

Council Meeting Agenda & Reports

5 February 2024

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

1 February 2024

To all Members of the Council

NOTICE OF MEETING

I wish to advise that pursuant to Sections 83 and 87 of the *Local Government Act 1999*, the next Ordinary Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 5 February 2024, commencing at 7.00pm.

Please advise Tina Zullo on 8366 4545 or email tzullo@npsp.sa.gov.au, if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone
CHIEF EXECUTIVE OFFICER

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**

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VENUE Council Chambers, Norwood Town Hall

HOUR

PRESENT

Council Members

Staff

APOLOGIES

ABSENT

1. **KAURNA ACKNOWLEDGEMENT**

2. **OPENING PRAYER**

3. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 22 JANUARY 2024**

4. **MAYOR'S COMMUNICATION**

5. **DELEGATES COMMUNICATION**

6. **QUESTIONS WITHOUT NOTICE**

7. **QUESTIONS WITH NOTICE**
Nil

8. **DEPUTATIONS**
Nil

9. **PETITIONS**

9.1 PETITION – PERCIVAL STREET, NORWOOD – PEDESTRIAN WARNING SIGNS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA120318
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present a Petition which has been received by the Council requesting the removal of the Pedestrian Warning Signs located in Percival Street, Norwood.

BACKGROUND

A letter dated 16 December 2023 and a Petition which has been signed by 46 people, including the petitioner, has been forwarded to the Council regarding the Council's decision to remove the Pedestrian Warning Signs (Aged) (the signs), located in Percival Street, Queen Street and Portrush Road.

The Convenor of the Petition has stated in the letter dated 16 December 2023, that it is his view that the Council's decision to remove the signs in Percival Street is "*incorrect*".

A copy of the letter dated 16 December 2023 and the petition is contained in **Attachment A**.

In accordance with the Council's *Privacy Policy*, the personal information of the petitioners, (i.e., the street addresses) have been redacted from the Petition. The names of the signatories and the suburb which have been included on the petition have not been redacted from the petition.

This matter relates to a matter which was the subject of a Review of Decision which was considered by the Council at its meeting held on 4 December 2023.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

Regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations), stipulates the following in respect to petition:

- (1) *A petition to the council must—*
 - (a) *be legibly written or typed or printed; and*
 - (b) *clearly set out the request or submission of the petitioners; and*
 - (c) *include the name and address of each person who signed or endorsed the petition; and*
 - (d) *be addressed to the council and delivered to the principal office of the council.*
- (2) *If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.*

It is important to note that Regulation 10 of the Regulations does not set a 'threshold' or 'test' for the subject matter of the petition. Regulation 10 only prescribes the form by which a petition must take.

This means that even though the Petition that has been received relates to a previous decision of the Council, which has been the subject of a Review under Section 270 of the *Local Government Act 1999* (the Act), the Petition must be received by the Council.

However, as the matter has been the subject of a Review under Section 270 of the Act, the Council is entitled to receive and note the petition without otherwise determining to do anything further.

If the Petitioners (or any person) remain aggrieved with the Council's decision regarding this matter, then it is open for them to make a complaint to the South Australian Ombudsman. There is nothing further the Council is required to do in these circumstances.

A brief summary of the matter and the basis upon which the Council made its decision in accordance with the Review under Section 270 of the Act is set out below.

1. At its meeting held on 1 May 2023, the Council considered a petition requesting the removal of the Pedestrian Warning Signs which are located at each end of Percival Street, Norwood.
2. The petition was subsequently presented to the Council's Traffic Management & Road Safety Committee for consideration at its meeting held on 20 June 2023.
3. Following consideration of the matter, the Committee resolved the following:

That the determination of this matter be deferred to allow staff to undertake a pedestrian survey and present the results to the Committee.
4. In accordance with the resolution, pedestrian surveys were undertaken and on 15 August 2023, the matter, including the outcome of the pedestrian survey, was re-presented to the Committee for consideration.
5. Following consideration of the matter, the Committee resolved the following:
 1. *That the existing signage be retained.*
 2. *That the Petitioners be advised of the outcome and thanked for bringing their concerns to the Council's attention.*
6. On 29 August 2023, the Council received a letter from three (3) residents (the Applicant) of Percival Street, requesting a Review of the Committee's Decision to retain the signage in Percival Street, on the basis that a majority of the residents would like the Council to remove the signage.
7. As this decision was made by the Council's Traffic Management & Road Safety Committee, this matter was presented to the Council for review and consideration in accordance with the Council's *Review of Decision Policy*.
8. The data which was considered by the Council as part of the review included the following information (which was presented to the Traffic Management & Road Safety Committee):
 - Percival Street is 180 metres long and x 7.5 metres wide, with on-street parking on both sides of the road;
 - The traffic speed and volume in Percival Street is low, there are clear sight lines and the street is narrow to cross, which in combination, provides a low-risk environment;
 - Traffic data collected in 2020 indicates that there is no road safety concern in Percival Street:
 - the traffic volume is 337 vehicles per day;
 - the 85th percentile speed is 40km/h;
 - the average speed at 30.5km/h; and
 - there were no recorded collisions in the last five (5) years; and
 - Pedestrian Survey data collected in 2023 which indicated that there is no road safety concern in Percival Street.

In addition, Warning signs are installed to raise the awareness of motorists of a potential hazard, obstacle or condition requiring special attention and that the signs may or may not include a supplementary plate under the sign, that indicates specificities, such as advisory traffic *speed, distance* to a hazard, or a type of vulnerable pedestrian present (*aged or blind*). Warning signs are not a regulatory sign, as such, do not indicate or reinforce a traffic law or regulation.

It is not the usual practice of the Council to install Warning Signs, (ie “Aged” Signage) at the beginning and end of a street as a general Warning Sign.

It is however, the usual practise of the Council to install Warning signs ‘to warn of the presence of pedestrians on or crossing the road where such activity might be unexpected’, as set out in AS1742.2.

RESOLUTION OF THE COUNCIL MADE ON 4 DECEMBER 2023

Following consideration of the Request for Review of Decision, the Council resolved to change the decision of the Traffic Management & Road Safety Committee as per below:

1. *That following consideration of the investigation and review undertaken by the Council’s General Manager, Governance & Civic Affairs (the Section 270 Report), in respect of a Request for Review of Decision, being the decision of the Traffic Management & Road Safety Committee to retain the “Aged” Signage located in Percival Street, Norwood, the Council is satisfied that the review has been undertaken in a fair and objective manner, in accordance with principles of natural justice and the Council’s Review of Decisions Policy & Procedure.*
2. *That having considered the Section 270 Report, the Council determines to change the decision of the Traffic Management & Road Safety Committee and, instead, resolves to remove the signage for the reasons set out in this report, namely:*
 - *the traffic speed and volume in Percival Street is low, there are clear sight lines and the street is narrow to cross which, in combination, provides a low-risk environment;*
 - *traffic data collected in 2020 indicates that there is no road safety concern in Percival Street; and*
 - *the Pedestrian Survey data collected in 2023 indicates that there is no road safety concern in Percival Street.*
3. *That the Applicant be thanked for bringing this matter to the Council’s attention and be advised of the Council’s decision.*

As stated previously, this matter was the subject of a Review under Section 270 of the Act, and the Council resolved to change the Committee’s decision on the basis of the traffic data which was obtained as part of the investigations regarding this matter.

RECOMMENDATION

1. That the petition regarding the Pedestrian Warning Signs (Aged Signs) in Percival Street, Norwood, be received.
2. The Council notes that the subject matter of the petition has been the subject of an internal Review under Section 270 of the *Local Government Act 1999*.
3. Following its consideration of the Review Report at the conclusion of that review, the Council resolved to remove the signage for the reasons set out in the Council’s resolution which was made at its meeting held on 4 December 2023.
4. The Council notes that whilst the petition is signed by a total of 46 signatories, the petition does not present any new information or evidence.
5. The Convenor of the Petition be advised of the Council’s decision regarding this matter.
6. The Council notes that if the petitioners (or any person) remains aggrieved with the Council’s decision regarding the subject matter of the petition, it remains open for them to lodge a complaint with the South Australian Ombudsman.

Attachments – Item 9.1

Attachment A

Petition Percival Street, Norwood Pedestrian Warning Signs

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

Telephone 8366 4555
Facsimile 8332 6338
Email townhall@npsp.sa.gov.au
Website www.npsp.sa.gov.au



City of
**Norwood
Payneham
& St Peters**

RECEIVED

FRONT COUNTER

18 DEC 2023

CITY OF NORWOOD
PAYNEHAM & ST PETERS

A1

16 December 2023

Mayor Robert Bria
City of Norwood Payneham & St Peters
175 The Parade
NORWOOD SA 5067

Dear Mayor Bria,

As per my email sent to you at 6.35am on Friday morning (15 December), please find enclosed a petition to retain the AGED signs in Percival Street.

I include this letter to explain why I believe the decision made at the council meeting on 4 December 2023 to be incorrect:

1. The enclosed petition has **46** signatures from residents in Beulah Terraces (in Percival Street), 26 more than the petition from the Applicant that has 20 in favour of their removal. On page 40 of the report to Council on 4 December 2023, it states

On 29 August 2023, the Council received a letter from three (3) residents (the Applicant) of Percival Street, requesting a Review of the Committee's Decision to retain the signage in Percival Street, on the basis that a majority of the residents would like the Council to remove the signage.

The figures above show this quotation to be incorrect.

2. The Traffic Management & Road Safety Committee discussed this petition with its 46 signatures at its meeting on 15 August 2023. **That is why the committee agreed to retain the AGED signs.**

Unless I am blind, this 46-signature petition has been completely omitted in the 4 December report to Council ... and yet the report's author was at the 15 August meeting. This means that Council was not provided with a complete picture of the situation.

3. When the Applicant writes in her letter dated 23 August 2023 that *The decision was made in light off evidence to the contrary being presented at both meetings supporting its removal*, she is in fact incorrect. Evidence was provided ... my petition.
4. The Applicant wrote the following in her petition forms to **remove** the signs, which was acceptable:

The Council sign erected by CCH which is currently located on Percival Street, Norwood and reads "AGED" is not needed.

The sign makes the residents of Percival Street feel unsafe and more vulnerable, as it draws attention to the fact the residents are elderly. Our view is that it makes us more likely to suffer harm from offenders, as they will likely view the residents as easy targets.

We ask respectfully that it be removed in order to make us feel more safe and to remove the increased risks to our safety caused by this sign.

If you agree, please sign below:

5. However, the Applicant **wrote exactly the same on the petition forms to retain the signs** (the Applicant was collecting signatures for both sides, which I also believe to be inappropriate), which is unacceptable. There is not a single word or reason in the text that encourages a resident to sign to keep the AGED signs, or that explains **why** the signs should be retained.
6. The Applicant advised that the Pedestrian AGED Signs are *causing the residents to feel unsafe and vulnerable by indicating that the residents in the area are elderly* (Page 39, Report to Council 4 December 2023). During 21 years of working in the field of crime prevention, I have never heard of this. When I approached the police at Norwood Police Station, they told me the supposition is incorrect, and that they too have never heard of it.
7. It should be noted that residents in Beulah Terraces say they feel safer with the AGED signs in place.
8. On page 44 of the report to Council dated 4 December 2023, it notes that:

The Applicant has not presented any new evidence for consideration as part of the Request for a Review of Decision other than in the Applicant's view that as "there is no longer a nursing home located there and the age cohort of the area doesn't comply with Aged signage, the signs should be removed.

Not having a nursing home in the street is not a reason to remove the AGED signs. The Independent Living Units that have replaced the nursing home are lived in by elderly (or AGED) residents (which does not mean that we are all good at walking and have good balance).

9. On page 45 of the report to Council dated 4 December 2023, it notes that:

The traffic speed and volume in Percival Street is low, there are clear sight lines, and the street is narrow to cross, which in combination, provides a low-risk environment. ()

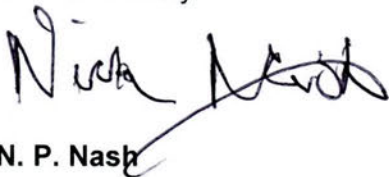
The residents in Beulah Terraces do not agree with this statement. They feel that the road can be dangerous to cross; that traffic does speed considerably; and that the lack of sightlines can definitely make it very difficult to see what traffic is approaching.

