 120—Conflict of interest

- (1) Section 120(1), penalty provision—delete "\$5 000" and substitute:
 \$15 000
- (2) Section 120(2), penalty provision—delete "\$5 000" and substitute:
 \$15 000
- (3) Section 120(4), penalty provision—delete "\$5 000" and substitute:
 \$15 000
- (4) Section 120(6)—after paragraph (b) insert:
- (ba) a family company of the employee (within the meaning of Schedule 3); or
- (bb) a family trust of the employee (within the meaning of Schedule 3); or
- (5) Section 120(6)(f)—delete paragraph (f) and substitute:
- (f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or

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77—Insertion of Chapter 7 Part 4 Division 2

Chapter 7 Part 4—after section 120 insert:

Division 2—Employee behaviour

120A—Behavioural standards

- 5 (1) A council may prepare and adopt standards (the *employee behavioural standards*) that—
- (a) specify standards of behaviour to be observed by employees of councils; and
- 10 (b) provide for any other matter relating to behaviour of employees of councils.
- (2) An employee of a council must comply with the council's employee behavioural standards.
- (3) Contravention of, or failure to comply with, the council's employee behavioural standards constitutes a ground for suspending,
- 15 dismissing or taking other disciplinary action against the employee.
- (4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.
- (5) Before a council—
- (a) adopts employee behavioural standards; or
- 20 (b) alters, or substitutes, its employee behavioural standards,
- the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).
- 25 (6) A council must, within 6 months after the conclusion of each periodic election—
- (a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or
- 30 (b) in any other case—consider whether it should adopt employee behavioural standards.

78—Amendment of section 122—Strategic management plans

- (1) Section 122(1a)(a)—delete "for a period of at least 10 years; and" and substitute:
- that relates to a period of at least 10 years and includes a funding plan that—
- 35 (i) outlines the council's approach to funding services and infrastructure of the council; and
- (ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and

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- (iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges); and
 - (2) Section 122—after subsection (3) insert:
 - (3a) The regulations may prescribe additional requirements with respect to strategic management plans.
 - (3) Section 122(4)(a)—delete "as soon as practicable after adopting the council's annual business plan for a particular financial year" and substitute:
 - on an annual basis
 - (4) Section 122—after subsection (4a) insert:
 - (4b) A report from a chief executive officer under subsection (4a) must—
 - (a) address any matters required by the Minister; and
 - (b) be published in a manner and form, and in accordance with any other requirements, determined by the Minister.
 - (5) Section 122(6)—delete "adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in" and substitute:
 - undertake public consultation in relation to
 - (6) Section 122(7)—delete subsection (7)
- 79—Amendment of section 123—Annual business plans and budgets**
- (1) Section 123(2)—after paragraph (e) insert:
 - (ea) include—
 - (i) a statement on the change in total revenue from general rates for the financial year compared to the previous financial year and, if an annual business plan sets out a growth component in relation to general rates, it may only relate to growth in the number of rateable properties (and must not relate to growth in the value of rateable properties); and
 - (ii) an explanation of how the change is consistent with the council's long-term financial plan; and
 - (iii) a summary of any other reasons for the change; and
 - (iv) details of the impact of the change on average rates for each land use category (if relevant); and
 - (v) the advice received from the designated authority under subsection (3a); and
 - (vi) the council's response to the advice, which must set out whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency; and
 - (2) Section 123(3)(b)—delete paragraph (b) and substitute:
 - (b) undertake public consultation.

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(3) Section 123—after subsection (3) insert:

- 5 (3a) In preparing a draft annual business plan (and before finalising the draft plan and undertaking public consultation on it), the council must provide the following information to the designated authority (in the manner and form determined by the designated authority) by no later than 31 December in the financial year preceding the financial year to which the draft annual business plan relates (the *preceding financial year*):
- 10 (a) the proposed change in total revenue from general rates for the financial year compared to the previous financial year and the reasons for the proposed change;
- (b) the council's view of the impact of the proposed change on ratepayers;
- 15 (c) information as to whether consideration has been given to alternatives to the proposed change in total revenue from general rates, such as alternative expenditure measures or funding proposals;
- (d) information as to how the proposal is consistent with the council's long-term financial plan and infrastructure and asset management plan;
- 20 (e) any other matter—
- (i) prescribed by the regulations; or
- (ii) requested by the designated authority.
- 25 (3b) The designated authority must provide advice to the council on the appropriateness of the proposed change in total revenue from general rates for the financial year compared to the previous financial year by no later than 31 March in the preceding financial year.
- (3c) In providing advice under subsection (3b), the designated authority must have regard to—
- 30 (a) the information provided by the council under subsection (3a); and
- (b) any matter the Minister directs the designated authority to have regard to; and
- (c) any other matter considered relevant by the designated authority.
- 35 (3d) The designated authority must publish a copy of a direction of the Minister under subsection (3c)(b) as soon as is reasonably practicable after it is given to the designated authority.
- 40 (3e) If the designated authority considers that a council has failed to respond appropriately to advice from the designated authority under this section, the designated authority may provide a report to the Minister on the matter.

(4) Section 123(4) to (5a)—delete subsections (4) to (5a) (inclusive)

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- (5) Section 123—after subsection (6) insert:
- (6a) However, if a council proposes to adopt an annual business plan with amendments, the council must include in the adopted business plan a statement—
- (a) setting out any significant amendments from the draft annual business plan; and
- (b) providing reasons for those amendments.
- (6) Section 123—after subsection (7) insert:
- (7a) A budget of a council may authorise the entry into borrowings and other forms of financial accommodation for a financial year of up to an amount specified in the budget.
- (7) Section 123(8)—delete "31 August" and substitute:
- 15 August
- (8) Section 123(9)(b) and (c)—delete paragraphs (b) and (c)
- (9) Section 123—after subsection (10) insert:
- (10a) Without limiting subsection (10), regulations under that subsection relating to an annual business plan may—
- (a) relate to the manner in which matters included in the plan are to be presented (such as, for example, by prescribing the location, style and level of emphasis that must be given to specified matters); and
- (b) prescribe requirements relating to the description or explanation of matters included in the plan.
- (10) Section 123—after subsection (14) insert:
- (15) The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this Act.
- (16) The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.
- (17) In this section—
- designated authority*** means a person or body prescribed by the regulations for the purposes of this definition.
- (18) The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.

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80—Amendment of heading to Chapter 8 Part 3 Division 2

Heading to Chapter 8 Part 3 Division 2—delete "and audit committee" and substitute:
 , audit and risk committee etc

81—Amendment of section 125—Internal control policies

5 Section 125—after its present contents (now to be designated as subsection (1)) insert:

- (2) A council must ensure that the policies, practices and procedures of internal control under subsection (1) comply with any standards or other document relating to internal control prescribed by the regulations.
- 10 (3) A council must ensure that appropriate policies, systems and procedures relating to risk management are implemented and maintained in order to assist the council to carry out its activities in an efficient and orderly manner to achieve its objectives, inform appropriate decision making, facilitate appropriate prioritisation of
- 15 finite resources and promote appropriate mitigation of strategic, financial and operational risks relevant to the council.

82—Insertion of section 125A

After section 125 insert:

125A—Internal audit functions

- 20 (1) The chief executive officer of a council that has an internal audit function must, before appointing a person to be primarily responsible for the internal audit function, or assigning such responsibility to an employee of the council, consult with the relevant audit and risk committee on the appointment or assignment of responsibility.
- 25 (2) Despite any other law or instrument to the contrary, the person primarily responsible for the internal audit function—
 - (a) must ensure that any reports they prepare relating to the internal audit function are provided directly to the audit and risk committee; and
 - 30 (b) may report any matters relating to the internal audit function directly to the audit and risk committee.

83—Amendment of section 126—Audit and risk committee

- (1) Section 126—before subsection (1) insert:
 - 35 (a1) This section applies to a council that has not established a regional audit and risk committee under section 126A.
- (2) Section 126(1)—after "council" insert:
 to which this section applies
- (3) Section 126(1)—after "audit" insert:
 and risk

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(4) Section 126—after subsection (1) insert:

- (1a) The purpose of an audit and risk committee established by a council is to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.

(5) Section 126(2)—delete subsection (2) and substitute:

(2) The following provisions apply to the membership of a council audit and risk committee:

- (a) the majority of the members of the committee must be persons who are not members of any council;
- (b) the members of the committee (when considered as a whole) must have skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter;
- (c) the membership of the committee—
 - (i) may not include an employee of the council (although an employee may attend a meeting of the committee if appropriate); and
 - (ii) may include, or be comprised of, members of another council audit and risk committee or a regional audit and risk committee; and
 - (iii) must otherwise be determined in accordance with the requirements of the regulations.

(6) Section 126(4)—delete subsection (4) and substitute:

(4) The functions of a council audit and risk committee include—

- (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- (b) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- (c) monitoring the responsiveness of the council to recommendations for improvement based on previous audits and risk assessments, including those raised by a council's auditor; and
- (d) proposing, and reviewing, the exercise of powers under section 130A; and
- (e) liaising with the council's auditor in accordance with any requirements prescribed by the regulations; and
- (f) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis; and

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- (g) —
- (i) if the council has an internal audit function—
 - (A) providing oversight of planning and scoping of the internal audit work plan; and
 - 5 (B) reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or
 - 10 (ii) if the council does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and
 - 15 (h) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and
 - 20 (i) reviewing any report obtained by the council under section 48(1); and
 - (j) performing any other function determined by the council or prescribed by the regulations.
- (5) There must be at least 1 meeting of a council audit and risk committee in each quarter.
- (6) Subject to this Act, the procedure to be observed at a meeting of a council audit and risk committee will be—
- (a) as prescribed by regulation; or
 - 30 (b) insofar as the procedure is not prescribed by regulation—as determined by the committee.
- (7) Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a council audit and risk committee.
- (8) A council audit and risk committee must—
- 35 (a) provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting; and
 - (b) provide an annual report to the council on the work of the committee during the period to which the report relates.
- 40 (9) A council must ensure that the annual report of its audit and risk committee is included in its annual report.

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84—Insertion of section 126A

After section 126 insert:

126A—Regional audit and risk committee

- 5 (1) Two or more councils may establish a regional audit and risk committee.
- (2) The purpose of a regional audit and risk committee established by 2 or more councils is to provide independent assurance and advice to those councils on accounting, financial management, internal controls, risk management and governance matters.
- 10 (3) The following provisions apply to the membership of a regional audit and risk committee:
 - (a) the majority of the members of the committee must be persons who are not members of any council;
 - 15 (b) the members of the committee (when considered as a whole) must have skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter;
 - (c) the membership of the committee—
 - 20 (i) may not include an employee of the constituent councils (although an employee may attend a meeting of the committee if appropriate); and
 - (ii) may include, or be comprised of, members of a council audit and risk committee or another regional audit and risk committee; and
 - 25 (iii) must otherwise be determined in accordance with the requirements of the regulations.
- (4) The functions of regional audit and risk committee include—
 - 30 (a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the constituent councils; and
 - (b) proposing, and providing information relevant to, a review of the constituent councils' strategic management plans or annual business plans; and
 - 35 (c) monitoring the responsiveness of the constituent councils to recommendations for improvement based on previous audits and risk assessments, including those raised by a constituent council's auditor; and
 - 40 (d) proposing, and reviewing, the exercise of powers under section 130A; and
 - (e) liaising with the constituent councils' auditors in accordance with any requirements prescribed by the regulations; and

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- (f) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the constituent councils on a regular basis; and
- (g) —
- 5 (i) in relation to a constituent council that has an internal audit function—
- (A) providing oversight of planning and scoping of the internal audit work plan; and
- 10 (B) reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or
- 15 (ii) in relation to a constituent council that does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and
- 20 (h) reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and
- 25 (i) reviewing any report obtained by a constituent council under section 48(1); and
- (j) performing any other function determined by the constituent councils or prescribed by the regulations.
- 30 (5) There must be at least 1 meeting of a regional audit and risk committee in each quarter.
- (6) Subject to this Act, the procedure to be observed at a meeting of a regional audit and risk committee will be—
- (a) as prescribed by regulation; or
- 35 (b) insofar as the procedure is not prescribed by regulation—as determined by the committee.
- (7) Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a regional audit and risk committee.
- (8) A regional audit and risk committee must—
- 40 (a) provide a report to the constituent councils after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting; and

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- (b) provide an annual report to the constituent councils on the work of the committee during the period to which the report relates.

- (9) Each constituent council of a regional audit and risk committee must ensure that the annual report of the committee is included in its annual report.

85—Amendment of section 127—Financial statements

Section 127(5) and (6)—delete subsections (5) and (6)

86—Amendment of section 128—Auditor

- (1) Section 128(2)—delete "council's audit committee" and substitute:

relevant audit and risk committee

- (2) Section 128(2a)—delete "audit committee" and substitute:

relevant audit and risk committee

- (3) Section 128(6)—delete subsection (6) and substitute:

- (6) If a firm comprising at least 1 registered company auditor has held office as auditor of a council for 5 successive financial years (the *first firm*), the council—

- (a) must ensure another auditor is appointed as auditor of the council (being a registered company auditor (who is not part of a firm) or another firm comprising at least 1 registered company auditor); and
- (b) must not appoint the first firm as its auditor until at least 5 years have passed since the first firm last held the office.