10. At the end of the day, why would council remove a sign that has no negative effect on traffic, but can only have a positive effect?

I trust that council will accept this petition and will review its decision based on the points I have raised, and **that Council will not ignore the wishes of the Percival Street community to retain the signs.**

I look forward to either discussing this with you or hearing from you.

Yours sincerely



N. P. Nash

cc: Mario Barone PSM, Chief Executive Officer

PETITION

To the City of Norwood Payneham & St Peters

175 The Parade, Norwood SA 5067
PO BOX 204, Kent Town SA 5071

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City of
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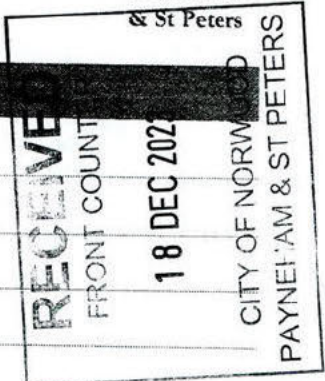
PETITION CONTACT DETAILS (Convenor of Petition)

Name: Nick Nash

Address: [REDACTED]

Phone: [REDACTED] Mobile: N/A

Email: [REDACTED]



Part 1: The petition of:

The residents of Beulah Terraces (between Percival Street and Beulah Road) request that the pedestrian AGED signs in Percival Street remain in place or be restored.

Part 2: Matter of concern to petitioners: (outline the circumstances of the matter)

AGED signs at each end of Percival Street were installed to warn drivers that elderly residents in the area may take longer to cross the street. They are there to enhance SAFETY. This is supported by research from Monash University that shows 42% of pedestrian deaths in Australia are aged over 60. Drivers are often inconsiderate towards the elderly.

The residents in Percival Street may not *need* the signs in place, but rat-running drivers do. The signs help slow the traffic, though it is acknowledged that not every driver reacts positively, nor is it possible to measure this.

Recently, a petition with 20 signatures supporting the removal the AGED signs was submitted to council.

However, the residents in Beulah Terraces were not given the opportunity to sign the petition. The petition organisers knew full well that the result would be for the signs to remain in place.

This petition has 43 signatures in favour of retaining the AGED signs in Percival Street. It was discussed at the meeting of the Traffic Management & Road Safety Committee on 15 August 2023 (and was why the decision was made to keep the AGED signs), but it was not mentioned in the report to Council on 4 December, which means that Council was not provided with a complete picture of the situation.

Residents in Beulah Terraces feel safer knowing the AGED signs are in place, as do those who suffer from dementia or who are frail.

Part 3: The petitioners request that the Council:

Retain (or replace if appropriate) the AGED signs affixed to the pedestrian signs in Percival Street.

Name (print)	Address	Signature
NICK NASH	[Redacted]	[Redacted]
PAULINE GILL	[Redacted]	[Redacted]
LESLEY CLARKE	[Redacted]	[Redacted]
Taimi Robran	[Redacted]	[Redacted]
DOROTHY FEARIER	[Redacted]	[Redacted]
TONY HEPBURN	[Redacted]	[Redacted]
James May	[Redacted]	[Redacted]
SARAH MAY	[Redacted]	[Redacted]
Don Millard	[Redacted]	[Redacted]
Patricia Lussery	[Redacted]	[Redacted]
DJA SWENSON	[Redacted]	[Redacted]
Wendy WURST	[Redacted]	[Redacted]
John Wurst	[Redacted]	[Redacted]
Kevin Kezay	[Redacted]	[Redacted]
ANN PIETSCH	[Redacted]	[Redacted]
TIMOTHY PIETSCH	[Redacted]	[Redacted]
RICHARD WILLING	[Redacted]	[Redacted]
SUSAN MAGAREY	[Redacted]	[Redacted]
ROSEMARY OSTAN	[Redacted]	[Redacted]
SUSAN SHERIDAN	[Redacted]	[Redacted]
HELEN FREEMAN	[Redacted]	[Redacted]
Helen Green	[Redacted]	[Redacted]
CHRISTINE EVANS	[Redacted]	[Redacted]
LYNN NASH	[Redacted]	[Redacted]
Graham Henderson	[Redacted]	[Redacted]
Patricia Henderson	[Redacted]	[Redacted]
WAYNE RUSSELL	[Redacted]	[Redacted]
Deanne Russell	[Redacted]	[Redacted]
JANICE LANGER	[Redacted]	[Redacted]
Jude Crawford	[Redacted]	[Redacted]
Richard Mann	[Redacted]	[Redacted]
BARRIE ROBRAN	[Redacted]	[Redacted]

10. WRITTEN NOTICES OF MOTION
Nil

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 REVIEW OF POLICIES

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA61370
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of the report is to present the Request for Services Policy and the Enforcement Policy to the Council for adoption.

BACKGROUND

Policies, Codes of Practice and Codes of Conduct are important components of a Council's governance framework. Policies set directions, guide decision making and inform the community about how the Council will normally respond and act to various issues.

When a decision is made in accordance with a Council policy or code, both the decision-maker and the community can be assured that the decision reflects the Council's overall aims and principles of action.

Accordingly, policies and codes can be used in many contexts to:

- reflect the key issues and responsibilities facing a Council;
- provide a policy context and framework for developing more detailed objectives and management systems;
- guide staff and ensure consistency in delegated and day-to-day decision-making; and
- clearly inform the community of a Council's response to various issues.

It is therefore important that policies remain up to date and consistent with any position adopted by the Council.

A review of all Council Policies commenced in 2018 and as a result, all Policies have been reviewed, a number of new Policies have been adopted and a number of Policies have been revoked.

A list of all Council Policies is contained within **Attachment A**.

The following Policies are now scheduled to be reviewed:

1. Requests for Services Policy (**Attachment B**); and
2. Enforcement Policy (**Attachment C**).

Where required, the Policies have been amended to ensure that the Policies meet current standards and reflect the Council's position on the respective matters.

The draft *Enforcement Policy* replaces the *Development Assessment and Development Compliance Reporting and Monitoring Policy*.

The *Development Assessment and Development Compliance Reporting and Monitoring Policy* therefore is redundant and can be revoked.

A copy of the *Development Assessment and Development Compliance Reporting and Monitoring Policy* is contained within **Attachment D**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

Requests for Services Policy

Section 270 of the *Local Government Act 1999* (the Act), requires the Council to develop and maintain a policy about “any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council.”

The draft Policy ensures compliance with the Act and aims to provide guidance on what may constitute a reasonable request for a service or an improvement to a service and establish a consistent process for the management of requests for services and the collation of information which can be used to directly inform service improvements.

The existing Policy has been reviewed and no changes to the Policy are required and therefore no changes to the Policy are recommended. The Policy is still applicable, current and required.

A copy of the draft *Request for Services Policy & Procedure* is contained within **Attachment B**.

Enforcement Policy

The *Enforcement Policy* is essentially a new policy which replaces the *Development Assessment and Development Compliance Reporting and Monitoring Policy*.

The Council is responsible for the operation, administration and enforcement of various legislation. This responsibility includes taking enforcement action, where necessary, to protect the community and/or preserve the amenity of the Council area.

The draft Enforcement Policy sets out the Council's approach, methodology and priorities for ensuring compliance with legislation for which it is responsible, including the carrying out of enforcement functions where necessary. The Policy provides a framework to promote consistency in enforcement action taken by the Council, so that any action taken is proportionate to the alleged offence.

The draft *Enforcement Policy* replaces the *Development Assessment and Development Compliance Reporting and Monitoring Policy*.

A copy of the draft *Enforcement Policy* is contained within **Attachment C**.

OPTIONS

Whilst the *Local Government Act 1999* requires the Council to undertake community consultation in respect to some policies (ie Community Consultation Policy), prior to formal adoption by the Council, it is not a legislative requirement that community consultation be undertaken regarding the draft Policies which are the subject of this report.

It is at the discretion of the Council to determine if a policy under development or review may benefit from community consultation on the basis of the merits of undertaking such consultation and the impact the policy may have on a specific sector or the community at large.

There is no legislative requirement to consult in respect to the draft policies contained within Attachments B and C.

CONCLUSION

Pursuant to the principles of administrative law, a Council should not deviate from an adopted policy without a clear, substantiated reason for doing so.

COMMENTS

Nil.

RECOMMENDATION

1. That, having conducted a review of the following policies, the following Policies be adopted:
 - 1.1 Requests for Services Policy (Attachment B); and
 - 1.2 Enforcement Policy (Attachment C).
2. That the Development Assessment and Development Compliance Reporting and Monitoring Policy (Attachment D) be revoked.

Attachments – Item 11.1

Attachment A

Review of Policies

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
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Payneham
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Corporate Policy Manual

List of Policies



City of
Norwood
Payneham
& St Peters

A1

GOVERNANCE

Access & Inclusion Policy
Asset Management Policy
Body-Worn Video and Camera Device Policy
Building Inspection Policy
Civic Bands & Orchestra Policy
Civic Collection Policy
Civic Recognition Policy
Code of Conduct for Council Members – Complaint Handling Procedure
Code of Practice – Access to Meetings & Documents – June 2019
Community Consultation Policy
Community Funding Program Policy
Community Gardens Policy
Community Information Policy
Complaints Handling Policy & Procedure
Conditions of Library Use Policy
Contract Management Policy
Council Assessment Panel Review of Decisions of the Assessment Manager Policy
Council's Role in Markets Policy
Data Management Guidelines
Development Assessment & Development Compliance Reporting & Monitoring Policy
Directional Signage Policy
Display of Business Merchandise and Objects on Council Footpaths Policy
Disposal of Land and Assets Policy
Elected Member Access to Legal Advice Policy
Elected Member Allowances & Benefits Policy
Elected Member Training & Development Policy
Elected Members Electronic Communications Policy Guidelines
Elected Members Electronic Communications Policy
Emergency Disaster Donations Policy
Events Policy
Footpaths & Driveway Crossovers Policy
Fraud, Corruption, Misconduct & Maladministration Prevention Policy
Freedom of Information Policy
Freedom of Information Statement
Information Management Policy
Internal Control Policy
Irrigation Policy
Library Collection Development Policy
Library Outreach Services Policy
Live Music Policy
Local Area Traffic Management Policy
Local Government Elections Caretaker Policy & Guidelines
Naming of Roads and Public Places Policy & Procedure
Norwood Oval Football Passes Policy
On Street Parking Policy
Order Making Policy
Outdoor Dining Policy
Planning Approval Compliance & Development Complaint Handling
Plaques, Monuments & Memorials Policy
Policy of Notification – Accredited Professionals Policy
Privacy Policy
Private Laneways Policy & Procedure
Procurement Policy Guidelines
Procurement Policy
Public Art Policy
Public Buildings Policy
Public Interest Disclosure Policy & Procedure
Public Liability Insurance for Community Groups when Hiring Council Owned Facilities Policy

Corporate Policy Manual

List of Policies



A2

City of
Norwood
Payneham
& St Peters

Rate Rebate Policy
Rating Policy
Reconciliation Policy
Records Disposal Policy
Records Management Guidelines
Reinstatement of Council Infrastructure by Public Utilities
Removal and Impounding of Vehicles Policy
Requests for Services Policy and Procedure
Responding to Code Amendments and Code Amendment Requests Policy
Review of Decisions Policy & Procedure
Risk Management Policy
Safe Environments Policy
Smoke-Free Policy
Social Media Guidelines
Social Media Policy
Surveillance Device Policy
Temporary Road Closures for Non-Council Initiated Road Events Policy
Tennis Facilities Policy
Tree Policy
Unreasonable Complainant Conduct Policy & Procedure
Verge Landscaping and Maintenance Policy & Guidelines
Waste Management Policy
Work Health & Safety 2021 Policy Statement

FINANCE

Asset Impairment Policy
Asset Revaluation Policy
Assets Capitalisation and Depreciation Guideline
Assets Capitalisation and Depreciation Policy
Bad Debt Write-Off – General Debts Policy
Bank Accounts Policy
Budget Policy Guidelines
Budget Policy
Budget Review Policy Guidelines
Budget Review Policy
Credit Cards Policy
Credit Policy
Fees & Charges Policy
Financial Delegations Policy
Financial Hardship Policy – COVID-19
Financial Hardship Policy
Fringe Benefits Tax Policy
Funding Policy
Goods & Services Tax Policy
Payments Policy
Petty Cash Policy
Prudential Management Policy
Rate Rebates on Council Owned Land Leased or Licenced Policy
Salaries & Wages Administration Policy
Time Off in Lieu (TOIL) & Overtime Management Policy & Procedure
Treasury Management Policy

Corporate Policy Manual

List of Policies



City of
Norwood
Payneham
& St Peters

A3

HUMAN RESOURCES

Ageing and Work Health Statement 2020-2025
Behaviour Standards Policy & Code of Conduct for Council Employees
Breastfeeding in the Workplace Guidelines – December 2020
Classification Policy – June 2020
Disciplinary & Under Performance Management Policy – July 2020
Electronic Communication Devices Policy & Procedure
Fair Treatment & Equal Opportunity
Grievance Policy
Injury Management & Return to Work Policy & Procedure – June 2022
Safe Environment Policy – March 2022
Training & Development Policy – June 2020
Vaccination Policy – November 2021
Volunteer Services Policy

ST PETERS CHILD CARE CENTRE & PRESCHOOL

Providing a Child Safe Environment Policy
Sleep and Rest for Children Policy & Procedure

COUNCIL PROCEDURES

Council Owned Tree Removal Process

Attachment B

Review of Policies

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**



City of
Norwood
Payneham
& St Peters

NAME OF POLICY: Requests for Services Policy and Procedure

POLICY MANUAL: Governance

INTRODUCTION

Local Government delivers an extensive range of services and infrastructure to communities, and discharges obligations associated with many pieces of legislation. Providing services to the community is a key component of the Council's operations and requests for work to be undertaken or a service provided are a daily occurrence.

The Council is committed to the provision of quality service to customers and aims to provide services fairly and efficiently. It also monitors requests to identify ways in which it can proactively improve its services or the way in which its services are provided.

Section 270 of the *Local Government Act 1999* (the Act), requires the Council to develop and maintain a policy about "any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council."

This Policy and Procedure aims to:

- provide guidance on what may constitute a reasonable request for a service or an improvement to a service;
- distinguish between requests, complaints and comments to the Council and give direction on the management of requests; and
- establish a standardised process for assessing and processing requests which are received including the collation of information which can be used to directly inform service improvements.

DEFINITIONS

Business Day means a day when the Council is normally open for business, i.e. Monday to Friday, excluding public holidays.

Council refers to the City of Norwood Payneham & St Peters

Employee includes a person employed directly by the Council in a full time, part time or casual capacity (whether that position is permanent or contractual) and persons providing services to, or on behalf of, the Council even though they may be employed by another party

PRINCIPLES

This Policy and Procedure is based on the following principles, which are fundamental to the way the Council approaches requests for services:

- **Fairness:** treating citizens fairly requires impartiality, confidentiality and transparency at all stages of the process;

- *Accessibility*: to be accessible there must be broad public awareness about Council's policy and a range of contact options;
- *Responsiveness*: this will be achieved by providing sufficient resources, well trained staff and review and improvement of the systems;
- *Efficiency*: customer requests will be dealt with as quickly as practical while adhering to this policy; and
- *Integration* of different areas of Council where the customer request overlaps functional responsibilities.

In processing requests for service emphasis will be placed on:

- public safety and emergencies;
- fulfilling Council's strategic and business plans;
- using Council resources effectively; and
- referring to guidelines and conditions of externally funded programs (eg. Home and Community Care).

3 What is a Request for Service?

A **Request for Service** is an application to have the Council or its representative, take some form of action to provide a new service or improve a service which is already provided by the Council.

A **Complaint** is an expression of dis-satisfaction with a service which has, or should have, been received. The Council's *Complaints Handling Policy* defines a complaint as:

"an expression of dissatisfaction with the Council's policies, procedures, charges, staff, agents, quality of service, programs and facilities. A complaint may relate to a specific incident or an issue involving the Council, or to matters of a more philosophical or general nature regarding the Council's processes and/or procedures".

Where the Council has failed to meet the normal standards for a service which has been, or should have been, delivered, the Council's *Complaints Handling Policy & Procedure* may apply. Where ambiguity exists, the Council will deal with a matter as a request for service, rather than a complaint, in the first instance.

Comments either positive or negative, about services provided by the Council may not necessarily require a corrective action, change of services or formal review of a decision. Comments may, however, influence future service reviews and delivery methods.

Requests for service will be assessed in the context of the services and work provided for in the Council's Annual Business Plan and Budget and according to the conditions of externally funded programs.

4. Reasonable Requests for Service

In determining how to respond to a request for service, the Council will consider:

- an assessment of risks;
- statutory responsibilities;
- the content of Council's Strategic Management Plan, *City Plan 2030*, Annual Business Plans, annual works program and Annual Budget;
- relevant Council policies and codes; and
- established service standards and response times for regular Council activities.

5. Processing a Request for Service

In the Council's experience, most requests fit within well established guidelines which will be explained to an applicant at the outset. The Council aims to manage requests efficiently and effectively. Employees are provided with a level of authority to advise applicants of the likely timeframe to complete the action required.

Where further evaluation is necessary before committing the Council to undertake the work the applicant will be informed accordingly. If a request cannot be fulfilled in a reasonable timeframe the applicant will be advised, including an explanation of why this decision was taken.

Where an applicant is not satisfied with the Council's decision, it is open to the applicant to lodge a complaint against the decision in accordance with the Council's *Complaints Handling Policy*.

6. Timeframes for Response

The circumstances of individual requests for service will vary greatly. In the majority of cases requests will be processed promptly and the applicant advised verbally or in writing by post or via email.

Routine requests are often subject to service response standards. For example, uncollected rubbish bins will be collected within 48 hours and the assessment of public safety concerns will occur, where practicable, on the same day as the request is received. Other requests may be best suited to scheduling to coincide with work in a particular suburb or season. Examples of this include pruning of street trees and attention to minor stormwater drainage problems. Requests which involve undertaking major works or the provision of new services will be referred to the Council for consideration as part of the annual budget process.

Council staff will respond within seven (7) business days advising of the Council's intentions in regard to requests.

7. Recording Requests for Service

A person can make an application for a service in a number of ways, namely:

- completion of the report a problem form on the Council's website;
- telephone;
- email;
- letter;
- petition to Council; and/or
- in person at a Council facility (ie, Norwood Town Hall, Glynde Depot, one of the Council's three Libraries), or at any facility owned and operated by the Council.

All requests will be recorded in the Council's Corporate Records Management system and / or Customer Request Management System (CRMS), in such a way that the information can also be analysed for service improvement opportunities.

8. Requests which are Not Approved

All requests for services which are not approved will be recorded and may be re-considered at a future date, (for example in conjunction with the preparation of the Council's Annual Business Plan and associated budget). The Council will receive a report on the number and nature of requests, including the percentage of requests which are not approved, at least annually.

REQUESTS FOR SERVICES PROCEDURE

The Council welcomes requests for service as a way of improving its services and programs, as well as fulfilling the needs of its community.

This Procedure sets out the processes which will be followed when a request for a service is received to ensure that all such requests are addressed in a fair, consistent and structured process which is transparent to all applicants.

1. Assisting with the lodgement requests for service

No one should be excluded from lodging a request for service because of any difficulties which they may have representing themselves. All staff are expected to offer assistance where appropriate and provide assistance on request, including assistance in documenting the request in writing when circumstances warrant such assistance to be provided.

2. Recording requests for service

The details of requests for services are to be recorded in the Council's Customer Request Management System, including the following information:

- date and time of the request;
- the name of the staff member recording the request;
- the name and address of the person making the request (where applicable);
- the contact phone numbers and email address of the person making the request (where applicable);
- comprehensive information about the nature of the request;
- the staff member the request has been assigned to; and
- if the person who made the request wishes to be advised when the work is completed.

3. Responding to requests for service

Each request must be assessed to determine the nature of the request, how the request should be dealt with, when it should be dealt with and who should be involved.

Experience suggests that the majority of requests can be scheduled and actioned promptly. Some requests however, will require direction from a General Manager or Manager or, in some instances depending on the nature of the request, it may be required to be referred to the Council for consideration.

Prior to consideration of the response to the request it is also important to consider the following:

- public safety and emergencies (the need and requirement of immediate action);
- using Council resources efficiently and effectively;
- the guidelines and conditions which apply to certain externally funded programs (eg Home and Community Care); and
- the complexity of the request and subsequent response by the Council (ie does it require an integrated approach from more than one department?).

Where possible, an applicant will be advised as to what action will be taken in response to requests at the time of lodging the request.

More complex requests should be forwarded to the relevant General Manager or Manager for determination in respect to the response. Referral of the request must occur promptly Ensure that the referral occurs promptly and the customer understands the process and timeline for the next action.

Where requests relate to undertaking major work or the provision of new services these may need to be considered by the Council as part of the Council's annual Budget process.

4. Acknowledging requests for service and progress

The Council aims to respond to requests as soon as possible, and at least within five (5) business days, wherever possible advising of the Council's intentions regarding the request.

If a request is not approved, the decision is to be explained clearly and any possible alternative actions available to the person who made the request identified.

Where work or auctioning work is delayed, the person who made the request must be informed of progress and the reasons for any delays.

If the person who made the request has asked to be advised when the work is completed, this task is the responsibility of the employee who is handling the request.

5. Service Improvement

Learning from requests for a service/s is a way for the Council to ascertain how to improve its processes and procedures.

The Council has systems to:

- record, analyse and report on the types of requests for service it receives; and
- apply the information to improve level of service it provides to citizens.

Understanding the number and type of requests initiated by citizens may indicate that changes to policies, procedures or systems to improve service delivery are required.

All requests for services, including those which are not approved, must be recorded in the Council's Records Management System / Customer Request Management System (CRM), in such a way that the information can also be analysed for the purposes of identifying opportunities for improvement.

At intervals determined by the number of requests received, the data on requests for services will be reported to Executive Leadership Team to ensure that systemic issues are identified and addressed.

The Council is provided with reports containing data about requests for service, actions taken to address them and changes made as a result at least once each calendar year.

REVIEW PROCESS

In order to ensure that the Council continues to provide the best possible services for its citizens, this Policy and Procedure will be subject to periodic evaluation and review.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Civic Affairs, telephone 8366 4549.

ADOPTION OF THE PROCEDURE

This Policy and Procedure was adopted by Council on 3 August 2020.

This Policy and Procedure was reviewed and adopted by the Council on 2024.

TO BE REVIEWED

February 2027

Attachment C

Review of Policies

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City of
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Payneham
& St Peters**



NAME OF POLICY: Enforcement Policy

POLICY MANUAL: Governance

BACKGROUND

The City of Norwood Payneham & St Peters (“the Council”) is responsible for the operation, administration and enforcement of various legislation. This responsibility includes taking enforcement action, where necessary, to protect the community and/or preserve the amenity of the City.

This Policy outlines the Council’s approach, methodology and priorities for ensuring compliance with legislation for which the Council is responsible, including the carrying out of enforcement functions where necessary.

The Policy provides a framework to promote consistency when undertaking enforcement action, so that any action that is taken is proportionate to the alleged offence. In addition, the Council is required to observe the principles of natural justice and procedural fairness when taking enforcement action on an alleged breach.

DISCUSSION

Pursuant to the *Local Government Act 1999* (“the Act”) and other relevant legislation, the Council has certain powers and functions that govern the operations of the Council and which serve to protect the community. Whilst it is ultimately the responsibility of individuals and other bodies to comply with the law, from time-to-time, the Council is required to carry out enforcement action to secure compliance with its legislative obligations.

This Policy is an “umbrella” policy which outlines the Council’s approach to enforcement action that may be taken under the legislation that the Council administers and provides staff with direction about the way enforcement action is to be taken. It is important to recognise that the Council has the discretion on the approach which it takes in respect to enforcement.