87—Amendment of section 129—Conduct of audit

- (1) Section 129(1)—delete "The" and substitute:

Subject to subsection (1a), the

- (2) Section 129—after subsection (1) insert:

- (1a) If the Auditor-General undertakes an audit under the *Public Finance and Audit Act 1987* of financial statements or controls (or both) of a council referred to in subsection (1) for a financial year—

- (a) the auditor of the council is not required to undertake an audit of, provide an opinion or advice on, or report to the Minister on, those statements or controls (or both) (as the case requires) under this section; and
- (b) the Auditor-General may recover reasonable costs incurred in relation to undertaking the audit as a debt due from the council.

- (3) Section 129(5a)(b)—delete "council's audit committee" and substitute:

relevant audit and risk committee

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88—Amendment of section 130A—Other investigations

Section 130A(5)(b)—delete "council's audit committee" and substitute:
relevant audit and risk committee

89—Amendment of section 131—Annual report to be prepared and adopted

5 Section 131(8)—delete subsection (8)

90—Insertion of section 131A

After section 131 insert:

131A—Provision of information to Minister

- 10 (1) A council must provide to the Minister, at the time or times, and in the manner and form, determined by the Minister—
- (a) the material (including the specific reports on the matters) specified in Schedule 4 (as amended from time to time by regulation); and
- (b) any other information, or class of information, specified by the Minister.
- 15 (2) The Minister may publish information provided by a council under this section.

91—Amendment of section 132—Access to documents

- (1) Section 132(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:
- 20 (1) Subject to the regulations, a council must—
- (a) publish a document referred to in Schedule 5 on a website determined by the chief executive officer; and
- (b) on request, provide a person with a printed copy of a document referred to in Schedule 5 (on payment of a fee (if any) fixed by the council).
- 25 (2) Section 132(3a)—delete "make the document or part of the document (as the case requires) available for inspection on the website referred to in subsection (3) within a reasonable time after it is available for inspection under section 91(5) at the principal office of the council" and substitute:
- 30 ensure that the document or part of the document (as the case requires) is published on the website determined by the chief executive officer (in accordance with subsection (1)(a))
- (3) Section 132(4a)—delete subsection (4a)

92—Amendment of section 147—Rateability of land

35 Section 147(7)—delete subsection (7)

93—Amendment of section 151—Basis of rating

- (1) Section 151(3)—delete "or site value"

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(2) Section 151(5)(e)—delete paragraph (e) and substitute:

(e) undertake public consultation.

(3) Section 151(7) and (8)—delete subsections (7) and (8)

(4) Section 151(8a)(b)—delete paragraph (b)

5 **94—Amendment of section 153—Declaration of general rate (including differential general rates)**

Section 153(5)(b)—delete "31 August" and substitute:

15 August

95—Amendment of section 156—Basis of differential rates

10 (1) Section 156(14a)(b)—delete paragraph (b) and substitute:

(b) undertake public consultation.

(2) Section 156(14d) and (14e)—delete subsections (14d) and (14e)

(3) Section 156(14ea)(b)—delete paragraph (b)

96—Substitution of section 170

15 Section 170—delete the section and substitute:

170—Notice of declaration of rates

A council must give public notice of the declaration of a rate or service charge within 21 days after the date of the declaration.

97—Amendment of section 181—Payment of rates—general principles

20 Section 181(3)—delete "31 August" and substitute:

15 August

98—Amendment of section 184—Sale of land for non-payment of rates

Section 184(4)(c)—delete paragraph (c) and substitute:

(c) giving public notice of the notice; and

25 **99—Amendment of section 188—Fees and charges**

(1) Section 188(6)—delete subsection (6)

(2) Section 188(7)—delete "up-date the list referred to in subsection (6) and"

100—Amendment of section 193—Classification

30 (1) Section 193(2)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

undertake public consultation

(2) Section 193(6)—delete "notice in the Gazette" and substitute:

public notice

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101—Amendment of section 194—Revocation of classification of land as community land etc

(1) Section 194(1) to (3)—delete subsections (1) to (3) (inclusive) and substitute:

- 5 (1) Subject to subsection (2), a council may revoke the classification of land as community land in accordance with this section.
- (2) The classification of—
- (a) the Adelaide Park Lands as community land cannot be revoked unless the revocation is by force of a provision of another Act; and
- 10 (b) land as community land cannot be revoked if the land is required to be held for the benefit of the community under Schedule 8, under a special Act of Parliament relating to the land, or under an instrument of trust; and
- (c) land as community land cannot be revoked if the power to revoke the classification of that land is excluded by regulation; and
- 15 (d) other land as community land cannot be revoked unless—
- (i) —
- (A) if section 194A applies to the proposal to revoke the classification—the council complies with section 194A; or
- 20 (B) in any other case—the council complies with section 194B; and
- (ii) if the land is under the care, control and management of the council but is not owned by the council—
- 25 (A) in a case where the council cannot, after making reasonable inquiries, ascertain the name and address of the owner of the land—the council has given notice of the proposed revocation in accordance with the community engagement charter; or
- 30 (B) in any other case—the owner of the land approves revocation of the classification.
- 35 (3) The Governor may amend Schedule 8 from time to time by regulation.
- (3a) The Governor cannot make a regulation under subsection (3) revoking the classification of land referred to in Schedule 8 as community land.
- 40 (3b) The Governor must not make a regulation under subsection (3) except on the recommendation of the Minister.

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- (3c) The Minister may only make a recommendation under subsection (3b) if the Minister is satisfied that the regulation does not amend Schedule 8 so as to effect a change to—
- (a) the primary use of the land; or
 - (b) the primary purpose for which the land is to be maintained for the benefit of the community.

(2) Section 194(4)—delete "subsection (1)" and substitute:
 subsection (2)(c)

(3) Section 194(5)—delete "subsection (1)(a)" and substitute:
 subsection (2)(a)

102—Insertion of sections 194A and 194B

After section 194 insert:

194A—Revocation of community land classification requiring Ministerial approval—process

- (1) The following provisions apply to a proposal to revoke the classification of land as community land to which this section applies:
- (a) the classification cannot be revoked unless the Minister approves revocation;
 - (b) before revoking the classification, the council must prepare and make publicly available a report on the proposal containing—
 - (i) a summary of the reasons for the proposal; and
 - (ii) a statement of any dedication, reservation or trust to which the land is subject; and
 - (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and
 - (iv) an assessment of how implementation of the proposal would affect the area and the local community; and
 - (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;
 - (c) the council must undertake public consultation on the proposal;

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- (d) if the revocation of the classification is proposed with a view to the sale or disposal of the land (whether or not the land is of a kind referred to in subsection (6)(d)), the council must also comply with the prescribed requirements;
- 5 (e) the council must then submit to the Minister the proposal with a report on all submissions made on it as part of the public consultation process and, if paragraph (d) applies, evidence of its compliance with the prescribed requirements;
- 10 (f) if the Minister approves the proposal—the council may make a resolution revoking the classification of the land as community land.
- (2) If the Minister grants an approval under subsection (1)—
- (a) the Minister must give written notice of the approval to the council; and
- 15 (b) the Minister may impose conditions on the approval.
- (3) The Minister may vary or revoke an approval or a condition of an approval by further written notice to the council.
- (4) The Minister may recover from a council (as a debt due from the council) the costs reasonably incurred by the Minister in considering
- 20 a proposal submitted by the council under this section.
- (5) A council must not breach, or fail to comply with, a condition of an approval under this section.
- (6) This section applies to a proposal to revoke the classification of land as community land if—
- 25 (a) the land is owned by the Crown or an agency or instrumentality of the Crown; or
- (b) the land adjoins land referred to in paragraph (a) or is related to such land in circumstances prescribed by the regulations; or
- 30 (c) the council knows, or ought reasonably to know, that State government financial assistance was given to the council to acquire, or for the purposes of, the land or improvements on the land; or
- (d) the land is used—
- 35 (i) for a public purpose (including an educational, sporting or recreational purpose); or
- (ii) as community open space,
- and the revocation of the classification is proposed with a view to sale or disposal of the land; or
- 40 (e) the proposal is declared by the regulations to be a proposal to which this section applies.

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194B—Revocation of community land classification of other land—process

The following provisions apply to a proposal to revoke the classification of land as community land (other than a proposal to which section 194A applies):

- (a) before revoking the classification, the council must prepare and make publicly available a report on the proposal containing—
 - (i) a summary of the reasons for the proposal; and
 - (ii) a statement of any dedication, reservation or trust to which the land is subject; and
 - (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and
 - (iv) an assessment of how implementation of the proposal would affect the area and the local community; and
 - (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;
- (b) the council must undertake public consultation on the proposal;
- (c) after considering submissions made as part of public consultation on the proposal, the council may make a resolution revoking the classification of the land as community land.

103—Amendment of section 196—Management plans

Section 196(1)(a)—delete "section 194(1)(b) or (c)" and substitute:
 section 194(2)(b) or (c)

104—Amendment of section 197—Public consultation on proposed management plan

- (1) Section 197(1)—delete subsection (1) and substitute:
 - (1) Before a council adopts a management plan for community land it must undertake public consultation.
- (2) Section 197(2)—delete subsection (2)

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105—Amendment of section 202—Alienation of community land by lease or licence

- (1) Section 202(2)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

5 undertake public consultation

- (2) Section 202(3)(b)—delete "compliance with a public consultation policy" and substitute:

undertaking public consultation

106—Amendment of section 207—Register

10 Section 207(3) and (4)—delete subsections (3) and (4)

107—Amendment of section 219—Power to assign name, or change name, of road or public place

Section 219(7)—delete subsection (7) and substitute:

- 15 (7) A council must give public notice of the adopting or altering of a policy under this section.

108—Amendment of section 221—Alteration of road

- (1) Section 221(7)(a)—delete paragraph (a)

- (2) Section 221(7)(b)—after "with" insert:

the chief executive officer of

- 20 (3) Section 221—after subsection (7) insert:

(7a) The chief executive officer of a council consulted under subsection (7)(b) may provide comments on the matter to the relevant authority within the period prescribed by the regulations and, if comments are not provided within that time, it will be conclusively presumed that the council does not intend to comment on the matter.

25

(7b) However, comments provided by the chief executive officer may only relate to the proposed alteration to the public road (including works within the public road) and must not relate to any building of a dwelling on land adjoining the public road.

- 30 (4) Section 221(8)—delete "does not extend to an assessment panel appointed by the council." and substitute:

(a) does not extend to an assessment panel appointed by the council; and

- 35 (b) does not apply to an alteration that complies with any relevant design standard under the *Planning, Development and Infrastructure Act 2016*.

109—Amendment of section 222—Permits for business purposes

- (1) Section 222(1a)—delete subsection (1a)

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- (2) Section 222(6a) to (6c)—delete subsections (6a) to (6c) (inclusive)

110—Amendment of section 223—Public consultation

Section 223(1)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

- 5 undertake public consultation

111—Amendment of section 224—Conditions of authorisation or permit

- (1) Section 224(1)—delete "A" and substitute:

Subject to subsection (2), a

- (2) Section 224(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:

- 10 (2) A condition under subsection (1) must comply with any requirements prescribed by the regulations.

112—Repeal of section 224A

Section 224A—delete the section

113—Amendment of section 225—Cancellation of authorisation or permit

- 15 (1) Section 225(1)—delete subsection (1) and substitute:

- (1) A council may, by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition.

- (2) Section 225(4)—delete subsection (4)

20 **114—Repeal of section 225A**

Section 225A—delete the section

115—Amendment of section 225B—Review of granting of authorisations and permits

- (1) Section 225B(1)—delete subsection (1) and substitute:

- 25 (1) If a business in a council area is unreasonably affected by—
 (a) activities conducted under 1 or more authorisations or permits granted by the council under this Division; or
 (b) the refusal of the council to grant an authorisation or permit under this Division,

30 the operator of the business may apply to the Small Business Commissioner for a review of the matter by the Small Business Commissioner (who is conferred with the function of conducting such a review), unless the operator is entitled to apply to the Environment, Resources and Development Court for a review of the
 35 matter under section 234AA(2).

- (2) Section 225B(5)—delete "recommend to the relevant council that the council amend its location rules" and substitute:

provide a report to the Minister on the matter

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(3) Section 225B—after subsection (5) insert:

(5a) A report under subsection (5) may include recommendations to the relevant council in relation to—

- (a) the granting or refusal of authorisations or permits by the council (including in relation to any authorisations or permits that the Small Business Commissioner considers have been unreasonably granted or refused); and
- (b) policies, practices or procedures of the council relating to authorisations or permits under this Division.

(4) Section 225B(6)—delete subsection (6)

116—Amendment of section 231—Register

Section 231(3) and (4)—delete subsections (3) and (4)

117—Amendment of section 232—Trees

Section 232(b)—delete "follow the relevant steps set out in its public consultation policy" and substitute:

undertake public consultation

118—Amendment of section 234AA—Interaction with processes associated with development authorisations

Section 234AA(2)—delete "or 222(6a)"

119—Amendment of section 234A—Prohibition of traffic or closure of streets or roads

Section 234A(6)—delete subsection (6) and substitute:

- (6) A resolution passed under this section cannot take effect before the council has given public notice of the resolution.