Considering the above, the Council has adopted education, encouragement and enforcement approaches where appropriate (3E’s philosophy) to secure legislative compliance. In line with the 3E’s approach, it is recognised that prevention of behaviours to avoid a breach of legislation is preferred. Educating the community about their legislative obligations to achieve voluntary compliance is also recognised as a critical component in achieving this objective.

Whilst prevention and voluntary compliance are the preferred approaches, the Council recognises that voluntary compliance may not be achievable in all cases. Therefore, there are occasions where and when the Council may need to take enforcement action to achieve compliance.

Compliance responsibilities that are undertaken by the Council’s Regulatory and Compliance staff are unique and require careful consideration to ensure the right balance between encouraging voluntary compliance and taking enforcement action. All compliance responsibilities are managed according to their merits, having regard to the circumstances and the evidence in the Council’s possession.

KEY PRINCIPLES

Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their work as it relates to enforcement with due regard to the following principles:

Proportionality

A proportionate response means that the extent of Council's actions will be determined by having regard to the seriousness of the breach. The Council recognises that most individuals want to comply with the law and will assist in achieving compliance by being open and cooperative, offering information to the Council and being available to discuss concerns.

In respect of proportionality, the following criteria will be considered by Council staff in determining the best course of action:

- whether there are safety or health risks arising from the breach;
- where potential hazards arising from the breach are not able to be satisfactorily controlled;
- the seriousness and nature of the alleged breach;
- the relevant legislative framework;
- the willingness of the individual or entity to cooperate with any investigation and their contrition; and
- the cost to the Council in taking enforcement action on the alleged breach.

The above criteria are all relevant considerations in the exercise of the Council's discretion in respect to the enforcement action which may be taken for an alleged breach.

Consistency

The Council will take '*a like-for-like approach*' to achieve similar outcomes. Achieving voluntary compliance is the preferred method, however, there may be occasions where taking enforcement action on an alleged breach is appropriate. Decisions in respect to enforcement and compliance require the use of professional judgment and discretion of the decision maker to assess varying circumstances relative to an alleged breach.

To assist this, the Council will:

- establish and follow standard operating procedures wherever relevant;
- ensure fair, equitable and non-discriminatory treatment;
- tailor its approach to the specific circumstances of the matter, with a view to achieving consistent outcomes.

Transparency and Procedural Fairness

The Council will be open and transparent about the way in which it conducts enforcement activities, its decisions relating to enforcement action and the laws it enforces, to ensure that the principles of natural justice and procedural fairness are observed, while being mindful of any privacy or copyright related matters. In addition, transparency in any decision which is taken in respect to enforcement is in the public interest.

When enforcement action is required, the Council will explain clearly and in plain language to the alleged offender, why action is necessary. For example, the allegations and the intended action by the Council on an alleged breach, will be put to the alleged offender.

The Council will advise what action is required to achieve compliance and the timeframe for undertaking that action. Advice to an alleged offender will be provided on the process for seeking a review of, or how to appeal against, a decision.

Action and decisions relating to compliance and enforcement action, will be documented in accordance with the Council's Records Management protocols.

Complainants of an alleged breach that are reported to the Council, will be advised of what action has been taken by the Council, and why, at an appropriate point in the process, providing such disclosure does not breach any privacy requirement or jeopardise future proceedings.

The *Public Interest Disclosure Act 2018*, must also be taken into consideration to achieve transparency and accountability in public administration. Public Officers must make a disclosure of the following two types of public interest information:

- environmental and health information – where there is a substantial risk to the environment or to public health and safety;
- public administration information – where there is potential corruption, misconduct or maladministration in public administration.

POLICY

In undertaking enforcement action, the Council will proceed through an appropriate decision-making process, before determining whether to take no action, informal action, mediation or formal action. The following parameters are applicable to this process and any subsequent action to be taken.

Decision Making

Where non-compliance is discovered, options available to the Council to seek or promote compliance include:

- explaining legal requirements and where appropriate, the means to achieve voluntary compliance;
- providing an opportunity to discuss points of issue where appropriate;
- allowing reasonable timeframes to achieve compliance;
- facilitating mediation between affected parties (including, where necessary, via a third party);
- issuing a verbal or written warning; or
- enforcement action such as issuing an expiation notice, issuing an order or a direction under legislation or commencing a prosecution.

Enforcement decisions are dependent on different factors and must be fair, consistent, balanced and relate to common standards that ensure the public is appropriately considered.

In arriving at a decision on the most appropriate means of enforcement, the Authorised Officer shall consider, amongst other relevant factors:

- the seriousness of the offence;
- the objectives of the relevant legislation;
- the degree of wilfulness and / or recklessness involved;
- past history of the alleged offender;
- the consequences of non-compliance, including any hazards and / or safety threats;
- the likely effectiveness of the various enforcement options including the extent to which any action may achieve deterrence and minimise re-offending;
- the effect on the local community and other affected citizens;
- the Council's responsibility to implement legislation for which it is responsible and the reputations risks of decisions in this regard;
- consistency of approach to similar breaches/offences; and
- the requirements, resources and priorities of the Council.

An Authorised Officer must, in the course of their duties when considering or undertaking enforcement, adhere to relevant legislation, relevant Council Policies and any applicable Codes of Conduct.

Where a personal association or relationship with the alleged offender or any other person involved exists:

- an alternative suitably qualified and Authorised person will make enforcement related decisions; and
- the facts about any conflict/relationship will be documented and recorded in accordance with the Council's Records Management protocols.

Formal written documentation will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required timeframe and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

Written documentation and any other relevant evidence (such as photographs) will be documented and recorded in accordance with Council's Records Management protocols.

No Action

No action will be taken when, following investigation, no breaches of legislation are discovered. In addition, it may also be appropriate to take no action when:

- the complaint is frivolous, vexatious or trivial in nature;
- the duty holder who may have breached a law has, or has committed to, making good the breach;
- the alleged breach is outside the Council's jurisdiction;
- the alleged breach is within the Council's jurisdiction, but the circumstances of the breach give rise to another authority having jurisdiction and that authority is considered the better authority for dealing with the offence;
- taking action may prejudice other major investigations; or
- having regard to the principles of proportionality and consistency, the Council has determined that the breach is of such minor nature that action would be an unreasonable use of Council resources.

The Council will however have flexibility to re-investigate a matter should more information become available.

Informal Action

Informal action to achieve compliance with legislation may include:

- offering the duty holder who may have breached a law with a verbal or written warning;
- verbal or written warnings that may include requests for remedial action.

Advice from Council staff will be conveyed clearly and simply wherever possible and any verbal advice or requests for action will be confirmed in writing at all times.

The circumstances in which informal action may be appropriate include:

- the act or omission is not serious enough to warrant formal action;
- the duty holder's past history reasonably suggests that informal action will secure compliance;
- confidence in the individual/other body is high;
- the consequences of non-compliance will not pose a significant risk; or
- where informal action may prove more effective than a formal approach.

Where statutory action is not possible or advisable, but it would be beneficial in a wider public safety context to encourage a particular outcome, informal action may be taken and the reasons documented and recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the actions that have been requested are not legally enforceable.

Mediation

Where practical and circumstances warrant, the Council may pursue mediation through an external provider. Mediation is a possible alternative where, following investigation, the Council considers that the issues are unlikely or incapable of resolution through either formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means, but discretion to enter mediation remains with the Council. Matters raised through mediation may require further investigation and enforcement.

Formal Action

Service of Orders and Directions

Various pieces of legislation specify the procedures which Councils must follow, in order to:

- advise of the intention to issue an Order;
- invite submissions with respect to the matter;
- order a person to do or refrain from doing a thing under specified circumstances; and/or
- issue directions specifying how the Order may be complied with.

Authorised Officers will use professional judgment and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order, Notice or direction and the timeframe to comply.

Where appropriate and / or advisable, a notice of intention will be issued prior to proceeding to issue a Notice and / or Order.

In most cases, the person receiving the Order / Notice has a right of appeal to the appropriate court if the Order / Notice is considered unreasonable or if they wish to dispute the validity / directions in the Order / Notice. If an Order is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving the Order/Notice.

Action in Regard to a Default

Failure to comply with Orders and / or a Notice may incur further enforcement action.

Where action in respect to a default is provided for in legislation and the necessary work has not been carried out in the time allowed without good reason and it is necessary to address a safety or risk related breach that poses an unreasonable risk to public safety, the Council may undertake the required work.

Before undertaking the work, the Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken, the Council will seek to recover all costs over a fair period, using all statutory means available.

The decision to carry out action in default will be made by the Authorised Officer, in conjunction and consultation with the relevant Manager. Where the estimated cost of the required action exceeds \$10,000, the relevant General Manager, must authorise the undertaking of the required works and actions to address the outstanding offence.

Where an offence has been committed, the Council may issue an Expiation Notice or launch a prosecution in addition to taking action to fulfil an Order and / or Notice. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Authorised Officers and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

Service of an Expiation Notice

A person receiving an Expiation Notice is entitled to elect to be prosecuted for the alleged offence. Hence, there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the alleged offence. In other words, there must be sufficient evidence on face value to enable a conclusion to be reached that there is a reasonable prospect of being able to prove an offence beyond reasonable doubt.

The following circumstances are likely to warrant an Expiation Notice:

- certain breaches of the legislation administered by the Council;
- failure to correct an identified problem after having been given reasonable opportunity to do so by an Authorised Officer;
- failure to comply with the requirements of an Order and / or Notice;
- confidence in the individual / other body is low, including a past history of committing similar offences; or
- a written warning has been given for a similar offence.

Prosecution

A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an order and / or Notice;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by the council or an aggrieved party.

Where circumstances warrant a prosecution, all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

Prior to recommending that a prosecution be pursued, there must be reasonable and reliable evidence that an identifiable person or organisation has committed the offence.

A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- whether the offence was premeditated;
- the need to (or likelihood of) influence the offender's future behaviour;
- the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
- the availability and efficacy of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both personal and general; and
- the likely length, expense and outcome of a trial.

The final decision to prosecute will be made by the relevant General Manager or delegate.

Appealing a Decision

In most cases where an Order, Notice, Expiation or direction has been served, the recipient will have the ability to appeal the decision. Appeals processes vary dependant on the legislation under which the Order, Notice, Expiation or direction has been served.

DEFINITIONSAuthorised Officer

A person who is authorised to carry out statutory functions or powers as specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council.

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Norwood Payneham & St Peters.

Compliance

The act of adhering to and demonstrating adherence to an Act, By-Law, Regulation or similar. Compliance may or may not involve the process of enforcement.

Enforcement

Enforcement refers to the use of legislative provisions to direct a person or body to make good a breach of the Act and / or otherwise penalise a person for a breach. Enforcement is a tool to ensure compliance and accountability for illegal conduct or other wrongdoing.

Order / Notice

Formal direction(s) issued by the Council or Council delegate to a person or entity concerning a breach of a particular piece of legislation.

Prosecution

The process of instituting legal proceedings against a person or body in relation to an illegal activity, with the intent of penalising the person/body for illegal activity, or alternatively civil enforcement proceedings to compensate for the breach.

Public Officer

A member of a local government body or an officer or employee of a local government body. Broader definition contained within the *Independent Commissioner Against Corruption Act 2012*.

REVIEW PROCESS

This Policy will be reviewed in five (5) years of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is Council's Manager, Development & Regulatory Services.

ADOPTION OF THE POLICY

This Policy was adopted by the Council on

TO BE REVIEWED

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Attachment D

Review of Policies

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City of
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City of
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NAME OF POLICY: Development Assessment & Development Compliance Reporting & Monitoring Policy

POLICY MANUAL: Urban Planning & Environment

BACKGROUND

To ensure the effective and transparent management and oversight of the Council's Development Assessment and Development Compliance functions, there is a need to constantly monitor and periodically report on the performance of these functions. As such, the adoption and implementation of a Development Assessment and Compliance Reporting and Monitoring Policy, forms a core element of the Council's Development Compliance Framework.

DISCUSSION

The key objective of the *Development Act 1993* (herein referred to as 'the Act'), is to provide for proper, orderly and efficient planning and development in South Australia. Among other things, the Act prescribes a framework to establish and enforce technical planning requirements, compatible with the public interest, to which building development must conform. Whilst the mere existence of a statutory power does not give rise to a duty to exercise that power, the Council has determined that proactively inspecting buildings and enforcing compliance with planning approvals constitutes good governance and should be undertaken.