120—Amendment of section 237—Removal of vehicles

Section 237(4)(b)—delete "published in a newspaper circulating generally in the State" and substitute:

given

121—Amendment of section 246—Power to make by-laws

(1) Section 246(3)(g)—delete "\$750" and substitute:

\$1 250

(2) Section 246(4)—delete "notice of that alteration is published by the council in the Gazette and in a newspaper circulating in the area of the council" and substitute:

the council gives public notice of that alteration

(3) Section 246(4a)—delete "ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the council" and substitute:

give public notice of the determination

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122—Amendment of section 249—Passing by-laws

(1) Section 249(1)—delete subsection (1) and substitute:

- 5 (1) If it is proposed that a council make a by-law, the council must, at least 21 days before resolving to make the by-law, ensure that copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) are made available to the public in accordance with section 132(1).

(2) Section 249(7)—delete subsection (7) and substitute:

- 10 (7) A council must give public notice of the making of a by-law under this section.

123—Amendment of section 250—Model by-laws

Section 250(7)—delete subsection (7) and substitute:

- (7) A council must give public notice of the adoption of a model by-law or alteration under this section.

15 **124—Amendment of section 252—Register of by-laws and certified copies**

Section 252(3) and (4)—delete subsections (3) and (4)

125—Amendment of section 259—Councils to develop policies

(1) Section 259(2)(b)—delete paragraph (b) and substitute:

- (b) undertake public consultation.

20 (2) Section 259(3)—delete "in response to an invitation" and substitute:

during the public consultation

(3) Section 259(6) and (7)—delete subsections (6) and (7)

126—Insertion of Chapter 13 Part A1

Chapter 13—before Part 1 insert:

25 **Part A1—Member behaviour**

Division 1—Council to deal with member behaviour

262A—Complaints

- 30 (1) A person may make a complaint under this Division alleging that a member of a council has contravened or failed to comply with Chapter 5 Part 4 Division 2.
- (2) A complaint to a council under this Division must be made in accordance with, and contain any information required by, the council's behavioural management policy.

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- (3) Subject to this Division, a council must deal with a complaint under this Division in accordance with the council's behavioural management policy (and a reference to dealing with a complaint includes a reference to refusing to deal with a complaint or determining to take no further action on a complaint).

262B—Behavioural management policy

- (1) A council must prepare and adopt a policy relating to the management of behaviour of members of the council (a *behavioural management policy*).

- (2) Subject to this Division, a behavioural management policy must include the following provisions relating to complaints under this Division:

- (a) provisions requiring that, on receipt, a complaint will be provided to the presiding member, chief executive officer or a delegate of the presiding member or chief executive officer authorised to receive complaints (as appropriate);
- (b) provisions authorising the council to deal with complaints as the council considers appropriate, including by—
 - (i) refusing to deal with a complaint; or
 - (ii) determining to take no further action on a complaint (having commenced dealing with a complaint); or
 - (iii) arranging for mediation, conciliation, arbitration or other dispute or conflict resolution in relation to a complaint;

Note—

Provisions of a behavioural management policy setting out the grounds authorising a council to refuse to deal with a complaint or determine to take no further action on a complaint may include grounds such as—

- (a) the ground that the subject matter of the complaint is trivial; or
- (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
- (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint; or
- (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or

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- (f) the ground that the council has dealt with the complaint adequately.

- (c) provisions authorising the council to inquire into a complaint in such manner as the council considers appropriate (subject to the principles of procedural fairness);

Note—

Provisions of a behavioural management policy relating to inquiring into a complaint appropriately may include procedures such as 1 or more of the following:

- (a) provisions relating to parties to the process providing submissions (oral or written);
- (b) provisions relating to the conduct of interviews;
- (c) provisions relating to the undertaking of investigations (formal or informal).

- (d) provisions authorising the council to conduct an inquiry itself or delegate the conduct of an inquiry to any person or body (with the agreement of the person or body) the council considers appropriate in the circumstances;

Note—

Examples of the kind of person to whom a council may delegate the conduct of an inquiry include—

- (a) the principal member of the council; or
- (b) the chief executive officer of the council; or
- (c) a delegate of the principal member or the chief executive officer; or
- (d) a committee of the council (such as a committee established in relation to governance matters); or
- (e) a person who is not a member or employee of the council.

- (e) provisions authorising the council to take action to resolve a complaint in such manner as the council considers appropriate, including by—

- (i) requiring the member to undertake training, instruction, counselling, mentoring or coaching; or
- (ii) taking action under this Division.

- (3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for receiving and dealing with complaints under this Division and may—

- (a) specify directions relating to behaviour that must be observed by members of the council; and
- (b) set out guidelines relating to compliance by members with Chapter 5 Part 4 Division 2 and directions under paragraph (a); and

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- (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (4) A behavioural management policy—
- (a) must not be inconsistent with the behavioural standards; and
- (b) must comply with any requirement specified by the behavioural standards.
- (5) A member of a council must comply with the council's behavioural management policy.
- (6) A council may from time to time alter a behavioural management policy, or substitute a new policy.
- (7) A council must, within 12 months after the conclusion of each periodic election, review the operation of its behavioural management policy.

262C—Action

- (1) A council may, after inquiring into a complaint under this Division, do 1 or more of the following:
- (a) pass a censure motion in respect of the member;
- (b) require the member to issue a public apology (in a manner determined by the council);
- (c) require the member to undertake a specified course of training or instruction;
- (d) remove or suspend the member from 1 or more offices held in the member's capacity as a member of the council or by virtue of being a member of the council (other than the office of member of the council).
- (2) If action is taken in respect of a member of a council under this section, a report on the matter must be considered in public at an ordinary meeting of the council.
- (3) In the exercise or performance of a power or function under this Division, a council (including any person acting on behalf of, or as a delegate of, the council)—
- (a) must proceed with as little formality and technicality and with as much expedition as the requirements of this or any other Act and a proper consideration of the matter permit; and
- (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the council considers appropriate.

262D—Reasons

- If a council—
- (a) refuses to deal with a complaint under this Division; or

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- (b) determines to take no further action in relation to a complaint under this Division (whether or not an inquiry has been commenced or completed on the complaint),

the council must provide the complainant with written reasons for the refusal or determination.

Division 2—Behavioural standards panel

Subdivision 1—Preliminary

262E—Preliminary

In this Division—

misbehaviour means—

- (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;

presiding member means the member of the Panel appointed to be the presiding member of the Panel under section 262F, or a person from time to time acting as the presiding member;

repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;

serious misbehaviour means a failure by a member of a council to comply with section 75G.

Subdivision 2—Behavioural standards panel

262F—Establishment and constitution

- (1) The Behavioural Standards Panel is established.

- (2) The Panel—

- (a) is a body corporate; and
- (b) has perpetual succession and a common seal; and
- (c) is capable of suing and being sued in its corporate name; and
- (d) has all the powers of a natural person that are capable of being exercised by a body corporate and, in particular, has all the powers necessary or expedient for, or incidental to, the performance of its functions.

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- (3) The Panel consists of the following members appointed by the Governor—
- (a) a member nominated jointly by the Minister and the LGA to be the presiding member of the Panel; and
 - 5 (b) a member nominated by the Minister; and
 - (c) a member nominated by the LGA.
- (4) A member or employee of a council cannot be appointed as a member of the Panel.
- 10 (5) The Minister and the LGA must, when nominating persons for appointment as members of the Panel, seek to ensure that, as far as is practicable, the members of the Panel collectively have qualifications, knowledge, expertise and experience in the following areas:
- (a) local government or public administration;
 - 15 (b) law;
 - (c) administrative or disciplinary investigation;
 - (d) dispute resolution, conflict management, human resource management or organisational psychology.

262G—Conditions of membership

- 20 (1) A member of the Panel will be appointed on such conditions and for such term, not exceeding 5 years, as the Governor may determine and on the expiration of a term of office will be eligible for reappointment.
- (2) The Governor may remove a member of the Panel from office—
- 25 (a) for breach of, or failure to comply with, a condition of appointment; or
 - (b) for failure or incapacity to carry out official duties satisfactorily; or
 - (c) for misconduct; or
 - 30 (d) on the recommendation of the Minister.
- (3) The Minister cannot make a recommendation under subsection (2)(d) unless the LGA consents to the making of the recommendation.
- (4) The office of a member of the Panel becomes vacant if the member—
- 35 (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice addressed to the Minister; or
 - (d) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
 - 40 (e) becomes a member of an Australian Parliament; or

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- (f) becomes a member or employee of a council; or
- (g) is removed from office by the Governor under subsection (2).

5 (5) On the office of a member of the Panel becoming vacant, a person must be appointed in accordance with this Act to the vacant office.

262H—Acting member

- (1) If—
 - (a) a member is unable to perform official functions or duties; or
 - 10 (b) the office of a member is vacant,
 the Governor may appoint a person to act in the office of the member for a period of up to 6 months on conditions determined by the Governor.
- 15 (2) If a member is unable to act in relation to a particular matter, the Minister may appoint a person to act in the office of the member in relation to that matter on conditions determined by the Minister.
- (3) Section 262G(2) to (5) (inclusive) apply to an acting member as if they were appointed under section 262F.

262I—Meetings of Panel

- 20 (1) Subject to this Part—
 - (a) a meeting of the Panel will be presided over by the presiding member and, in the absence of that member, a member chosen by those present will preside; and
 - 25 (b) 2 members constitute a quorum of the Panel and no business may be transacted at a meeting of the Panel unless a quorum is present; and
 - (c) each member present at a meeting of the Panel is entitled to 1 vote on a matter arising for decision at the meeting and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote; and
 - 30 (d) a decision carried by a majority of the votes cast by the members present at a meeting of the Panel is a decision of the Panel; and
 - (e) the Panel may otherwise determine its own procedures.
- 35 (2) A conference by telephone or other electronic means between the member of the Panel will, for the purposes of this section, be taken to be a meeting of the Panel at which the participating members are present if—
 - 40 (a) notice of the conference is given to all members in the manner determined by the Panel for the purpose; and

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- (b) each participating member is capable of communicating with every other participating member during the conference.

- (3) A proposed resolution of the Panel becomes a valid decision of the Panel despite the fact that it is not voted on at a meeting of the Panel if—

- (a) notice of the proposed resolution is given to all members in accordance with procedures determined by the Panel; and

- (b) a majority of the members express concurrence in the proposed resolution by email or other written communication setting out the terms of the resolution.

- (4) The Panel must cause minutes to be kept of its meetings.

262J—Remuneration and expenses

The members of the Panel are entitled to such fees, allowances and expenses as the Governor may approve.

262K—Staff

- (1) The Panel will have such staff (comprised of persons employed in the Public Service of the State) as is necessary for the purposes of the performance of the Panel's functions under this and any other Act.

- (2) The Panel may, by arrangement with the appropriate authority, make use of the services, facilities or employees of a government department, agency or instrumentality.

262L—Validity of acts of Panel

An act or proceeding of the Panel is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

262M—Costs

- (1) The costs of establishing the Panel, and the ongoing administrative and operational costs of the Panel, are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA.

- (2) The Panel may recover reasonable costs incurred in relation to a complaint against a member of a council referred to the Panel under Subdivision 3 as a debt due from the relevant council.

262N—Functions

- (1) The primary function of the Panel is to assess and deal with complaints referred to the Panel under Subdivision 3.

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(2) In addition, the Panel may—

- 5 (a) publish guidelines for councils, members of councils and the community relating to the behavioural standards, behavioural management policies, behavioural support policies and other matters relating to behaviour of members; and
- (b) publish model behavioural management policies and behavioural support policies; and
- 10 (c) publish practice directions relating to practices and procedures in respect of matters before the Panel; and
- (d) perform other functions conferred on the Panel by or under this or any other Act.

262O—Delegation

- 15 (1) Subject to subsection (2), the Panel may delegate a function or power conferred on the Panel, other than a function or power under Subdivision 3 or a prescribed function or power—
 - (a) to a specified person or body; or
 - (b) to a person occupying or acting in a specified office or position.
- 20 (2) A delegation—
 - (a) may be made subject to conditions or limitations specified in the instrument of delegation; and
 - (b) may, if the instrument of delegation so provides, be further delegated; and
 - 25 (c) is revocable at will and does not prevent the Panel from acting in a matter.

262P—Annual report

- 30 (1) The Panel must, on or before 30 September in each year, submit a report to the Minister on the activities of the Panel during the previous financial year.
- (2) The Minister must, within 12 sitting days after receipt of a report under subsection (1), cause copies of that report to be laid before each House of Parliament.

Subdivision 3—Inquiries and action on complaints referred to Panel

262Q—Referral

- 35 (1) A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council may be referred to the Panel by—
 - 40 (a) resolution of the council; or

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- (b) the principal member of the council; or
- (c) at least 3 members of the council; or
- (d) the Minister.

- 5 (2) A person who is dissatisfied with a council's decision in relation to a complaint made by the person under Division 1 (including a decision of the council to refuse to deal with, or to take no further action in relation to, the complaint) may refer the subject matter of the complaint to the Panel.

262R—Proceedings of Panel

- 10 (1) One or more functions or powers of the Panel under section 262S, 262T, 262U or 262V may be exercised by the presiding member on behalf of the Panel.
- 15 (2) The Panel (or the presiding member acting on its behalf) may appoint an investigator to conduct an inquiry under section 262T into a complaint referred to the Panel under this Subdivision.
- 20 (3) Any questions of law or procedure arising before the Panel will be determined by the presiding member and any other questions arising before the Panel sitting as a whole will be determined by unanimous or majority decision of the members (unless there is an equal division of opinion, in which case, the decision of the presiding member will be the decision of the Panel).
- 25 (4) If a member of the Panel as constituted under this section (other than the presiding member) dies, or is for any other reason unable to continue with the proceedings before the Panel, the Panel constituted of the remaining members may, if the presiding member so determines, continue and complete the proceedings.

262S—Assessment

- 30 (1) The Panel may refuse to deal with a complaint referred to the Panel under this Subdivision or, having commenced dealing with a complaint, determine to take no further action on it if the Panel is satisfied—
- (a) that the subject matter of the complaint is trivial; or
 - (b) that the complaint is frivolous or vexatious or is not made in good faith; or
 - 35 (c) that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
 - (d) that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the Panel to deal with or
 - 40 continue to deal with the complaint; or

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- 5 (e) that the subject matter of the complaint has been or is already being assessed or investigated, whether by the Panel or another person or body (but disregarding any dealing with the complaint by the relevant council following which the matter was referred to the Panel); or
- (f) that the council has dealt with the complaint adequately; or
- (g) that it is otherwise in the public interest to refuse to deal with, or determine to take no further action on, the complaint.
- 10 (2) If a complaint is made and the Panel refuses to deal with, or determines to take no further action on, the complaint, the Panel must inform the person or body that referred the complaint to the Panel under this Subdivision of that decision and of the reasons for it.
- 15 (3) The Panel may refer a complaint referred to it under this Subdivision to the relevant council if the Panel considers that the complaint does not allege misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council.

262T—Inquiries

- 20 (1) The Panel may inquire into a complaint referred to the Panel under this Subdivision in such manner as the Panel considers appropriate.
- (2) However, an inquiry must be conducted in accordance with the principles of procedural fairness.

262U—Powers relating to inquiries

- 25 (1) The Panel or an investigator conducting an inquiry under this Division may, in connection with the inquiry—
- (a) by summons signed by the Panel or investigator (as the case requires), require a person's attendance; and
- 30 (b) require a person to answer, orally or in writing, questions to the best of their knowledge, information and belief; and
- (c) require a person to verify an answer under paragraph (b) by declaration; and
- (d) require a council or person to produce any relevant documents or other records; and
- 35 (e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
- (f) call for or receive submissions or representations.
- 40 (2) Subject to subsection (3), a person or council must not refuse or fail to comply with a requirement under subsection (1).
- Maximum penalty: \$10 000.

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- 5 (3) A person is not obliged to comply with a requirement under subsection (1) if to do so might incriminate the person of an offence, and a person or a council is not required to provide information under subsection (1) that is privileged on the ground of legal professional privilege.
- (4) In the exercise or performance of a power or function under this Subdivision, the Panel—
- 10 (a) must proceed with as little formality and technicality and with as much expedition as the requirements of this or any other Act and a proper consideration of the matter permit; and
- (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate.

15 **262V—Dispute resolution**

- (1) The Panel may, at any time, arrange for mediation, conciliation, arbitration or other dispute or conflict resolution (*alternative dispute resolution*) to be conducted in relation to the subject matter of a complaint referred under this Subdivision.
- 20 (2) If agreement is reached through alternative dispute resolution—
- (a) the agreement must be recorded in writing and signed by the parties to the agreement and by a member of the Panel on behalf of the Panel; and
- (b) a copy of the agreement must be given to each of the parties.
- 25 (3) The Panel may, if satisfied that the subject matter of a complaint has been properly resolved by alternative dispute resolution, determine to take no further action on the complaint.

262W—Action

- 30 (1) The Panel may, after inquiring into a complaint referred to the Panel under this Subdivision, by order do 1 or more of the following:
- (a) reprimand the member (including by means of a public statement);
- (b) direct the council to pass a censure motion in respect of the member;
- 35 (c) require the member to issue a public apology (in a manner determined by the Panel);
- (d) require the member to attend a specified course of training or instruction, or to take other steps;
- 40 (e) require the member to reimburse the council a specified amount (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section);

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- (f) remove or suspend the member from 1 or more offices held in the member's capacity as a member of the council or by virtue of being a member of the council (other than the office of member of the council);
- 5 (g) suspend the member from the office of member of the council for a period not exceeding 3 months, with or without an allowance (as determined by the Panel);
- (h) direct the council to lodge a complaint against the member with SACAT.
- 10 (2) If action is taken in respect of a member of a council under this section, the Panel—
- (a) must provide a report on the matter to the council; and
- (b) may require—
- 15 (i) the report to be considered in public at an ordinary meeting of the council; and
- (ii) the council to provide a report to the Panel, within a period and in such manner as is specified by the Panel, detailing—
- 20 (A) if the Panel made an order requiring the member to take action under subsection (1)—the member's compliance with the requirement; or
- (B) if the Panel made an order directing the council to take action under subsection (1)—the council's compliance with the direction.
- 25 (3) If a member of a council fails to comply with an order of the Panel requiring the member to take action under subsection (1), the member will be taken for the purposes of this Act to have failed to comply with an integrity provision and the council is to ensure that a complaint is lodged against the member with SACAT.
- 30 (4) If the Panel considers that a council has failed to comply with a direction or requirement of the Panel under this section, the Panel may provide a report to the Minister on the matter.
- 35 **262X—Reports on inquiries**
- (1) The Panel may publish, in such manner as the Panel thinks fit, a report on—
- (a) an inquiry under this Subdivision; or
- 40 (b) a complaint that the Panel refused to deal with, or determined to take no further action on.

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(2) The Panel may—

- (a) provide a report under subsection (1) relating to a member of a council to the council; and
- (b) require the report to be considered in public at an ordinary meeting of the council.

(3) Nothing in this section limits section 262W.

Division 3—Miscellaneous

262Y—Referral of complaint to OPI

- (1) If a council or the Panel reasonably suspects that a complaint before the council or Panel (as the case may be) under this Part relates to conduct that involves corruption in public administration within the meaning of the *Independent Commissioner Against Corruption Act 2012*—
 - (a) the council or Panel (as the case requires) must refer the complaint to the Office for Public Integrity to be dealt with under that Act; and
 - (b) consideration of the complaint under this Act is postponed until the Independent Commissioner Against Corruption notifies the council or Panel (as the case requires) that the Commissioner considers it appropriate that consideration of the complaint under this Act continue.
- (2) The Independent Commissioner Against Corruption must give the council or Panel the notification referred to in subsection (1)(b) as soon as practicable after conducting the assessment required under section 23 of the *Independent Commissioner Against Corruption Act 2012* unless the matter is assessed as raising a potential issue of corruption in public administration that could be the subject of a prosecution.

127—Amendment of heading to Chapter 13 Part 1

Heading to Chapter 13 Part 1—delete the heading and substitute:

Part 1—Member integrity—complaints, investigations and proceedings

128—Repeal of section 263

Section 263—delete the section

129—Amendment of section 263A—Investigations by Ombudsman

- (1) Section 263A(1) to (3)—delete "constitute grounds for complaint under this Act against" wherever occurring and substitute in each case:
 - involve a contravention of, or failure to comply with, an integrity provision by

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(2) Section 263A—after subsection (3) insert:

(3a) Subject to Part A1 Division 3, if a council or the Panel considers that the whole or part of the subject matter of a complaint before the council or Panel (as the case may be) under Part A1 relates to conduct that involves a contravention of, or failure to comply with, an integrity provision by a member of a council—

(a) the council or Panel (as the case requires) must refer the subject matter (or relevant part of the subject matter) of the complaint to the Ombudsman for investigation and report under the *Ombudsman Act 1972*; and

(b) consideration of the subject matter (or relevant part of the subject matter) of the complaint under Part A1 is postponed until the Ombudsman notifies the council or Panel (as the case requires) that the Ombudsman considers it appropriate that consideration of it under Part A1 continue.

(3b) If the Ombudsman considers that whole or part of the subject matter of a complaint before the Ombudsman relates to conduct that involves a contravention of, or failure to comply with, Chapter 5 Part 4 Division 2 by a member of a council (other than a contravention or failure to comply that constitutes misbehaviour, repeated misbehaviour or serious misbehaviour (within the meaning of Part A1 Division 2)), the Ombudsman may refer the subject matter (or relevant part of the subject matter) of the complaint to the relevant council.

(3) Section 263A(4)—delete "constitute grounds for complaint under this Act against" and substitute:

involve a contravention of, or failure to comply with, an integrity provision by

130—Amendment of section 263B—Outcome of Ombudsman investigation

Section 263B(1) and (2)—delete subsections (1) and (2) and substitute:

(1) The recommendations that may be made by the Ombudsman under the *Ombudsman Act 1972* on the completion of an investigation of the complaint include—

(a) a recommendation requiring the council to—

(i) reprimand the member (including by means of a public statement); or

(ii) suspend the member from any office under this Act for a period not exceeding 3 months, with or without an allowance (as determined by the Ombudsman); or

(iii) ensure that a complaint is lodged against the member with SACAT; or

(b) a recommendation requiring the member to—

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- (i) issue a public apology (in a manner determined by the Ombudsman); or
 - (ii) attend a specified course of training or instruction; or
 - 5 (iii) take other steps; or
 - (iv) reimburse the council a specified amount (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to a recommendation of the
 - 10 Ombudsman under this section).
- (2) If a member of a council fails to comply with a recommendation of the Ombudsman requiring the member to take action under subsection (1), the member will be taken to have failed to comply with an integrity provision and the council is to ensure that a
- 15 complaint is lodged against the member with SACAT.

131—Amendment of section 264—Complaint lodged with SACAT

- (1) Section 264—before subsection (1) insert:
- (a1) A complaint against a member of a council may be lodged with SACAT under this section on the ground—
 - 20 (a) that the member has contravened or failed to comply with an integrity provision; or
 - (b) of alleged misbehaviour, repeated misbehaviour or serious misbehaviour by the member (within the meaning of Part A1 Division 2); or
 - 25 (c) that the member has contravened or failed to comply with—
 - (i) a recommendation of the Ombudsman requiring the member to take action under section 263A(1); or
 - (ii) an order of the Panel requiring the member to take action under section 262W(1).
 - 30 (2) Section 264(1)—delete "setting out the matters that are alleged to constitute the grounds for complaint against a member of a council under this Part" and substitute:

on a ground referred to in subsection (a1)
 - (3) Section 264(2)—after "complaint" insert:

on the ground set out in subsection (a1)(a)
 - 35 (4) Section 264—after subsection (2) insert:
 - (2a) In addition, a complaint may not be lodged by the chief executive officer of a council on the ground set out in subsection (a1)(b) unless the matter has been inquired into by the Panel.

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132—Amendment of section 265—Hearing by SACAT

Section 265(1)—delete "the matters alleged in the complaint constitute grounds for action against the member of the council under this Part" and substitute:

a ground on which the complaint was lodged exists

5 **133—Amendment of section 267—Outcome of proceedings**

(1) Section 267(1)—delete "the grounds for complaint exist" and substitute:

a ground on which the complaint was lodged exists

(2) Section 267(1)(ba)—after "amount" insert:

10 (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section)

(3) Section 267(1)(c)—delete "\$5 000" and substitute:

\$15 000

(4) Section 267(1)(d)—delete "two months" and substitute:

6 months

15 **134—Repeal of section 269**

Section 269—delete the section

135—Amendment of section 270—Procedures for review of decisions and requests for services

(1) Section 270—after subsection (2) insert:

20 (2a) In addition, the procedures must provide that—

(a) an application for review must be made within 6 months of the making of the decision of which review is sought (the *reviewable decision*); and

25 (b) the council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.

(2) Section 270(3)—delete subsection (3) and substitute:

(3) An application for review must be accompanied by the prescribed fee.

30 (3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3).

(3) Section 270(4)—after paragraph (c) insert:

or

35 (d) the council or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority.

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(4) Section 270(4a)—delete subsection (4a) and substitute:

(4a) The policies, practices and procedures established under this section—

- (a) must not provide for a review of a decision of a council to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; and
- (b) must be consistent with any requirement prescribed by the regulations.

(5) Section 270(5)—delete subsection (5)

136—Amendment of section 273—Action on report

(1) Section 273(1)—after paragraph (c) insert:

or

- (d) a report of the designated authority under section 123; or
- (e) a report of the Small Business Commissioner under section 225B; or
- (f) a report of the Behavioural Standards Panel under section 262W; or
- (g) a report of a person who held an appointment as administrator of a defaulting council under this section provided to the Minister on, or within 6 months after, the cessation of the period of administration of the council,

(2) Section 273(2)—delete "The" and substitute:

Subject to subsection (2a), the

(3) Section 273(2)(b)(iv)—delete "or the Ombudsman" and substitute:

, the Ombudsman or the Small Business Commissioner

(4) Section 273(2)(b)—after subparagraph (iv) insert:

- (iva) that a council has failed to respond appropriately to advice from the designated authority under section 123; or
- (ivb) that a council has failed to comply with a direction or requirement of the Panel under section 262W; or

(5) Section 273—after subsection (2) insert:

(2a) The only action that the Minister may take under subsection (2) on the basis of a report of a kind referred to in subsection (1)(g) is action of a kind referred to in subsection (2)(a).