To progress this aim, the Council has endorsed a Development Compliance Framework, which provides for a robust, systematic and risk based approach to undertaking Building Inspections, monitoring compliance with Planning Approvals and handling development related complaints. From a governance perspective, whilst it is important to ensure that the Council has robust Development Assessment and Development Compliance functions in place, it is just as important to ensure that the functions are being monitored and reported on to provide the community with confidence that the Council takes its responsibility as a public authority seriously.

Currently, there are no State-wide, uniform or 'best practice' standards for the performance monitoring of the Development Compliance function in South Australia. However, in 2008, the Auditor General of Victoria undertook a review of statutory compliance and enforcement in Local Government in Victoria and made a series of recommendations to Local Government providing guidance for improving the Development Compliance function provided by Local Government. The key findings of that report titled '*Enforcement of Planning Permits*' have been considered in the development of this Policy.

KEY PRINCIPLES

1. This Policy aligns with Section 3(d) of the *Development Act 1993*, which states:

The object of this Act is to provide for proper, orderly and efficient planning and development in the State and, for that purpose –

- (d) *to establish and enforce cost-effective technical requirements, compatible with the public interest, to which building development must conform.*

This Policy also aligns with the reporting requirements for System Indicators as prescribed in the *Development Regulations 2008*.

2. This policy aligns with the Council's long-term Strategic Management Plan, *CityPlan 2030*, which aims to achieve community well-being through the attainment of the four broad outcomes of Social Equity, Cultural Vitality, Economic Prosperity and Environmental Sustainability. The implementation of this policy will provide the community with confidence that the Council has robust reporting and monitoring policies in place.
3. This Policy specifies:
 - (a) the level of Development Assessment and Development Compliance reporting that will be undertaken; and
 - (b) the nature and extent of monitoring that will be undertaken by management to ensure that staff are performing the Development Assessment and Development Compliance functions in accordance with legislative requirements and in a transparent and accountable manner; and
 - (c) quantitative and qualitative benchmarks for the monitoring of the Development Assessment and Development Compliance functions.
4. The Council has considered the following matters in developing this Policy:
 - (a) the human and financial resources available and required to implement this Policy;
 - (b) the impact that a failure to perform the Development Assessment and Development Compliance functions in accordance with legislative requirements and in a transparent manner, may have on the community;
 - (c) past practices of the Council with respect to performing the Development Assessment and Development Compliance functions;
 - (d) the public interest in the reporting and monitoring of the Development Assessment and Development Compliance functions; and
 - (e) legislative requirements for the reporting and monitoring of the Development Assessment and Development Compliance functions.
5. This policy provides for a consistent and transparent approach to the reporting and monitoring of the Development Assessment and Development Compliance functions, within a framework of Quality Assurance principles. The key outputs of the Policy will include systematic measurements, comparisons with standards, monitoring of processes and an associated feedback loop to allow management to monitor performance and put in place appropriate systems to minimise errors.
6. The Council's Manager, Development Assessment is primarily responsible for preparing and/or co-ordinating the reporting and monitoring requirements set out in this Policy.

POLICY

Development Assessment and Development Compliance Reporting

1. At a minimum, the following types and frequency of reports will be prepared for the Council's Development Assessment and Development Compliance functions:
 - (a) Monthly statistical reports on the performance of the Council's Development Assessment and Development Compliance functions, reported by the Senior Urban Planner and Senior Building Officer, to the General Manager, Urban Planning & Environment and Manager, Development Assessment;
 - (b) Quarterly analytical reports on the performance of the Council's Development Assessment and Development Compliance functions, reported to the Council and posted on the Council's website;
 - (c) Quarterly reports on 'System Indicators' for Development Assessment performance, in accordance with requirements prescribed in the Development Act 1993;
 - (d) An annual review of the membership and performance of the Council's Development Assessment Panel, reported to the Council;
 - (e) Inclusion of statistics and a brief analysis of Development Assessment and Development Compliance performance in the Council's Annual Report; and
 - (f) A detailed analytical report on the performance of the Council's Development Assessment and Development Compliance functions, prepared annually and reported to the Council and posted on the Council's website.

Development Assessment and Development Compliance Monitoring

Quantitative Benchmarks

Staff will strive to meet the following quantitative benchmarks on an annual basis:

1. Ninety (90) percent of Development Applications processed within statutory timeframes.
2. Achievement of all Development Compliance Inspection targets set out in the Development Approval Compliance and Development Complaint Handling Policy.
3. Achievement of all Development Assessment and Development Compliance Reporting requirements, set out in this Policy.
4. Eighty (80) percent of Development Related Complaints investigated and closed out within two months of receipt of the complaint, with ninety (90) percent of initial response targets achieved.

Qualitative Benchmarks

1. A survey of a sample of customers who have had involvement with the Council's Development Assessment and/or Development Compliance Functions shall be undertaken biennially. At a minimum, the survey shall measure the performance of Development Assessment staff against the following qualitative benchmarks:
 - (a) the provision of a satisfactory level of customer service;
 - (b) the display of a high level of professional conduct; and
 - (c) satisfactory response times for the handling of development related complaints.

Individual Performance Monitoring

1. All Development Assessment staff will meet with the Manager, Development Assessment, on a six monthly basis to:
 - agree on goals and standards;
 - reflect on work performance;
 - provide and receive feedback;
 - follow up on previously agreed actions;
 - analyse training needs; and
 - recognise the contribution of staff.
2. The Manager, Development Assessment will meet with the General Manager, Urban Planning & Environment, on a six monthly basis to:
 - agree on goals and standards;
 - reflect on work performance;
 - provide and receive feedback;
 - follow up on previously agreed actions;
 - analyse training needs; and
 - recognise and discuss the contribution of staff members to departmental targets and standards.

Training Needs

1. The Manager, Development Assessment will develop an annual Training Plan for Development Assessment staff (as part of the development of an Organisation wide Corporate Training Plan), taking into account any training needs arising from individual performance discussions. For the purpose of implementing the Plan, it will be necessary to budget for, co-ordinate and oversee the provision of systematic training for Development Assessment staff, having regard to organisational constraints, to ensure staff are appropriately trained and resourced to perform their duties to a high standard.
2. The Manager, Development Assessment will conduct an annual Training Needs Analysis (TNA) for the Council's Development Assessment Panel, in consultation with the Presiding Member of the Panel. Following the completion of the TNA, the Manager, Development Assessment will budget for, co-ordinate and oversee the provision of systematic training for (as required) for Development Assessment Panel Members, having regard to organisational constraints.

Risk Management

1. The Manager, Development Assessment will oversee the lodgment and allocation of all Development Applications to Development Assessment Staff and ensure contentious processing and assessment matters are communicated to and discussed with the relevant Development Assessment staff.
2. Large scale and complex Development Applications will primarily be assessed by the Manager, Development Assessment or Senior Urban Planner. Where such an Application is to be processed by an Urban Planner, the assessment of the Application must be undertaken in consultation with senior Development Assessment staff, as determined by the Manager, Development Assessment.
3. The General Manager, Urban Planning & Environment, Manager, Development Assessment and Senior Urban Planner will meet monthly to analyse performance in respect to the Development Assessment and Development Compliance Functions. Any notable trends, performance issues and performance improvements are to be communicated to and discussed with the relevant Development Assessment staff.
4. The Manager, Development Assessment will oversee all Enforcement Actions taken in accordance with requirements set out in the Council's Planning Approval Compliance & Development Complaint Handling Policy.

- The Council will maintain a subscription to the Planning Law SA publication (or equivalent publication), which provides a detailed guide to planning law in South Australia containing up-to-date legislation, case summaries and commentary.

Auditing

- The Manager, Development Assessment will conduct audit checks of determined Development Applications and enforcement matters. The audit will include a check for legislative compliance and a review of the quality of the assessment or enforcement action undertaken. One determined Development Application and Enforcement Matter handled by each relevant Development Assessment Staff Member will be audited on a six monthly basis.
- An external Development Assessment 'Health Check', which analyses procedural compliance and administrative processes associated with the assessment of Development Applications shall be undertaken by the Council's Planning Solicitors every three years. The specific Terms of Reference are to be determined by the General Manager, Urban Planning & Environment, in consultation with the Manager, Development Assessment.

Policy & Delegation Reviews

- The Manager, Development Assessment will review the following policies and delegations, in accordance with the review timeframes set out in each of the respective documents:
 - Building Inspection Policy;
 - Planning Approval Compliance & Development Complaint Handling Policy;
 - Development Assessment & Development Compliance Reporting and Monitoring Policy;
 - Development Assessment Panel Complaint Handling Policy;
 - Variations to previously issued Planning Approval Policy; and
 - Development Assessment delegations.

Continuous Improvement

- Internal procedures and practices shall be periodically reviewed against 'best practice' benchmarks.

REVIEW PROCESS

The Council will review this Policy biennially.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Manager, Development Assessment, telephone 8366 4567.

ADOPTION OF THE POLICY

This Policy was adopted by the Council on 3 December 2012.

This Policy was reviewed and adopted by the Council on 7 December 2015.

TO BE REVIEWED

This Policy is scheduled for review in December 2017.

Section 2 – Corporate & Finance
Reports

11.2 2023-2024 MID-YEAR BUDGET REVIEW

REPORT AUTHOR: Finance Business Partner
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4548
FILE REFERENCE: fA28861
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to provide the Council with a summary of the forecast Budget position for the year ended 30 June 2024, following the Mid-Year Budget Review. The forecast is based on the year-to-date December 2023 results.

BACKGROUND

Pursuant to Section 123 (13) of the *Local Government Act 1999*, the Council must, as required by the Regulations reconsider its Annual Business Plan or its Budget during the course of a financial year and, if necessary or appropriate, make any revisions.

The Budget Reporting Framework set out in Regulation 9 of the *Local Government (Financial Management) Regulations 2011* ("the Regulations") comprises two (2) types of reports, namely:

1. Budget Update; and
2. Mid-Year Budget Review.

1. Budget Update

The Budget Update Report sets out a revised forecast of the Council's Operating and Capital investment activities compared with the estimates for those activities which are set out in the Adopted Budget. The Budget Update is required to be presented in a manner which is consistent with the note in the Model Financial Statements titled *Uniform Presentation of Finances*.

The Budget Update Report must be considered by the Council at least twice per year between 30 September and 31 May (both dates inclusive) in the relevant financial year, with at least one (1) Budget Update Report being considered by the Council prior to consideration of the Mid-Year Budget Review Report.

The Regulations require that a Budget Update Report must include a revised forecast of the Council's Operating and Capital investment activities compared with estimates set out in the Adopted Budget, however the Local Government Association of SA has recommended that the Budget Update Report should also include, at a summary level:

- the year-to-date result;
- any variances sought to the Adopted Budget or the most recent Revised Budget for the financial year; and
- a revised end of year forecast for the financial year.

2. Mid-Year Budget Review

The Mid-Year Budget Review must be considered by the Council between 30 November and 15 March (both dates inclusive) in the relevant financial year. The Mid-Year Budget Review Report sets out a revised forecast of each item shown in its Budgeted Financial Statements compared with estimates set out in the Adopted Budget presented in a manner consistent with the Model Financial Statements. The Mid-Year Budget Review Report must also include revised forecasts for the relevant financial year of the Council's Operating Surplus Ratio, Net Financial Liabilities Ratio and Asset Sustainability Ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled *Financial Indicators*.

The Mid-Year Budget Review is a comprehensive review of the Council's Budget and includes the four principal financial statements, as required by the Model Financial Statement, detailing:

- the year-to-date result;
- any variances sought to the Adopted Budget; and
- a revised full year forecast of each item in the budgeted financial statements compared with estimates set out in the Adopted budget.

The Mid-Year Budget Review Report should also include information detailing the revised forecasts of financial indicators compared with targets established in the Adopted Budget and a summary report of operating and capital activities consistent with the note in the Model Financial Statements entitled *Uniform Presentation of Finances*.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

The Mid-Year Budget Review provides the opportunity to reflect any changes in projections based on the actual year-to-date results to December 2023 and forecast the 2023-2024 Operating result.

Details of material movements in the forecast from the Adopted Budget are contained in the Discussion section of this Report.

EXTERNAL ECONOMIC IMPLICATIONS

This report provides information on the planned financial performance of the Council for the year ended 30 June 2024 and has no direct external economic impacts.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

There are no resource implications arising from this issue.

RISK MANAGEMENT

There are no risk management issues arising from this issue. All documents have been prepared in accordance with the statutory requirements.

CONSULTATION

- **Elected Members**
The Council considered the First Budget Update at its meeting held on 4 December 2023.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable

DISCUSSION

Budget Review

In determining the Adopted Operating Surplus, the Council considers the financial resources which are required to provide the ongoing services, programs and facilities (Recurrent Operating Budget), which encompass the basic responsibilities, which the Council is required to provide under the *Local Government Act 1999* and other relevant legislation, together with ongoing services and programs as a result of community needs and expectations.

Such on-going services include regulatory services, such as animal management and parking management, street cleaning and rubbish collection, maintenance of basic infrastructure including roads, footpaths, parks, public open space, street lighting and storm-water drainage, development planning and control, library and learning services, community support programs, environmental programs, community events, community recreational facilities and home assistance service.

In addition, the Council considers the funding requirements associated with the introduction of new services or the enhancement to existing services (Operating Projects).

The 2023-2024 Adopted Operating Budget projected an Operating Surplus of \$1,386,997. At the Council meeting held on 4 December 2023, the Council considered and endorsed the First Budget Update, which reported a forecast Operating Surplus of \$535,761, which included Work in Progress Operational and Capital Projects which have been carried forward from the 2022-2023 Financial Year of \$596,621 and \$10,777,698, respectively.

Following an assessment of the Mid-Year Budget, as presented in this report, the Council is forecasting an Operating Surplus of \$175,376.

The material movements in the components that make up the Operating Deficit following the Mid-Year Budget Review are detailed below.

A. Recurrent Operating Budget changes to the Adopted Budget – \$360,000

The Council adopted a 2023-2024 Recurrent Operating Budget Surplus of \$2.976 million. In the First Budget Update, this budget remained unchanged.

Following the Mid-Year Budget Review, the Recurrent Operating Surplus is forecast to decrease by \$360,000 to the Adopted Budget. The major reasons for the movement in Recurrent Operating Surplus are detailed in Table 1.

TABLE 1: MAJOR VARIANCES IN RECURRENT OPERATING BUDGET - MID-YEAR BUDGET REVIEW

	Adopted Budget \$	Additional Budget Request \$
General Movements		
Legal expenses for Enforcement and Merit Appeals have increased as a direct result of the increased level of appeals to Planning and Enforcement. The unpredictable and complex legislative nature of such activities results in Council having to respond with legal representation.	165,000	330,000
Additional funds are requested for Consultants (\$15,000 Appeals; \$30,000 Expert Advice; \$45,000 Consultants) to manage the increased number of assessments and appeals. Consultants have also been engaged to cover staff vacancies while recruitment is in progress.	67,000	90,000
Costs for Regulatory Service have been increased as a result of engaging external consultants to assist and advice on street parking control changes.	0	10,000
Additional funds are required to cover Recruitment costs as a result of staff vacancies that are now in recruitment process but was not initially budgeted for.	50,000	80,000
Additional budget to purchase bags for the <i>Kitchen Organics Program</i> due to the increased demand by households.	0	45,000
Reduction in Staff Salary & Wages Budget due to delays in recruitment of senior roles (i.e. the General Manager Community Development, Organisational Development Specialist and Work, Health & Safety Advisor).	390,000	(195,000)

B. Operating Projects Budget to the Adopted Budget – \$851,621 (as per First Budget Update)

The Adopted Budget includes an estimate of operating project expenditure for the year and;

- previously approved and carried forward projects from the prior budget years; less
- an allowance for current year approved projects projected to be carried forward to subsequent budget years.

The Adopted Budget that was endorsed by the Council for 2023-2024, included a total expenditure on Operating Projects of \$1.299 million. As a result of the First Budget Update, the total forecast expenditure on Operating Projects increased to \$2.150 million, as a result of Additional Budget requests of \$255,000 and Carry Forwards totalling \$596,621 from the 2022-2023 Financial Year.

Following the Mid-Year Budget Review, it is estimated that this budget remains unchanged and thereby, no additional fund request is proposed.

A review of the status of the Operating Projects will be undertaken as part of the Third Budget Update, which will be considered by the Council at the Council Meeting scheduled for 5 February 2024.

Details of the Operating Projects are contained in **Attachment A**.

C. Capital Projects Budget changes to the Adopted Budget – \$2,446,798

The Council endorsed the Adopted Budget for Capital Projects of \$43.736 million for 2023-2024. As a result of the First Budget Update, the total forecast expenditure on Capital Projects increased to \$55.326 million, due to inclusion of a new Capital Project of \$811,925 and Carry Forwards from the 2022-2023 Financial Year of \$10.778 million.

Following the Mid-Year Budget Review, the Capital Project expenditure is forecast to be \$46.183 million, an increase of \$2,446,798 on the Adopted Budget. This increase is the net impact of the increase in Capital Expenditure Budget as part of First Budget Update of \$11,589,623 and reduction in the Capital Expenditure Budget requested as part of the Mid-Year Budget Review of \$9,142,825. The major reasons for the movement in Recurrent Operating Surplus are detailed in Table 2.

TABLE 2: MAJOR VARIANCES IN CAPITAL BUDGET - MID-YEAR BUDGET REVIEW

	Adopted Budget \$	Additional Budget Request \$
General Movements		
Funding requested to purchase and install a new air conditioner for 49 George Street, Norwood (currently tenanted to House of Health) as the current air conditioner has been in use for 30 years and the compressor is no longer working.	0	100,000
Additional funding requested due to the increased scope of work at the Council Depot Rubbish Bay Walls to address several safety issues.	15,000	135,000
Additional funds required to undertake repairs on the Webbe Street Carpark upper deck.	40,000	40,000
The tennis courts at Buttery Reserve, Norwood, were upgraded in 2022 with 50% of the construction costs being funded by the State Government. The total cost of this Project was \$830,658 which was less than the Budget Estimate of \$900,000.	0	85,000
Following discussions with the State Government, agreement has been reached for that the remaining funds to be allocated to the reconstruction of disabled toilets which are located within the existing Clubrooms. These toilets are in need of repair and modernisation.		
Reduction in budget due to the postponement of the construction stage of Hatswell Street and Regent Street Drainage Upgrade to coincide with the construction of other capital projects in the area which are anticipated to commence during 2025-2026 Financial Year.	200,000	(200,000)
Reduction in the Current Year Budget due realignment with the Quadrennial Art Project timing.	75,000	(75,000)
Over the course of the last few months, the 2023-2024 Budget has been reviewed and it has been identified that as part of the Carried Forwards from 2022-2023 to 2023-2024, a number of funds were Carried Forward incorrectly. These are identified below:		(4,577,825)
<ul style="list-style-type: none"> • Street Scape Upgrades - \$720,000 • Burchell Reserve Upgrade - \$700,000 • George Street Upgrade - \$800,000 • Dunstan Adventure Playground Redevelopment - \$1,357,825 • The Parade Master Plan - \$1,000,000. 		
Due to delays in finalising design documentation for parts of the Trinity Valley Stormwater Drainage Project Stage 4, a total of \$4,650,000 will not be spent in 2023-2024 and will be Carried Forward to 2024-2025.	5,152,544	(4,650,000)

A review of status of the Capital Projects will be undertaken as part of the Third Budget Update, which will be considered by the Council at the Council Meeting scheduled for 5 February 2024.

Details of Capital Projects is contained in **Attachment B**.

Regulation 9 (1) (b) of the Regulations states the Council must consider:

“between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.”

Further Regulation 9 (2) of the Regulations states the Council must consider:

“revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset sustainability ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.”

The revised Budgeted Financial Statements and Financial Indicators as a result of the Mid-Year Budget Update are included in **Attachment C**.

OPTIONS

The Council has the following options in respect to this issue:

1. Adopt the Mid-Year Budget Review as recommended; or
2. Amend the Mid-Year Budget Review as it sees fit.

The Mid-Year Budget Review is forecasting an Operating Surplus that is in line with the Adopted Budget. Therefore Option 1 is recommended.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

1. That the Mid-Year Budget Update Report be received and noted.
2. That project progress reports contained in **Attachments A** and **B**, be received and noted.
3. That Pursuant to Regulation 9 (1) and (2) of the Local Government (Financial Management) Regulations 2011, Budgeted Financial Statements and Financial Indicators as contained within **Attachment C**, be adopted.

Attachments – Item 11.2

Attachment A

2023-2024 Mid-Year Budget Review

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**

FINANCIAL YEAR 2023-2024 FIRST BUDGET REVIEW OPERATING PROJECTS PROGRESS



PROJECT NAME	2023-2024 ADOPTED BUDGET	CARRY FORWARD BUDGET	FIRST BUDGET UPDATE REQUEST	FIRST BUDGET UPDATE	MID YEAR BUDGET REQUEST	MID YEAR BUDGET UPDATE	YTD SPENDING DECEMBER 2023	HAS PROJECT COMMENCED? (Y/N)	IF NOT, WHEN WILL IT COMMENCE?	HAS PROJECT COMPLETED? (Y/N)	FORECASTED COMPLETION DATE
TOUR DOWN UNDER	55,000			55,000		55,000	23,251	Y		N	Jan-24
INTERNAL AUDIT SERVICES		30,000		30,000		30,000	35,118	Y		N	Jun-24
CITY PLAN 2030 REVIEW	40,000			40,000		40,000	25,068	Y		N	Apr-24
COMMUNITY SURVEY	30,000			30,000		30,000	18,750	Y		N	Feb-24
FOOD SECRETS OF GLYNDE	40,000			40,000		40,000	-	N	Jan-24	N	Jun-24
GLYNDE AND STEPNEY PRECINCTS ANALYSIS			50,000	50,000		50,000	-	N		N	Jun-24
PEOPLE PLACE & ACTIVITY STRATEGY	30,000			30,000		30,000	1,770	Y		N	Jun-24
CITY WIDE BUSINESS AWARDS	40,000			40,000		40,000	250	N	Dec-23	N	Apr-24
DOG & CAT MANAGEMENT PLAN EDUCATION CAMPAIGN	30,000			30,000		30,000	400	N	Feb-24	N	Jun-24
RAISING THE BAR ADELAIDE	38,000			38,000		38,000	35,735	Y		Y	
TREE MANAGEMENT POLICY AND STRATEGY		10,000		10,000		10,000	-	Y		N	Jun-24
CORPORATE UNIFORM	10,000			10,000		10,000	1,440	Y		N	Jun-24
CIVIL INFRA. CONDITION AUDIT & VALUATION	75,000			75,000		75,000	1,973	Y		N	May-24
PUBLIC ART STRATEGY	30,000			30,000		30,000	251	Y		N	Jan-24
WEBBE ST PARK FEASIBILITY		25,000		25,000		25,000	-	Y		N	Jun-24
OPEN SPACE & PLAYGROUND STRATEGY	15,000	15,000		30,000		30,000	40,273	Y		N	Apr-24
STREET LIGHTING RENEWAL & UPGRADE	40,000			40,000		40,000	52,900	Y		N	Jun-24
MARRYATVILLE PRECINT MASTER PLAN	40,000			40,000		40,000	5,199	Y		N	Jun-24
SERVICE REVIEWS		85,000		85,000		85,000	27,448	Y		N	Jun-24
GATHER ROUND	100,000		205,000	305,000		305,000	3,360	Y		N	Apr-24
HR INFORMATION SYSTEM	35,000			35,000		35,000	-	Y		N	Jun-24
ADDITIONAL STAFF RESOURCES	363,682			363,682		363,682	-	Y		N	Mar-24
REPRESENTATION REVIEW	25,000			25,000		25,000	-	N	Jan-24	N	Jun-24
INSTALLATION OF AGE FRIENDLY WAYFINDING		20,000		20,000		20,000	-	Y		N	Jun-24
IMPLEMENTATION OF YOUTH STRATEGY	65,000			65,000		65,000	584	Y		N	Jun-24
RESILIENT EAST PROJECT	10,000	3,000		13,000		13,000	791	Y		N	Jun-24
IMPLEMENTATION OF CITY WIDE PARKING REVIEW		50,000		50,000		50,000	10,368	Y		N	Jun-24
STREET TREE PLANTING	60,000			60,000		60,000	83,119	Y		Y	
SYDNEHAM ROAD LIGHTING UPGRADE		60,000		60,000		60,000	62,488	Y		N	Jun-24
SMART CITY TECHNOLOGY PLAN	15,000			15,000		15,000	-	N	Apr-24	N	Jun-24
URBAN GREENING PROGRAM 2021	14,500			14,500		14,500	5,530	Y		N	May-24
SIGNALISED PAC MAGILL ROAD		230,000		230,000		230,000	-	Y		N	Apr-24
HERITAGE PROTECTION OPPORTUNITIES		59,121		59,121		59,121	340	Y		N	Jun-24
VIEW YOUR FINE SOFTWARE		9,500		9,500		9,500	-	Y		Y	
40KPH EVALUATION MARDEN TO HACKNEY	20,000			20,000		20,000	2,875	Y		N	Jun-24
40KPH IN GLYNDE, PAYNEHAM, FIRLE, TRINITY GARDENS & ST MORRIS	120,000			120,000		120,000	10,644	Y		N	Jun-24
ADDITIONAL RESOURCES FOR REGULATORY SERVICES UNIT	200,000			200,000		200,000	4,407	N	Dec-23	N	Jun-24