137—Amendment of section 279—Service of documents by councils etc

Section 279(1)(e)—delete "by facsimile transmission or"

138—Amendment of section 280—Service of documents on councils

Section 280(1)(c)—delete "by facsimile transmission or"

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139—Amendment of section 303—Regulations

Section 303(8a)—after "2015" insert:

or the *Statutes Amendment (Local Government Review) Act 2020*

140—Amendment of Schedule 1A—Implementation of Stormwater Management Agreement

Schedule 1A, clause 11(8)(b)—delete paragraph (b) and substitute:

- (b) a majority of the board members express their concurrence in the proposed resolution by letter, email or other written communication setting out the terms of the resolution.

141—Amendment of Schedule 2—Provisions applicable to subsidiaries

- (1) Schedule 2, clause 3(2)(c)—delete "Chapter 5, Part 4, Division 2" and substitute:

Chapter 5 Part 4 Division 1 Subdivision 2

- (2) Schedule 2, clause 5(6)(b)—delete "telex, facsimile transmission or other written communication, or electronic communication," and substitute:

email or other written communication

- (3) Schedule 2, clause 13(3)—delete "council's audit committee" and substitute:

relevant audit and risk committee

- (4) Schedule 2, clause 19(2)(c)—delete "Chapter 5, Part 4, Division 2" and substitute:

Chapter 5 Part 4 Division 1 Subdivision 2

- (5) Schedule 2, clause 21(6)(b)—delete "telex, facsimile transmission or other written communication, or electronic communication," and substitute:

email or other written communication

- (6) Schedule 2, clause 30(3)—delete "a constituent council's audit committee" and substitute:

a regional audit and risk committee established by any of the constituent councils (with 1 or more other councils, whether constituent councils or otherwise) or a council audit and risk committee established by any of the constituent councils

142—Amendment of Schedule 3—Register of Interests—Form of returns

- (1) Schedule 3, clause 1(1), after the definition of *beneficial interest* insert:

designated person or entity, in relation to a member of a council, means—

- (a) a member of the member's family; or
 (b) a family company of the member; or
 (c) a trustee of a family trust of the member;

- (2) Schedule 3, clause 1(1), definition of *family*, (b)—delete paragraph (b) and substitute:

- (b) a child or stepchild of the member;

- (3) Schedule 3, clause 1(1), definition of *gift*—delete the definition

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- (4) Schedule 3, clause 1(1), definition of *a person related to a member*—delete the definition
- (5) Schedule 3, clause 1(1), definition of *return period*—delete the definition and substitute:
- 5 *return period*, in relation to a return of a member (other than a return submitted under section 65(a)), means—
- (a) in the case of a member whose last return was the return submitted under section 65(a)—the period between the date of that return and 30 June next following; or
- 10 (b) in the case of any other member—the period of 12 months expiring on 30 June on or within 60 days after which the return is required to be submitted;
- (6) Schedule 3, clause 1(4)—delete subclause (4)
- (7) Schedule 3, clause 2—before subclause (1) insert:
- 15 (a1) For the purposes of this Act, a return must be in the form determined by the Minister.
- (8) Schedule 3, clause 2(1)—delete "be in the prescribed form and"
- (9) Schedule 3, clause 2(1)(a)—delete "person related to the member" and substitute:
- designated person or entity in relation to the member
- 20 (10) Schedule 3, clause 2(2)—delete "be in the prescribed form and"
- (11) Schedule 3, clause 2(2)(a)—delete "person related to the member" and substitute:
- designated person or entity in relation to the member
- (12) Schedule 3, clause 2(2)(c) to (e)—delete paragraphs (c) to (e) (inclusive)
- (13) Schedule 3, clause 2(3)—delete "person related to the member" wherever occurring and substitute in each case:
- 25 designated person or entity in relation to the member
- (14) Schedule 3, clause 2(3)(f)—delete "related by blood or marriage to the member or to" and substitute:
- a relative of the member or
- 30 (15) Schedule 3, clause 2(3)(g)—delete "related to the member or a member of the member's family by blood or marriage" and substitute:
- a relative of the member or a member of the member's family
- (16) Schedule 3, clause 2(7)—delete "person related to the member" and substitute:
- designated person in relation to the member
- 35 (17) Schedule 3, clause 2(8)—delete "gift,"

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143—Amendment of Schedule 4—Material to be included in annual report of council

Schedule 4, clause 1—after paragraph (c) insert:

- 5 (d) a report relating to contraventions of Chapter 5 Part 4 Division 2 by members of the council during the relevant financial year containing the information required by the regulations;

144—Amendment of Schedule 5—Documents to be made available by councils

- (1) Schedule 5, provisions under the heading "**Codes**", 1st dot point—delete "of conduct or codes"
- 10 (2) Schedule 5, provisions under the heading "**Meeting papers**", 3rd dot point—after "reports" insert:
- (including attachments and any information or material referred to in the documents or reports) supplied
- 15 (3) Schedule 5, provisions under the heading "**Meeting papers**"—after the 4th dot point insert:
- Schedule of dates, times and places set for meetings of the council or council committee
- (4) Schedule 5—before the heading "**Policy and administrative documents**" insert:
- Information and briefing session papers**
- 20 • Record made by council or chief executive officer relating to an order under section 90(2) (in accordance with section 90A(4)) made at or in relation to an information or briefing session
- (5) Schedule 5, provisions under the heading "**Policy and administrative documents**", 11th dot point—delete the 11th dot point and substitute:
- 25 • Community engagement policies
- Behavioural management policies
- Behavioural support policies
- Employee behavioural standards
- (6) Schedule 5, provisions under the heading "**Registers and Returns**", 1st dot point—delete "Division 2" and substitute:
- 30 Division 1 Subdivision 2

145—Amendment of Schedule 8—Provisions relating to specific land

Schedule 8, clause 13(5), definition of *Gawler Park Lands and Pioneer Park*—delete the definition and substitute:

- 35 *Gawler Park Lands* means the whole of the land comprised in Certificate of Title Register Book Volume 6182 Folio 891;
- Pioneer Park* means the whole of the land comprised in Certificate of Title Register Book Volume 5846 Folio 672 and Volume 5846 Folio 673.

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146—Insertion of Schedule 9

After Schedule 8 insert:

Schedule 9—Suspension of members**1—Suspension of members**

- 5 (1) This clause applies to a member of a council who is suspended from the office of member of the council—
- (a) by SACAT or the Behavioural Standards Panel; or
- (b) by the council in accordance with a recommendation of the Ombudsman under section 263B; or
- 10 (c) under section 68, 80A, 80B or 273(8); or
- (d) under another provision of this Act prescribed by the regulations.
- 15 (2) Subject to this clause, the following provisions apply during the period of suspension of a member of a council to whom this clause applies:
- (a) the suspension extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council;
- 20 (b) the member must not use or retain a facility or service provided by the council (not being a facility or service generally provided to members of the public by the council);
- (c) the member must not carry out any function or duty of the office of member of the council;
- 25 (d) the member must not be given access by the council to information, documents or materials related to the performance or discharge of the functions or duties of members of the council (not being information, documents or materials generally provided to members of the public by the council);
- 30 (e) the member is not required—
- (i) to submit a return for the purposes of the Register of Interests in accordance with Chapter 5 Part 4 Division 1 Subdivision 2; or
- 35 (ii) if relevant, to notify the chief executive officer of a change or variation of a kind referred to in section 67(1),
- provided that, on the cessation of the suspension, the member—

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- (iii) submits any return for the purposes of the Register of Interests that the member would, but for the suspension, have been required to submit in accordance with Chapter 5 Part 4 Division 1 Subdivision 2 during the period of suspension; and
- (iv) notifies the chief executive officer of a change or variation of a kind referred to in section 67(1) of which the member would, but for the suspension, have been required to notify the chief executive officer under section 67(1) during the period of suspension;
- (f) to avoid doubt, section 54(1)(d) does not apply to the member.
- (3) In addition, the regulations may modify the application of a provision of this Act (including this Schedule) in relation to the suspension of a member of a council to whom this clause applies.
- (4) Subclause (2)(e) does not affect the obligation of a member of a council who is suspended from the office of member of the council by operation of section 68(1a) to submit to the chief executive officer the return that the member failed to submit under section 68(1a).
- (5) A member of a council to whom this clause applies must not contravene or fail to comply with subclause (2)(b) or (c).
- (6) Nothing in this clause affects the operation of section 273(8a).

147—Transitional provisions

- (1) A council (other than a council within the ambit of section 11A(2)(a) of the principal Act (as inserted by this Act)) with more than 12 members must conduct a review of its composition under Chapter 3 Part 1 of the principal Act so as to ensure that the reduction in the composition (and changes to wards) of the council required by section 11A takes effect on or before the date of the second periodic election of the council after the commencement of section 11A.
- (2) Section 51 of the principal Act (as amended by section 18 of this Act) applies to a council from—
- (a) in the case of a council that commences a representation review in accordance with section 12 of the principal Act after the commencement of section 18 of this Act and completes the review before 1 January 2022—polling day for the periodic election next due to be held after the commencement of section 18; or
- (b) in any other case—polling day for the second periodic election due to be held after the commencement of section 18.
- (3) A reference to completing a review under subsection (2)(a) includes (if relevant) publishing any notice or notices in the Gazette under section 12(15)(b) in relation to the review.

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- (4) A council (other than a council within the ambit of subsection (2)(a)) constituted on the basis that the principal member is to be chosen by the members of the council from amongst their own number must conduct a review of its composition under Chapter 3 Part 1 of the principal Act so as to ensure that the appointment or election of a mayor required by section 51(1) of that Act (as amended by section 18 of this Act) takes effect on or before the date of the second periodic election of the council after the commencement of this section.
- (5) The remuneration of a chief executive officer holding office on the commencement of section 99A of the principal Act (as inserted by this Act) is not affected during the term of that office by a determination under section 99A.
- (6) The principal Act (as in force immediately before the commencement of this subsection) continues to apply to a contravention of, or failure to comply with, the principal Act constituting grounds for complaint against a member of a council under Chapter 13 Part 1 of the principal Act (as in force immediately before the commencement of this subsection) committed or alleged to have been committed before that commencement.
- (7) Section 110 of the principal Act (as in force immediately before the commencement of this subsection) continues to apply to a contravention of, or failure to comply with, the code of conduct to be observed by employees of councils committed or alleged to have been committed before that commencement.
- (8) In this section—
principal Act means the *Local Government Act 1999*.

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148—Amendment of section 4—Preliminary

- Section 4(1), definition of *public notice*—delete the definition and substitute:
public notice—see *Local Government Act 1999* (section 4(1aa));

149—Substitution of section 5

Section 5—delete the section and substitute:

5—Periodic elections

- Elections to determine the membership of each council must be held in accordance with this Act at intervals of 4 years on the basis that voting at the elections will close at 5 pm on the second to last business day before the second Saturday of November in 2022, at 5 pm on the second to last business day before the second Saturday of November in 2026, and so on.

150—Amendment of section 6—Supplementary elections

- (1) Section 6(2)(a)—delete paragraph (a) and substitute:
- (a) the vacancy occurs within 12 months before polling day for—
 - (i) a periodic election; or

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- (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy; or
- (2) Section 6(2)(b)(iii)—delete subparagraph (iii) and substitute:
- 5 (iii) —
- (A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or
- (B) in any other case—there is no other vacancy in the office of a member of the council; and
- 10 (3) Section 6(2)(b)(iv)—after "council" insert:
- at the time the vacancy occurs
- (4) Section 6(2)(b)(iv)—after "vacancy" insert:
- or vacancies
- 15 (5) Section 6(2)—after paragraph (b) insert:
- or
- (c) the vacancy—
- (i) is for an office of a member of the council, other than—
- (A) mayor; or
- 20 (B) a member who was declared elected under section 25(1); and
- (ii) occurs within 12 months after the conclusion of a periodic election (and can be filled in accordance with section 6A).
- (6) Section 6(3)(a)—delete "a vacancy has" and substitute:
- 25 1 or more vacancies have
- (7) Section 6(3)(c)—delete paragraph (c) and substitute:
- (c) the other vacancy has not occurred within 12 months before polling day for—
- (i) a periodic election; or
- 30 (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy,
- (8) Section 6(7) and (8)—delete subsections (7) and (8) and substitute:
- (7) A notice under subsection (6) must also fix—
- 35 (a) a day for the close of the voters roll for the purposes of the election (the *closing date*); and
- (b) the time at which voting at the election will close on polling day.