Attachment B

2023-2024 Mid-Year Budget Review

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& St Peters**



FINANCIAL YEAR 2023-2024 FIRST BUDGET REVIEW CAPITAL PROJECTS PROGRESS

PROJECT NAME	2023-2024 ADOPTED BUDGET	CARRY FORWARD BUDGET	FIRST BUDGET UPDATE REQUEST	FIRST BUDGET UPDATE	MID YEAR BUDGET REQUEST	MID YEAR BUDGET UPDATE	YTD SPENDING BY DECEMBER 2023	HAS PROJECT COMMENCED? (Y/N)	IF NOT, WHEN WILL IT COMMENCE?	HAS PROJECT COMPLETED? (Y/N)	FORECASTED COMPLETION DATE
ANNUAL ACQUISITION OF LIBRARY BOOKS	203,697			203,697		203,697	39,462	Y		N	Jun-24
PLANT REPLACEMENT	322,000			322,000		322,000	44,420	Y		N	Jun-24
REC & OPEN SPACE INFRASTRUCTURE WORKS PROGRAME	1,527,650	49,973		1,577,623		1,577,623	216,666	Y		N	Jun-24
CAPITALISATION OF PROJECT MANAGEMENT ON-COST	1,279,257			1,279,257		1,279,257	119,800	Y		N	Jun-24
MASTER PLAN CONCEPT DESIGN FOR SWIMMING CENTRES	15,000			15,000		15,000	-	N	Apr-24	N	Jun-24
NORWOOD LIBRARY STRATEGIC REVIEW & CONCEPT PLAN	14,000			14,000		14,000	20,332	Y		N	Jun-24
RIVER TORRENS LINEAR PARK PATH UPGRADE	1,500,000	1,520,935		3,020,935		3,020,935	1,901,848	Y		N	Feb-24
ST PETERS STREET STREETScape	739,000			739,000	720,000	19,000	16,550	Y		Y	
BURCHELL RESERVE UPGRADE	2,000,000	2,513,000		4,513,000	700,000	3,813,000	1,790,237	Y		N	May-24
LG SOLUTIONS SOFTWARE	16,250			16,250		16,250	13,000	Y		Y	
POINT OF SALE SYSTEM NORWOOD CONCERT HALL	14,800			14,800		14,800	12,636	Y		N	Feb-24
QUADRENNIAL ART PROJECT	75,000			75,000	75,000	-	-	N	Mar-24	N	Jun-24
CAPITAL WORK PROGRAM TRAFFIC CONTROL		28,061		28,061		28,061	31,208	Y		Y	
CAPITAL WORKS PROGRAM ROAD RESEALING	4,964,144	1,951,110		6,915,254		6,915,254	1,886,866	Y		N	Jun-24
CAPITAL WORKS PROGRAM KERB	1,551,917	5,321		1,557,238		1,557,238	772,709	Y		N	Jun-24
CAPITAL WORKS PROGRAM FOOTPATH	1,181,035			1,181,035		1,181,035	460,180	Y		N	Jun-24
STORM WATER DRAINAGE PROGRAM	14,130,044			14,130,044	4,850,000	9,280,044	1,377,779	Y		N	Jun-24
BUILDING WORKS PROGRAM	523,000	249,602		772,602	275,000	1,047,602	684,664	Y		N	Jun-24
BORTHWICH PARK CREEK IMPROVEMENTS DESIGN & CONSTRUCTION		12,000		12,000		12,000	-	Y		N	Jan-24
DESIGN DOCUMENTATION OF THE PARADE MASTER PLAN	1,000,000	1,195,000		2,195,000	1,000,000	1,195,000	43,167	Y		N	Jan-25
GEORGE STREET UPGRADE	800,000	800,000		1,600,000	800,000	800,000	-	N	May-24	N	Dec-24
NPSP WEBSITE DEVELOPMENT	10,000			10,000		10,000	2,340	N	Jan-24	N	Mar-24
"ALL THINGS ARE ONE" INSTALLATION		40,000		40,000		40,000	5,420	Y		N	Feb-24
DUNSTAN ADVENTURE PLAYGROUND REDEVELOPMENT	1,487,000	1,357,825		2,844,825	1,357,825	1,487,000	1,145,700	Y		N	Feb-24
STANDBY POWER FOR ST PETERS LIBRARY	78,550			78,550		78,550	-	N	Jan-24	N	Mar-24
CRUICKSHANK RESERVE FACILITY UPGRADE	500,000	690,000		1,190,000		1,190,000	954,448	Y		N	Mar-24
ELECTRONIC DOCUMENT MANAGEMENT SYSTEM	50,000			50,000		50,000	-	N		N	Jun-24
BLACK SPOT GRANT	170,000			170,000		170,000	169,869	Y		Y	
CIVIL CAPITAL UPGRADE WORKS PROGRAM	71,663	199,784		271,447		271,447	341,678	Y		N	Jun-24
PAYNEHAM MEMORIAL SWIMMING CENTRE UPGRADE	8,625,700			8,625,700		8,625,700	761,477	Y		N	Dec-25
PRIVATE LANEWAYS CONVERSION	46,000	165,087		211,087		211,087	-	Y		N	Jun-25
MEETING ROOMS UPGRADE	44,000			44,000		44,000	16,226	Y		N	Jun-24
OPTICAL CHARACTER RECOGNITION SCANNER	28,000			28,000		28,000	-	N	Mar-24	N	Jun-24
CYCLING PLAN IMPLEMENTATION 2021-2026	3,200			3,200		3,200	-	N	Feb-24	N	Apr-24
GEORGE STREET STORMWATER	600,000			600,000		600,000	-	Y		N	Dec-24
LANGMAN GROVE TRAFFIC MANAGEMENT CONTROL	58,550			58,550		58,550	50,435	Y		Y	
TRAFFIC MANAGEMENT MARDEN & ROYSTON PARK	40,000			40,000		40,000	-	N	Dec-23	N	Apr-24
SMART PARKING PROJECT	50,000			50,000		50,000	-	N		N	Jun-24
NORWOOD OVAL TRANSFORMER			811,925	811,925		811,925	-	N		N	Apr-24
TRAILER MOUNTED SPEED RADAR	17,450			17,450		17,450	17,507	Y		Y	
BUTTERY RESERVE UPGRADE					85,000	85,000	-	N	Feb-24	N	Jun-24

Attachment C

2023-2024 Mid-Year Budget Review

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
**Norwood
Payneham
& St Peters**



City of
Norwood
Payneham
& St Peters

City of Norwood Payneham & St Peters

STATEMENT OF COMPREHENSIVE INCOME

	Adopted Budget	2nd budget revision	Variance	Actual YTD December
	2023/24	2023/24		2023/24
	\$	\$		
Income				
Rates	43,421,430	43,421,430	-	21,846,729
Statutory Charges	2,100,000	2,100,000	-	1,079,867
User Charges	3,836,788	3,836,788	-	1,944,272
Grants, Subsidies and Contributions - operating	2,654,672	2,654,672	-	1,313,317
Grants, Subsidies and Contributions - capital	-	-	-	-
Investment Income	120,000	120,000	-	55,106
Other Income	491,110	491,110	-	277,472
Net gain - equity accounted Council businesses	-	-	-	-
Total Income	52,624,000	52,624,000	-	26,516,763
Expenses				
Employee Costs	17,788,781	17,788,781	-	8,929,109
Materials, Contracts & Other Expenses	20,530,720	21,742,341	1,211,621	10,990,482
Depreciation, Amortisation & Impairment	12,461,601	12,461,601	-	6,230,801
Finance Costs	455,901	455,901	-	241,711
Net loss - Equity Accounted Council Businesses	-	-	-	-
Total Expenses	51,237,003	52,448,624	1,211,621	26,392,104
OPERATING SURPLUS / (DEFICIT)	1,386,997	175,376	(1,211,621)	124,659
Net gain (loss) on disposal or revaluation of assets	25,000	25,000	-	-
Non Operating Items - Joint Venture and Associates	-	-	-	-
Amounts specifically for new or upgraded assets	9,310,301	9,310,301	-	23,863
NET SURPLUS (DEFICIT)	10,722,298	9,510,677	(1,211,621)	148,522

Other Comprehensive Income

Changes in revaluation Surplus- infrastructure, property, plant & equipment	7,244,173	7,244,173	-	-
Share of Other comprehensive Income - joint ventures and associates	-	-	-	-
Total Other Comprehensive Income	7,244,173	7,244,173	-	-
TOTAL COMPREHENSIVE INCOME	17,966,471	16,754,850	(1,211,621)	148,522

STATEMENT OF FINANCIAL POSITION

	Adopted Budget	2nd budget revision	Variance	Actual YTD December
Assets				
Current Assets				
Cash and cash equivalents	2,045,119	198,625	(1,846,494)	3,072,333
Trade & other receivables	2,940,799	2,940,799	-	1,153,755
Total Current Assets	4,985,917	3,139,423	(1,846,494)	4,226,088
Non-current Assets				
Financial Assets	104,044	104,044	-	21,843
Equity accounted investments in Council businesses	3,389,157	3,389,157	-	1,788,399
Infrastructure, Property, Plant & Equipment	632,175,644	633,810,517	1,634,873	601,435,912
Other Non-current Assets	-	-	-	5,706,735
Total Non-current Assets	635,668,845	637,303,718	1,634,873	608,952,889
TOTAL ASSETS	640,654,763	640,443,142	(211,621)	613,178,976
Liabilities				
Current Liabilities				
Trade & Other Payables	11,284,283	12,284,283	1,000,000	14,171,137
Borrowings	945,921	945,921	-	173,675
Short-term Provisions	2,991,480	2,991,480	-	3,008,991
Other Current Liabilities	-	-	-	-
Total Current Liabilities	15,221,685	16,221,685	1,000,000	17,353,803
Non-current Liabilities				
Long-term Borrowings	30,037,949	30,037,949	-	7,957,000
Long-term Provisions	1,217,070	1,217,070	-	1,249,611
Liability - Equity accounted Council Businesses	1,720,092	1,720,092	-	(20,179)
Total Non-current Liabilities	32,975,112	32,975,112	-	9,186,432
TOTAL LIABILITIES	48,196,797	48,196,797	1,000,000	26,540,235
Net Assets	592,457,966	591,246,345	(1,211,621)	586,638,741
Equity				
Accumulated Surplus	77,943,830	76,732,209	(1,211,621)	61,124,614
Asset Revaluation Reserve	514,514,136	514,514,136	-	525,514,127

TOTAL EQUITY

592,457,966**591,246,345****(1,211,621)****586,638,741**

STATEMENT OF CHANGES IN EQUITY**ACCUMULATED SURPLUS**

	Adopted Budget	2nd budget revision	Variance	Actual YTD December
Balance at end of previous reporting period	67,221,532	67,221,532	-	63,789,286
Net Surplus/ (Deficit) for year	10,722,298	9,510,677	(1,211,621)	148,522
Share of other Comprehensive Income- joint venture and associates	-	-	-	-
Balance at end of period	77,943,830	76,732,209	(1,211,621)	63,937,808