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151—Insertion of section 6A

After section 6 insert:

6A—Filling vacancy in certain circumstances

- (1) If—
- (a) a casual vacancy has occurred; and
- (b) a supplementary election is not to be held by virtue of the operation of section 6(2)(c),
- the vacancy will be filled in accordance with this section.
- (2) For the purposes of subsection (1)—
- (a) the returning officer must, in accordance with the regulations, determine the candidate in the most recent election for the relevant office to fill the vacancy (a *successful candidate*); and
- (b) the returning officer must ascertain (in such manner as the returning officer thinks fit) whether the candidate who becomes a successful candidate—
- (i) is still willing to be elected to the relevant office; and
- (ii) is still eligible to be elected to the relevant office; and
- (c) —
- (i) if the person then indicates to the returning officer (within 1 month) that they are so willing and eligible, the returning officer will declare the person elected; or
- (ii) if the person then indicates to the returning officer (within 1 month) that they are not willing or eligible, or the person does not respond to the returning officer within 1 month, the returning officer must determine the next successful candidate in accordance with the regulations and so on until the vacancy is filled or there are no candidates still willing and eligible to be elected to the relevant office.

35 **152—Amendment of section 7—Failure of election in certain cases**

- (1) Section 7(3)(a)—delete paragraph (a) and substitute:
- (a) between the close of nominations and the close of voting—
- (i) a nominated candidate dies; or
- (ii) a nominated candidate becomes ineligible to be a candidate for election as a member of a council in accordance with section 17: and

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- (2) Section 7(4)—after "die" insert:

or become ineligible to be candidates for election as members of a council in accordance with section 17

153—Amendment of section 9—Council may hold polls

- 5 (1) Section 9(3)—delete subsection (3) and substitute:

(3) The council must fix a day as polling day for the poll by notice published on the council website.

- (2) Section 9(6)(b)—delete "and voting at the election closes at 5 p.m.—at 5 p.m. on polling day" and substitute:

10 —at the time at which voting at the election closes

154—Amendment of section 13A—Information, education and publicity for general election

- (1) Section 13A(2)(a)—after "voters roll" insert:

in accordance with the community engagement charter

- 15 (2) Section 13A—after subsection (2) insert:

(3) In this section—

community engagement charter—see *Local Government Act 1999* (section 4(1)).

155—Amendment of section 15—Voters roll

- 20 (1) Section 15(9)(a)—delete "13 weeks" and substitute:

81 days

- (2) Section 15(10)—delete "must, within seven days after a closing date, supply the chief executive officer with a list of the persons who are, as at the closing date, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area." and substitute:

—

(a) must, within 7 days after a closing date; and

(b) may, at any other time,

30 supply the chief executive officer with a list of the persons who are, as at the closing date or relevant time, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.

- (3) Section 15(13), dot point—delete the dot point

- (4) Section 15—after subsection (13) insert:

35 (13a) For the purposes of subsection (13), a voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection under this section.

- (5) Section 15(15)—delete "in printed form" wherever occurring

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(6) Section 15—after subsection (19) insert:

- (20) If a copy of the voters roll is provided to a person under this section, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than the distribution of matter calculated to affect the result of a local government election or a purpose related to the holding of such an election is guilty of an offence.

Maximum penalty: \$10 000.

156—Amendment of section 17—Entitlement to stand for election

(1) Section 17(1)(a)—delete paragraph (a) and substitute:

- (a) the person is an Australian citizen; and

(2) Section 17(1)(b)(ii)—delete "designated person for" and substitute:
nominee of

(3) Section 17(1)(b)(iii)—delete "designated person for" and substitute:
nominee of

(4) Section 17(1)(b)(iv)—delete "designated person for" and substitute:
nominee of

(5) Section 17—after subsection (1) insert:

(2) Subsection (1)(b) operates subject to the following qualifications:

- (a) a nominee of a body corporate must be an officer of the body corporate;
- (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;
- (c) a body corporate or group cannot nominate more than 1 person for a particular election;
- (d) a body corporate or group cannot nominate a person who has not attained the age of majority.

(6) Section 17(5)—delete subsection (5)

157—Amendment of section 19A—Publication of candidate profiles

(1) Section 19A(1)—delete subsection (1)

(2) Section 19A(2) and (3)—delete subsections (2) and (3) and substitute:

(2) The returning officer must, as soon as is reasonably practicable after the close of nominations (and in any event within 14 days after the close of nominations), cause each candidate's profile supplied under section 19(2)(b) to be published, in accordance with any requirements of the regulations, on the Internet.

(3) Section 19A(4)—delete "his or her statement under subsection (1)" and substitute:
their profile under section 19(2)(b)

(4) Section 19A(4)—delete "the LGA,"

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(5) Section 19A(4)—delete "a statement" and substitute:

a profile

(6) Section 19A(5)—delete subsection (5)

158—Substitution of section 21

5 Section 21—delete the section and substitute:

21—Publication etc of valid nominations

The returning officer must, within 24 hours after the close of nominations—

- 10 (a) provide a council with a list of all valid nominations relevant to the council's area; and
- (b) publish a list of all valid nominations on the Internet.

159—Amendment of section 27—Publication of electoral material

(1) Section 27(1)(b)—delete "address" and substitute:

prescribed information

15 (2) Section 27—after subsection (1) insert:

(1a) If—

- (a) electoral material is published on the Internet; and
- (b) the name and address of the person who authorises publication of the material is immediately accessible on the Internet by viewers of the material in accordance with any requirements prescribed by regulation,
- 20 that name and address need not be contained in the electoral material.

(3) Section 27(2)—delete "address" and substitute:

prescribed information

25 (4) Section 27—after subsection (3) insert:

- (4) If electoral material is published on the Internet by a person other than the person who established or controls the Internet site or other platform (or the relevant part of it), the person who established or controls the Internet site or other platform (or the relevant part of it) is not taken to have published the material or caused the electoral material to be published unless that person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.
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(5) In this section—

35 *prescribed information* means—

- (a) if the printer or other person responsible for undertaking production of the printed electoral material has a physical address—that address; or

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- (b) if the printer or other person responsible for undertaking production of the printed electoral material does not have a physical address—the email address or website address of the printer or other person.

5 **160—Amendment of section 28—Publication of misleading material**

Section 28—after subsection (1) insert:

- (1a) A person (the *relevant person*) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.

15 **161—Amendment of section 29—Ballot papers**

Section 29(3)—delete subsection (3) and substitute:

- (3) The drawing of lots for the purposes of subsection (2) must be conducted by the returning officer—
- (a) in the case of a periodic election—at 4 pm, or as soon as is reasonably practicable after 4 pm; or
- (b) in any other case—at 12 noon, or as soon as is reasonably practicable after 12 noon,
- on the day of the close of nominations in the presence of 2 persons who are of or above the age of majority and other persons who may wish to be present.

25 **162—Amendment of section 31—Special arrangements for issue of voting papers**

Section 31(1)(a)—delete "personal delivery of voting papers" and substitute:
delivery of voting papers (whether in printed or electronic form)

30 **163—Amendment of section 35—Special arrangements for issue of voting papers**

Section 35(a)—delete "personal delivery of voting papers" and substitute:
delivery of voting papers (whether in printed or electronic form)

164—Substitution of heading to Part 9

Heading to Part 9—delete the heading and substitute:

35 **Part 9—Voting generally**

165—Amendment of section 37—Postal voting to be used

- (1) Section 37(1)—delete "Voting" and substitute:
Subject to section 41A, voting

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- (2) Section 37(2)(a)—delete "personal delivery" and substitute:
 delivery (whether personal or otherwise)

166—Amendment of section 38—Notice of use of postal voting

Section 38—delete "21" and substitute:

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167—Amendment of section 39—Issue of postal voting papers

- (1) Section 39(1)—delete subsection (1) and substitute:

- (1) The returning officer must, as soon as practicable after the twenty eighth day before polling day, and in any event not later than 21 days before polling day, issue to every natural person, body corporate or group who or which has their or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—
- (a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and
- (b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—
- (i) that the ballot paper contained in the envelope contains their vote; and
- (ii) that they have not already voted at the election or poll; and
- (iii) if the voting papers are issued to a body corporate or group—that they are eligible to vote and are the designated person for the body corporate or group.

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- (2) Section 39(4)—delete subsection (4) and substitute:

- (4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than 5 pm on the seventh day before polling day.

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168—Insertion of section 41A

After section 41 insert:

41A—Assisted voting

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- (1) The regulations may make provision in relation to voting in an election or poll by prescribed electors by means of an assisted voting method.

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- (2) Without limiting the generality of subsection (1), regulations made for the purposes of this section may—
- (a) determine, or provide for the determination of, the following:
 - (i) the assisted voting method;
 - (ii) matters related to voting using the assisted voting method, including the provision of assistance to electors using the method, requirements to be followed after an elector has used the method and matters of privacy and secrecy;
 - (iii) the number of places where the assisted voting method is to be available, the location of those places and the days and times at which the method is to be available;
 - (iv) which electors may use the assisted voting method; and
 - (b) require the making of a record of each person who has voted using the assisted voting method; and
 - (c) specify the information that is to be included in a record; and
 - (d) provide for the production of a record of the vote each person has cast, which must not contain any means of identifying the person who cast the vote; and
 - (e) provide for the appointment by the returning officer of officers in relation to the conduct of the assisted voting method; and
 - (f) provide for the application of this Act, or provisions of this Act, in relation to votes cast using the assisted voting method, including the modification of the application of this Act or a provision of this Act in relation to such votes; and
 - (g) make provision for any other matters related to assisted voting.
- (3) To avoid doubt, nothing in this section (or in regulations made for the purposes of this section) authorises any elector to vote in more than 1 capacity at an election or poll.
- (4) The prescribed assisted voting method must be such that an elector using the method in relation to an election or poll—
- (a) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election or poll that the elector would be given if the elector were voting by postal vote under this Part; and
 - (b) is able to indicate a vote in a way that, if the elector were marking a ballot paper, would not be an informal ballot paper.

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- (5) Subject to this section, if an elector votes using the assisted voting method (an *assisted vote*)—
- (a) this Act applies (subject to any modifications prescribed under subsection (2)(f)) in relation to an assisted vote as if it were a vote delivered to an electoral officer for the relevant council in a sealed envelope; and
 - (b) the record of the assisted vote produced in accordance with the regulations is to be taken to be a ballot paper for the purposes of this Act; and
 - (c) the requirements of this Act in relation to the elector's right to receive a ballot paper are to be taken to have been satisfied.
- (6) The returning officer may, by notice in the Gazette, determine that the prescribed assisted voting method is not to be used either generally or at 1 or more specified places.
- (7) A notice under subsection (6) must specify the election or poll in respect of which the determination applies.
- (8) In this section—
- prescribed elector* means a sight-impaired elector or an elector of a class prescribed by the regulations for the purposes of this definition;
- sight-impaired elector* means an elector whose sight is impaired such that the elector is unable to vote without assistance.

169—Amendment of section 43—Issue of fresh postal voting papers

Section 43(4)—delete subsection (4) and substitute:

- (4) An application for the issue of fresh voting papers must be received by the returning officer not later than 5 pm on the seventh day before polling day.

170—Amendment of section 47—Arranging postal papers

Section 47(1)—delete subsection (1) and substitute:

- (1) The returning officer will—
- (a) in the case of a supplementary election or a poll held in conjunction with a supplementary election—as soon as is practicable after the close of voting; or
 - (b) in any other case—on the second day following polling day for the election or poll (at a time determined to be reasonable by the returning officer),
- with the assistance of any other electoral officers who may be present, ensure that all voting papers returned for the purposes of the election or poll in accordance with this Act are made available for the purposes of this section.

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171—Amendment of section 48—Method of counting and provisional declarations

(1) Section 48(1)—after "in an election" insert:

to fill more than 1 vacancy

5 (2) Section 48—after subsection (1) insert:

(1a) The returning officer must, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present, conduct the counting of the votes in an election to fill 1 vacancy according to the following method:

10 (a) carry out the step in the method of counting votes referred to in subsection (1)(a);

(b) if, after the counting of first preference votes no candidate has received a number of votes equal to or greater than the quota, the candidate who has received the fewest first preference votes must be excluded, and each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate is to be transferred (at a transfer value of 1) to the continuing candidate;

20 (c) if, on the completion of a transfer under paragraph (b), no continuing candidate has received a number of votes equal to or greater than the quota, the process of excluding the candidate who has the fewest votes and transferring each ballot paper counted to that candidate that expresses the next available preference for a continuing candidate in accordance with paragraph (b) is to be repeated until—

25 (i) 1 continuing candidate has received a number of votes equal to or greater than the quota; or

30 (ii) 2 candidates remain, in which case the returning officer must make a **provisional declaration** that the continuing candidate who has the larger number of votes has been elected notwithstanding that that number is below the quota and, if those candidates have the same number of votes, the candidate with the larger number of votes at the last preceding count or transfer will be taken to be elected and, if the number of votes at that count or transfer was equal, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be elected;

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- 5 (d) if the candidate who has the fewest votes is required to be excluded and 2 or more candidates each have the fewest votes, whichever of those candidates had the fewest votes at the last count or transfer at which each of those candidates had a different number of votes will be excluded but, if there has been no such count or transfer, the returning officer must, in the presence of any scrutineers who may be present, draw lots to determine which candidate will be excluded;
- 10 (e) a ballot paper must be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate.
- (3) Section 48(2) and (3)—delete "subsection (1)" wherever occurring and substitute in each case:
 subsections (1) and (1a)
- 15 (4) Section 48(4)—after "died" insert:
 or become ineligible to be a candidate for election as a member of a council in accordance with section 17
- (5) Section 48(4)—after "deceased" insert:
 or ineligible
- 20 **172—Amendment of section 55A—Filling vacancy if successful candidate dies**
 Section 55A(2) to (4)—delete subsections (2) to (4) (inclusive) and substitute:
- (2) In a case where this section applies—
- 25 (a) the returning officer must, in accordance with the regulations, determine the candidate in the most recent election for the relevant office to fill the vacancy (a *successful candidate*); and
- (b) the returning officer must ascertain (in such manner as the returning officer thinks fit) whether the candidate who becomes a successful candidate—
- 30 (i) is still willing to be elected to the relevant office; and
- (ii) is still eligible to be elected to the relevant office; and
- (c) —
- 35 (i) if the person then indicates to the returning officer (within 1 month) that they are so willing and eligible, the returning officer will declare the person elected; or

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- (ii) if the person then indicates to the returning officer (within 1 month) that they are not willing or eligible, or the person does not respond to the returning officer within 1 month, the returning officer must determine the next successful candidate in accordance with the regulations and so on until the vacancy is filled or there are no candidates still willing and eligible to be elected to the relevant office.

173—Amendment of section 57—Violence, intimidation, bribery etc

Section 57(3), definition of *bribe*—after "entertainment" insert:

where the value of the food, drink or entertainment is of or above the prescribed value.

174—Insertion of section 69A

After section 69 insert:

69A—Electoral Commissioner may lodge petition

- (1) The Electoral Commissioner may lodge a petition in the Court disputing the validity of an election under this Act if the Electoral Commissioner considers that it is appropriate to do so on the basis of an error in the recording, scrutiny, counting or recounting of votes in the election.
- (2) Section 70(1)(c) and (2)(b) do not apply to a petition lodged by the Electoral Commissioner disputing the validity of an election, but such a petition must be signed by the Electoral Commissioner.

175—Amendment of section 70—Procedure upon petition

Section 70(1)(b)—delete "to which the petitioner claims to be entitled" and substitute:
which the petitioner seeks

176—Amendment of section 73—Illegal practices and orders that may be made

Section 73—after subsection (4) insert:

- (5) An election may be declared void on the ground of the defamation of a candidate but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the defamation.
- (6) An election may be declared void on the ground of publication of misleading material but only if the Court is satisfied, on the balance of probabilities, that the result of the election was affected by the publication of that material.

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177—Substitution of section 80

Section 80—delete the section and substitute:

80—Returns for candidates

- 5 (1) A person who is a candidate for election to an office of a council must furnish to the returning officer, in accordance with the requirements of this Part—
- (a) a return under section 81 (a *campaign donations return*) within 30 days after the conclusion of the election; and
- 10 (b) a return under section 81A (a *large gifts return*) within the period applying under section 81A(1).
- (2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

178—Amendment of section 81—Campaign donations returns

- 15 (1) Section 81(1)—after "this section" insert:
 and section 81B
- (2) Section 81(1)(e)—delete ", other than a registered industrial organisation"
- (3) Section 81(2)—after paragraph (b) insert:
 or
- 20 (c) a gift disclosed in a large gifts return under section 81A.
- (4) Section 81(3)—delete subsection (3)

179—Insertion of sections 81A and 81B

After section 81 insert:

81A—Large gifts returns

- 25 (1) If—
- (a) a candidate for election to an office of a council receives a gift or gifts from a person during the disclosure period; and
- (b) the total amount or value of the gift or gifts is more than the prescribed amount,
- 30 the candidate must, within the prescribed period, furnish a return to the returning officer.
- (2) A large gifts return must set out—
- (a) the amount or value of each gift; and
- (b) the date on which each gift was made; and
- 35 (c) —
- (i) if the gift or gifts were made on behalf of the members of an unincorporated association—

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- (A) the name of the association; and
- (B) the names and addresses of the members of the executive committee (however described) of the association; or
- 5 (ii) if the gift or gifts were purportedly made out of a trust fund or out of the funds of a foundation—
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - 10 (B) the title or other description of the trust fund or the name of the foundation, as the case requires; or
- (iii) in any other case—the name and address of the person who made the gift or gifts.
- 15 (3) A large gifts return need not be furnished in respect of a private gift made to the candidate.

81B—Disclosure period etc for returns

For the purposes of sections 81 and 81A—

- (a) the *disclosure period* is the period that commenced—
 - 20 (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—on the day on which the person announced that they would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier; or
 - 25 (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the council; or
 - 30 (iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate,
 - 35 and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
 - 40 (b) a candidate is a *new candidate*, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council; and

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- (c) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and
- (d) a gift made to a candidate is a *private gift* if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

180—Amendment of section 83—Inability to complete return

Section 83(c)—delete "chief executive" and substitute:

returning

181—Amendment of section 84—Amendment of return

- (1) Section 84(1)—delete "chief executive" and substitute:

returning

- (2) Section 84(2)(b)—delete "chief executive" and substitute:

returning

- (3) Section 84(3)—delete "chief executive" wherever occurring and substitute in each case:

returning

182—Amendment of section 86—Failure to comply with Division

- (1) Section 86(1)—delete "chief executive" and substitute:

returning

- (2) Section 86(3)—delete "(However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*.)"

Note—

The following Note will be inserted at the foot of section 86(3):

"Note—

The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*."

183—Amendment of section 87—Public inspection of returns

- (1) Section 87(1) to (4)—delete subsections (1) to (4) (inclusive) and substitute:

- (1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 1.

- (2) The returning officer must—

- (a) in the case of a large gifts return—within the prescribed period after the return is received by the returning officer; and

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- (b) in any other case—at the end of 8 weeks after the day before which the return was required to be furnished to the returning officer,

make a copy of each return available on a website maintained by the returning officer.

- (2) Section 87(5)—delete "chief executive" and substitute:

returning

184—Amendment of section 89—Requirement to keep proper records

Section 89(2)—delete "chief executive officer of the council" and substitute:

returning officer

185—Amendment of section 91A—Conduct of council during election period

- (1) Section 91A—delete subsection (2) and substitute:

- (2) Subject to this section, the caretaker policy must, as a minimum—

(a) prohibit the making of a designated decision; and

(b) prohibit the use of council resources for the advantage of a particular candidate or group of candidates,

during the election period.

- (2a) Nothing in subsection (2)(b) prevents a caretaker policy from allowing the equal use of council resources by all candidates for election.

- (2) Section 91A(8), definition of *designated decision*, (d)—delete paragraph (d)

186—Amendment of section 93—Regulations

Section 93—after subsection (1) insert:

- (1a) The regulations may provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Electoral Commissioner or any prescribed authority.

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187—Amendment of section 4—Interpretation

Section 4, after the definition of *council member* insert:

default person, in respect of a body corporate or group, means an eligible person who has been nominated by the chief executive officer under Schedule 1 clause 3B(1) to vote on behalf of the body corporate or group in an election or poll;

eligible person, in respect of a body corporate or group, means a natural person, of or above the age of majority, who is—

- (a) in the case of a body corporate—an officer of the body corporate who is authorised to act on behalf of the body corporate for the purposes of voting; or

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- (b) in the case of a group—a member of the group, or an officer of a body corporate that is a member of the group, who is authorised to act on behalf of the group for the purposes of voting,

and who is not already on the voters roll or otherwise entitled to be enrolled on the voters roll;

nominated person, in respect of a body corporate or group, means an eligible person who has been nominated by the body corporate or group under Schedule 1 clause 3A(3) or 3C(2) to vote on behalf of the body corporate or group in an election or poll.

188—Amendment of section 20—Constitution of Council

Section 20(3)—delete subsection (3)

189—Amendment of section 21—Lord Mayor

- (1) Section 21—after "Lord Mayor" first occurring insert:

as leader of the council

- (2) Section 21(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) as the principal member of the Council—

- (i) to provide leadership and guidance to the Council; and
- (ii) to lead the promotion of positive and constructive working relationships among members of the council; and
- (iii) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- (iv) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (v) to preside at meetings of the Council; and
- (vi) to advise the chief executive officer on the implementation of decisions of the Council between Council meetings (as necessary); and
- (vii) to act as the principal spokesperson of the Council; and
- (viii) to exercise other functions of the Council as the Council determines; and

- (b) as the principal elected member of the Council representing the capital city of South Australia—

- (i) to provide leadership and guidance to the City of Adelaide community; and
- (ii) to participate in the maintenance of inter-governmental relationships at regional, State and national levels; and
- (iii) to carry out civic and ceremonial duties associated with the office of Lord Mayor.

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190—Amendment of section 22—Members

Section 22(1)(a)—delete paragraph (a) and substitute:

- (a) as a member of the governing body of the Council—
 - (i) to act with integrity; and
 - 5 (ii) to ensure positive and constructive working relationships within the Council; and
 - (iii) to recognise and support the role of the Lord Mayor under the Act; and
 - 10 (iv) to develop skills relevant to the role of a member of the Council and the functions of the Council as a body; and
 - (v) to participate in the deliberations and activities of the Council; and
 - 15 (vi) to provide community leadership and guidance to the City of Adelaide community and to participate in achieving a vision for the desired future of the City through the formulation of strategic plans and policies; and
 - (vii) to keep the Council's goals and policies under review to ensure that they are appropriate and effective; and
 - 20 (viii) to keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
 - (ix) to participate in setting and assessing performance standards to be met under the Council's contract with the chief executive officer; and
 - 25 (x) to serve the overall public interest of the City of Adelaide; and

191—Amendment of Schedule 1—Special provisions for elections and polls

(1) Schedule 1, clause 3(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- 30 (a) in the case of a natural person—the full name of the person and the address of the person's place of residence; and
- (b) in the case of a body corporate or group—
 - (i) the full name of the body corporate or group; and
 - (ii) —
 - 35 (A) if the body corporate or group has nominated an eligible person under clause 3A(3) or 3C(2)—the full name and date of birth of the nominated person for the body corporate or group; or
 - (B) if a default person has been nominated for the body corporate or group under clause 3B(1)—the full name and date of birth of the default person for the body corporate or group; and
 - 40

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- (2) Schedule 1, clause 3—after subclause (2) insert:
- (2a) The chief executive officer must redact the full name and date of birth of a default person for a body corporate or group from any copy of the voters roll available for inspection by the public or provided to any person (other than a copy of the voters roll supplied to the returning officer in accordance with subclause (16)).
- (3) Schedule 1, clause 3(9)(a)—delete "13 weeks" and substitute:
- 81 days
- (4) Schedule 1, clause 3(10)—delete "must, within 7 days after a closing date, supply the chief executive officer with a list of the persons who are, as at the closing date, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area." and substitute:
-
- (a) must, within 7 days after a closing date; and
- (b) may, at any other time,
- supply the chief executive officer with a list of the persons who are, as at the closing date or relevant time, enrolled (including those provisionally enrolled) as electors for the House of Assembly in respect of a place of residence within the area.
- (5) Schedule 1, clause 3(13), dot point—delete the dot point
- (6) Schedule 1, clause 3—after subclause (13) insert:
- (13a) For the purposes of subclause (13), a voters roll will be taken to have been brought up-to-date when copies of the roll are available for public inspection under this clause.
- (7) Schedule 1, clause 3(15)—delete "in printed form" wherever occurring
- (8) Schedule 1, clause 3—after subclause (19) insert:
- (20) If a copy of the voters roll is provided to a person under this clause, a person who uses that copy of the roll, or information contained in that copy of the roll, for a purpose other than the distribution of matter calculated to affect the result of a local government election or a purpose related to the holding of such an election is guilty of an offence.
- Maximum penalty: \$10 000.
- (9) Schedule 1—after clause 3 insert:
- 3A—Nominating person to vote on behalf of body corporate or group**
- (1) The chief executive officer must, by notice in writing to each body corporate and group on the voters roll, request that the body corporate or group nominate, in the form determined by the Electoral Commissioner (the ***nomination form***), an eligible person to vote on its behalf.

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(2) The notice in subclause (1) must—

(a) be issued to each body corporate or group—

(i) in the case of a periodic election—not later than 7 weeks before the relevant closing date; or

(ii) in the case of any other election, or a poll—not later than 4 weeks before the relevant closing date; and

(b) enclose the nomination form.

(3) A body corporate or group may nominate an eligible person to vote on its behalf by providing the completed nomination form to the chief executive officer by the relevant closing date.

3B—Nominating default person to vote on behalf of body corporate or group

(1) If the chief executive officer has not received a nomination under clause 3A(3) by the relevant closing date, or the person nominated is not an eligible person, the chief executive officer must—

(a) in the case of a body corporate—nominate the first officer of the body corporate (to be taken alphabetically); or

(b) in the case of a group—nominate the first member of the group or officer of a body corporate that is a member of the group (to be taken alphabetically) (as the chief executive officer thinks fit),

to vote on behalf of the body corporate or group (a *default person*).

(2) Despite subclause (1), the chief executive officer must not nominate a person under that subclause if the person is already on the voters roll or otherwise entitled to be enrolled on the voters roll.

(3) For the purposes of subclause (1), the chief executive officer may—

(a) in the case of a body corporate (including a body corporate that is a member of a group)—use the most recent information that is available after the relevant closing date from the Australian Securities and Investments Commission concerning the name and age of the persons specified in that subclause; or

(b) in the case of a group—use the most recent information held by the council after the relevant closing date concerning the name and age of the persons specified in that subclause.

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3C—Notice of default person and further nomination of person to vote on behalf of body corporate or group

- 5 (1) The chief executive officer must, within 14 days after the relevant closing date, give notice in writing to each body corporate or group enrolled on the voters roll in respect of which there is no nominated person—
- (a) if a default person has been nominated by the chief executive officer under clause 3B(1)—of the name of the default person; or
- 10 (b) if a default person has not been nominated—that no default person has been nominated,
- and of the option for the body corporate or group to nominate an eligible person (if any) in the form determined by the Electoral Commissioner (the ***nomination form***) and within the prescribed period.
- 15 (2) A body corporate or group may nominate an eligible person to vote on its behalf by providing the completed nomination form to the chief executive officer within the prescribed period.
- 20 (3) If the chief executive officer does not receive a nomination from the body corporate or group within the prescribed period, or receives a nomination but the person nominated is not an eligible person—
- (a) where a default person has been nominated under clause 3B(1)—the default person remains the person nominated to vote on behalf of the body corporate or group; or
- 25 (b) where a default person has not been nominated—no person is nominated to vote on behalf of the body corporate or group (and ballot papers will not be issued to the body corporate or group under clause 18).
- 30 (4) In this clause—
- prescribed period*** means 21 days after the relevant closing date.
- (10) Schedule 1, clause 4(3) to (5)—delete subclauses (3) to (5) (inclusive) and substitute:
- (3) A natural person is entitled to vote at an election or poll for a body corporate or group which has its name on the voters roll if—
- 35 (a) the natural person is the nominated person on the voters roll for the body corporate or group; or
- (b) the natural person is the default person on the voters roll for the body corporate or group.
- (11) Schedule 1, clause 5(1)(a)—delete paragraph (a) and substitute:
- 40 (a) the person is an Australian citizen; and
- (12) Schedule 1, clause 5(5)—delete subclause (5)

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 Amendment of *City of Adelaide Act 1998*—Part 4

(13) Schedule 1, clause 18(1)—delete subclause (1) and substitute:

- 5 (1) Subject to subclause (1a), the returning officer must, as soon as practicable after the twenty eighth day before polling day, and in any event not later than 21 days before polling day, issue to every natural person, body corporate or group who or which has their or its name on the voters roll used for the purposes of the election or poll postal voting papers consisting of—
- 10 (a) a ballot paper (or, in an appropriate case, ballot papers) authenticated to the satisfaction of the returning officer; and
- (b) an opaque envelope bearing a declaration (in a form determined by the Electoral Commissioner), to be completed by the voter, declaring the voter's date of birth and—
- 15 (i) that the ballot paper contained in the envelope contains their vote; and
- (ii) that they have not already voted at the election or poll; and
- (iii) if the voting papers are issued to a body corporate or group—
- 20 (A) the voter's full name; and
- (B) that the voter is the nominated person or default person for the body corporate or group.
- (1a) Postal voting papers must not be issued under this clause to a body corporate or group which has its name on the voters roll for the election or poll if there is no nominated person or default person for the body corporate or group.
- 25

(14) Schedule 1, clause 18(4)—delete subclause (4) and substitute:

- 30 (4) Postal voting papers must also be issued to any person, body corporate or group of persons whose name does not appear on the voters roll but who claims to be entitled to vote at the election or poll and applies to the returning officer for voting papers not later than 5 pm on the seventh day before polling day.

(15) Schedule 1, clause 18(7)—delete "Postal" and substitute:

Subject to subclause (1a), postal

- 35 (16) Schedule 1, clause 19(2)(a)(iii)—delete "voting on behalf of a body corporate or group of persons in accordance with this Schedule" and substitute:

the nominated person or default person for a body corporate or group

(17) Schedule 1, clause 19(2)(a)(iv)—delete subparagraph (iv)

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(18) Schedule 1, clause 23—delete the clause and substitute:

23—Returns for candidates

- 5 (1) A person who is a candidate for election to an office of the Adelaide City Council must furnish to the returning officer, in accordance with the requirements of this Part—
- (a) within 30 days after the conclusion of the election—
- 10 (i) a campaign donations return under this Division; and
- (ii) a campaign expenditure return under this Division; and
- (b) within the period applying under clause 24A(1)—a large gifts return under this Division.
- 15 (2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

(19) Schedule 1, clause 24(1)—after "this clause" insert:

and clause 24B

(20) Schedule 1, clause 24(1)(e)—delete ", other than a registered industrial organisation"

(21) Schedule 1, clause 24(2)—after paragraph (b) insert:

20 or

(c) a gift disclosed in a large gifts return under clause 24A.

(22) Schedule 1, clause 24(3)—delete subclause (3)

(23) Schedule 1—after clause 24 insert:

24A—Large gifts returns

- 25 (1) If—
- (a) a candidate for election to an office of the Adelaide City Council receives a gift or gifts from a person during the disclosure period; and
- 30 (b) the total amount or value of the gift or gifts is more than the prescribed amount,
- the candidate must, within the prescribed period, furnish a return to the returning officer.
- (2) A large gifts return must set out—
- 35 (a) the amount or value of each gift; and
- (b) the date on which each gift was made; and
- (c) —
- (i) if the gift or gifts were made on behalf of the members of an unincorporated association—

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- (A) the name of the association; and
- (B) the names and addresses of the members of the executive committee (however described) of the association; or
- 5 (ii) if the gift or gifts were purportedly made out of a trust fund or out of the funds of a foundation—
- (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
- 10 (B) the title or other description of the trust fund or the name of the foundation, as the case requires; or
- (iii) in any other case—the name and address of the person who made the gift or gifts.
- 15 (3) A large gifts return need not be furnished in respect of a private gift made to the candidate.

24B—Disclosure period etc for returns

For the purposes of clauses 24 and 24A—

- (a) the *disclosure period* is the period that commenced—
- 20 (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—12 months before polling day for the election; or
- 25 (ii) in relation to a candidate in an election who was a new candidate and when they became a candidate in the election was a member of the Council by virtue of having been appointed under the *Local Government Act 1999*—on the day on which the person was so appointed as a member of the Council; or
- 30 (iii) in relation to a candidate in an election who was not a new candidate—at the end of 21 days after polling day for the last preceding election in which the person was a candidate,
- 35 and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
- (b) a candidate is a *new candidate*, in relation to an election, if the person had not been a candidate in the last general election of a council and had not been a candidate at a supplementary election held after the last general election of a council; and
- 40

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- (c) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as 1 gift; and
- (d) a gift made to a candidate is a *private gift* if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
- (24) Schedule 1, clause 27(c)—delete "chief executive" and substitute:
returning
- (25) Schedule 1, clause 28(1)—delete "chief executive" and substitute:
returning
- (26) Schedule 1, clause 28(2)(b)—delete "chief executive" and substitute:
returning
- (27) Schedule 1, clause 28(3)—delete "chief executive" wherever occurring and substitute in each case:
returning
- (28) Schedule 1, clause 30(1)—delete "chief executive" and substitute:
returning
- Note—**
- The following Note will be inserted at the foot of clause 30(3):
- "Note—**
- The office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*."
- (29) Schedule 1, clause 31(1) to (4)—delete subclauses (1) to (4) (inclusive) and substitute:
- (1) The returning officer must keep at their principal office each return furnished to the returning officer under Division 2.
- (2) The returning officer must—
- (a) in the case of a large gifts return—within the prescribed period after the return is received by the returning officer; and
- (b) in any other case—at the end of 8 weeks after the day before which the return was required to be furnished to the returning officer,
- make a copy of each return available on a website maintained by the returning officer.
- (30) Schedule 1, clause 31(5)—delete "chief executive" and substitute:
returning

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- (31) Schedule 1, clause 33(2)—delete "chief executive officer of the Council" and substitute:

returning officer

Part 5—Amendment of *Crown Land Management Act 2009*

192—Insertion of section 20A

After section 20 insert:

20A—Revocation of dedicated land classified as community land

If, in relation to dedicated land that is classified as community land under Chapter 11 Part 1 Division 3 of the *Local Government Act 1999* (*relevant land*)—

- (a) the dedication of the relevant land is revoked under section 19; or
- (b) the relevant land is withdrawn from the care, control and management of a council under section 20,

the classification of the relevant land as community land under the *Local Government Act 1999* is taken to be revoked (and such revocation has effect for the purposes of the *Local Government Act 1999*).

Part 6—Amendment of *Equal Opportunity Act 1984*

193—Amendment of section 87—Sexual harassment

Section 87(6e)—delete "an officer or employee of the council." and substitute:

- (a) an officer or employee of the council; or
- (b) another member of the council.

Part 7—Amendment of *Planning, Development and Infrastructure Act 2016*

194—Amendment of section 83—Panels established by joint planning boards or councils

Section 83—after subsection (2) insert:

- (2a) Despite subsection (1)(e), a member of a council appointed as a member of an assessment panel is not required to disclose their financial interests in accordance with Schedule 1 while the member holds office as a member of a council.

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195—Amendment of section 84—Panels established by Minister

Section 84—after subsection (1) insert:

- (1a) Despite subsection (1)(f), a member of a council appointed as a member of an assessment panel is not required to disclose their financial interests in accordance with Schedule 1 while the member holds office as a member of a council.

Part 8—Amendment of *Public Finance and Audit Act 1987*

196—Amendment of section 4—Interpretation

Section 4(1), definition of *authorised officer*—delete "or to make an examination" and substitute:

or review, or to make an examination,

197—Amendment of section 30—Obligation to assist Auditor-General

Section 30—delete "or making an examination" and substitute:

or review, or making an examination,

198—Amendment of section 32—Audit etc of publicly funded bodies and projects and local government indemnity schemes

(1) Section 32(1)—delete subsection (1) and substitute:

(1) The Auditor-General may—

- (a) audit the accounts of a publicly funded body; or
- (b) examine or review the accounts of a publicly funded body; or
- (c) review the efficiency, economy and effectiveness of the activities of a publicly funded body; or
- (d) examine or review accounts relating to a publicly funded project and review the efficiency, economy and effectiveness of the project; or
- (e) examine or review accounts relating to a local government indemnity scheme and review the efficiency, economy and effectiveness of the scheme.

(2) Section 32(1a)—before "examination" wherever occurring insert in each case:

audit, review or

(3) Section 32(1b)—before "examination" insert:

audit, review or

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(4) Section 32—after subsection (1b) insert:

(1c) A person to whom information or a document is provided in connection with an audit, review or examination under this section must not disclose the information or document except as authorised under subsection (1d).

Maximum penalty: \$5 000 or imprisonment for 2 years.

(1d) Information or a document may be disclosed if—

- (a) the disclosure is made with the consent of the person who provided the information; or
- (b) the disclosure is authorised or required under any other Act or law; or
- (c) the disclosure is authorised or required by a court or tribunal constituted by law; or
- (d) the disclosure is authorised by regulation.

(1e) A person to whom a document containing a summary of findings of the Auditor-General is provided in connection with an audit, review or examination under this section must not copy or otherwise reproduce the summary (in whole or part), except—

- (a) as is necessary for the purposes of making submissions or comments to the Auditor-General in relation to the audit, review or examination; or
- (b) as is necessary for the purposes of obtaining legal advice in relation to the audit, review or examination; or
- (c) as otherwise authorised by regulation or by the Auditor-General.

Maximum penalty: \$5 000 or imprisonment for 2 years.

(5) Section 32(2)—delete subsection (2) and substitute:

(2) After—

- (a) conducting any audit or making any examination under subsection (1); or
- (b) conducting a review under subsection (1) requested by the Treasurer or the Independent Commissioner Against Corruption,

the Auditor-General must prepare a report setting out the results of the audit, review or examination.

(6) Section 32(3)—delete "the report" and substitute:

a report under subsection (2)

(7) Section 32(3)(a) to (c)—before "examination" wherever occurring insert in each case:
 audit, review or

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(8) Section 32—after subsection (3) insert:

- 5 (4) After conducting a review of a publicly funded body under subsection (1) (other than a review requested by the Treasurer or the Independent Commissioner Against Corruption), the Auditor-General may prepare a report setting out the results of the review.
- (5) The following provisions apply to a report prepared under subsection (4):
- 10 (a) the Auditor-General must deliver copies of the report to—
- (i) any publicly funded body concerned in the review; and
- (ii) the President of the Legislative Council and the Speaker of the House of Assembly;
- 15 (b) the Auditor-General may deliver copies of the report to any other person the Auditor-General thinks appropriate;
- (c) the Auditor-General may publish a copy of the report in such manner as the Auditor-General thinks appropriate.
- 20 (6) A document or information (including data) may be annexed to a report under this section either by including a copy of the document or information in an annexure or by including in an annexure a reference to a website on which the document or information has been, or will be, published by the Auditor-General.

199—Amendment of section 34—Powers of Auditor-General to obtain information

- 25 (1) Section 34(1)—delete "or make an examination" and substitute:
 or review, or make an examination,
- (2) Section 34(1)(c) and (d)—after "audit" wherever occurring insert in each case:
 , review

Part 9—Amendment of *South Australian Local Government Grants Commission Act 1992*

200—Amendment of section 19—Information to be supplied to Commission

Section 19(3)—delete "Where" and substitute:

Subject to any relevant provision of the Commonwealth Act or an instrument under that Act, if