ASSET REVALUATION RESERVE

Balance at end of previous reporting period	507,269,963	507,269,963	-	522,700,934
Gain on revaluation of infrastructure, property, plant & equipment	7,244,173	7,244,173	-	-
Balance at end of period	514,514,136	514,514,136	-	522,700,934

TOTAL EQUITY AT END OF REPORTING PERIOD

592,457,966	591,246,345	(1,211,621)	586,638,741
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STATEMENT OF CASH FLOWS

	Adopted Budget	2nd budget revision	Variance	Actual YTD December
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts				
Operating Receipts	52,524,678	52,524,678	-	27,501,246
Investment receipts	120,000	120,000	-	55,106
Payments				
Operating payments to suppliers & Employees	(39,770,761)	(39,982,382)	(211,621)	(14,377,570)
Finance Payments	(455,901)	(455,901)	-	(241,711)
Net Cash provided by (or used in) Operating Activities	12,418,016	12,206,395	(211,621)	12,937,071
CASH FLOWS FROM INVESTING ACTIVITIES				
Receipts				
Grants Utilised for capital purposes	-	-	-	-
Amounts specifically for new or upgraded assets	9,310,301	9,310,301	-	23,863
Sale of replaced/surplus assets	25,000	25,000	-	-
Repayments of loans by community groups	-	-	-	-
Capital Distributions from associated entities	-	-	-	-
Payments				
Expenditure on renewal/replacement of assets	(25,078,707)	(22,912,558)	2,166,149	(5,740,543)
Expenditure on new/upgraded assets	(18,658,200)	(22,459,222)	(3,801,022)	(7,176,388)
Loans made to community groups	-	-	-	-
Capital contributed to associated entities	(800,000)	(800,000)	-	(800,000)
Net Cash provided by (or used in) Investing Activities	(35,201,606)	(36,836,479)	(1,634,873)	(13,693,068)
CASH FLOWS FROM FINANCING ACTIVITIES				
Receipts				
Proceeds from Borrowings	22,165,005	22,165,005	-	-
Payments				
Repayments of Borrowings	(988,781)	(988,781)	-	(488,896)
Repayment of Finance Lease Liabilities	-	-	-	-
Repayment of Bonds and Deposits	-	-	-	-
Net Cash provided by (or used in) Financing Activities	21,176,224	21,176,224	-	(488,896)

Cash & cash equivalents at beginning of period
Cash & cash equivalents at end of period

3,652,484	3,652,484	-	4,317,226
<u>2,045,118</u>	<u>198,624</u>	<u>(1,846,494)</u>	<u>3,072,333</u>

UNIFORM PRESENTATION OF FINANCES

	Adopted Budget	2nd budget revision	Variance	Actual YTD December
Income	52,624,000	52,624,000	-	26,516,763
<i>less Expenses</i>	<i>(51,237,003)</i>	<i>(52,448,624)</i>	<i>(1,211,621)</i>	<i>(26,392,104)</i>
Operating Surplus / (Deficit)	1,386,997	175,376		124,659
Timing Adjustment for Capital grant	-	-	-	-
Timing Adjustment for Capital grant revenue	-	-	-	-
Adjusted Operating Surplus / (Deficit)	1,386,997	175,376		124,659
Net Outlays on Existing Assets				
Capital Expenditure on Renewal and Replacement of Existing Assets	<i>(25,078,707)</i>	<i>(23,724,483)</i>	1,354,224	<i>(5,740,543)</i>
add back Depreciation, Amortisation and Impairment	12,461,601	12,461,601	-	6,230,801
add back Proceeds from Sale of Replaced Assets	25,000	25,000	-	-
Total Net Outlays on Existing Assets	<i>(12,592,106)</i>	<i>(11,237,882)</i>	1,354,224	490,259
Net Outlays on New and Upgraded Assets				
Capital Expenditure on New and Upgraded Assets	<i>(18,658,200)</i>	<i>(22,459,222)</i>	<i>(3,801,022)</i>	<i>(7,176,388)</i>
add back Amounts Received Specifically for New and Upgraded Assets	9,310,301	9,310,301	-	23,863
add back Proceeds from Sale of Surplus Assets	-	-	-	-
Total Net Outlays on New and Upgraded Assets	<i>(9,347,899)</i>	<i>(13,148,921)</i>	<i>(3,801,022)</i>	<i>(7,152,525)</i>
Annual Net Impact to Financing Activities (surplus / (deficit))	<i>(20,553,008)</i>	<i>(24,386,803)</i>	<i>(2,446,798)</i>	<i>(6,537,607)</i>

FINANCIAL PERFORMANCE INDICATORS

	Adopted Budget	2nd budget revision	Actual YTD December
Operating Surplus Ratio	2.6%	0.3%	0.5%
Operating Surplus/(Deficit)	1,386,997	175,376	124,659
Total Operating Revenue	52,624,000	52,624,000	26,516,763
<i>This ratio expresses the operating surplus as a percentage of Operating Revenue</i>			
Adjusted Operating Surplus Ratio	2.6%	0.3%	0.5%
Adjusted Operating Surplus/(Deficit)	1,386,997	175,376	124,659
Total Operating Revenue	52,624,000	52,624,000	26,516,763
Net Financial Liabilities Ratio	78.6%	82.2%	84.1%
Net Financial Liabilities	41,386,743	43,233,237	22,312,483
Total Operating Revenue	52,624,000	52,624,000	26,516,763
<i>Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses)</i>			
Adjusted Net Financial Liabilities Ratio	78.6%	82.2%	84.1%
Adjusted Net Financial Liabilities	41,386,743	43,233,237	22,312,483
Adjusted Total Operating Revenue	52,624,000	52,624,000	26,516,763
<i>Adjustments to Ratios: In recent years the Federal Government has made advance payments prior to 30th June from future year allocations of financial assistance grants. These Adjusted Ratios correct for the resulting distortion in key ratios for each year and provide a more accurate basis for comparisons</i>			
Asset Renewal Funding Ratio	156.7%	143.1%	71.7%
Net Asset Renewals	25,078,707	22,912,558	5,740,543
Asset Management Plan	16,006,842	16,006,851	8,003,421
<i>Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets</i>			
Recommended for disclosure by Local Government Association			
Interest Cover Ratio	0.6%	0.6%	0.7%
Net Interest Expense	335,901	335,901	186,605
Total Operating Revenue less Investment Income	52,504,000	52,504,000	27,236,951

Debt to Total Income Ratio

Debt Servicing

Rate Revenue

The Debt to Rate Revenue Ratio measures the extent of rate revenue covers the loan repayments (interest and principal)

	3.3%	3.3%	3.3%
	1,444,682	1,444,682	730,607
	43,421,430	43,421,430	21,846,729

**Section 3 – Governance & General
Reports**

11.3 2023 LOCAL GOVERNMENT PARTICIPATION AND ELECTIONS REVIEW

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2237
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the *2023 Local Government Participation and Elections Review*, which is being undertaken by the Office of Local Government and to enable the Council to provide comments for consideration as part of the Review.

BACKGROUND

The *2023 Local Government Participation and Elections Review* (the Review), focuses on participation and Local Government Elections, improving community engagement with Councils, increasing the number and diversity of Council Members, and increasing voter turnout. The Discussion Paper asks a series of questions specific to the Review.

A copy the *Local Government Participation and Elections Review Discussion Paper* is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Nil.
- **Community**
Not Applicable.
- **Staff**
Nil
- **Other Agencies**
Not Applicable.

DISCUSSION

The *2023 Local Government Participation and Elections Review* focuses on the following four (4) topics:

- Engaging and participating with Councils, including community engagement, access to Council Meetings and engagement by Council Members with the community;
-
- Increasing the number and diversity of candidates; and
- Ensuring Council Elections are conducted efficiently and with the highest level of integrity.

Topic 1: How People Engage with their Council

1.1 Community Engagement Charter

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), was assented to on 17 June 2020. The implementation of the reforms will commence in stages to enable time for Local Government and the relevant statutory authorities, to prepare for the changes.

To this end, the Office of Local Government (OLG) has been working with the Local Government Association of South Australia (LGA), on the commencement of various sections of the Review Act, including the new provisions as set out in Section 16 of the Review Act regarding consultation requirements.

As a result of the amendments to the *Local Government Act 1999*, a large number of prescriptive statutory provisions relating to community consultation, will be deleted and the new requirements relating to community consultation will be regulated by the following:

1. a **Community Engagement Charter**, published by the Minister for Local Government (in the form of a Notice in the *Gazette*), which will apply state-wide; and
2. a **mandatory Community Engagement Policy** adopted by all Councils, which must not be inconsistent with the Charter.

In preparation for these changes, in 2021 the LGA worked with a range of representatives from the Local Government Community Engagement Network to develop the proposed CEC and a model Community Engagement Policy.

Both the proposed CEC and model Community Engagement Policy have been reviewed by Norman Waterhouse Lawyers (engaged by the Local Government Association) who have incorporated changes which are intended to protect Councils from the significant legal risks that arose following the 'Coastal Park' decision of the South Australian Supreme Court¹ (involving the City of Charles Sturt). In that case, the Council was found to have consulted in a manner differing from its written policies and therefore, the Council decision was overturned by the court.

¹ Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt [2017] SASC 136 (21 September 2017)

However, the LGA has acknowledged that the documents are less community-friendly in their use of language as a consequence of the legal advice. However, the priority is to give Councils confidence that their community engagement and decision-making process are consistent with the new legal obligations and will withstand legal challenge.

It is important to note that whilst the LGA has presented the proposed CEC to the Minister for Local Government (the Minister), for consideration, the ultimate decision with respect to the content of the CEC will sit with the Minister.

A copy of the proposed *Community Engagement Charter* (CEC) is contained within **Attachment B**.

In November 2021, the Council considered the proposed CEC for the purpose of providing comments to the LGA. Following consideration of the CEC, the Council resolved to advise the Local Government Association of South Australia of its support for the proposed Community Engagement Charter.

Recommended Council Response:

The Council advises the Office of Local Government that the Council supports the LGA's proposed *Community Engagement Charter* and that the Council supports a contemporary approach that sets minimum notification and consultation standards. The Council is of the view that Councils should retain the right to be flexible when determining how they will engage with their communities.

1.2 Council Meetings

The Review is considering whether there should be a mandatory requirement for Councils to livestream Council Meetings and make recordings available to the community via a Council website.

During the COVID-19 Pandemic, specific arrangements were in place to allow Councils to continue to meet when there were restrictions in place. One of the arrangements included a requirement that Council Meetings which were conducted via electronic means were to be livestreamed.

It has been suggested that these practices which were introduced during the pandemic have led to increased expectations for greater use of technology, including the ability of the community to access Council Meetings via live streaming or recordings.

A number of Councils have continued to livestream their Council Meetings or provide access to a recording of the Council Meeting via the Council's website after the meeting has concluded. The decision to provide access to Council Meetings in this manner is usually determined on the basis of a Council's available technology and resources to facilitate such services.

The City of Norwood Payneham & St Peters livestreamed its Council Meetings during the pandemic in accordance with the COVID-19 restrictions and arrangements which were put in place at that time. Whilst there were some minor issues with technology and some issues associated with Elected Members joining the Meeting electronically from home, the issues were able to be addressed and the Council Meetings were conducted in a reasonably smooth manner.

However, a review of the data in terms of how many citizens accessed the Council Meetings via the livestream facility, indicated that a very low number of citizens accessed the Meeting (ranging from two (2) to six (6) citizens).

Since that time, this Council has not supported livestreaming of Council Meetings, not from a resource or technology perspective but on the basis of the value of face-to-face interactions between Elected Members, staff and citizens at Council Meetings.

Whilst livestreaming of Council Meetings would be advantageous for those rural Councils whose Local Government Areas span hundreds of square kilometres, this City is small, easy to traverse and the Norwood Town Hall is accessible for people who wish to attend a Council Meeting.

In addition, the Review has questioned whether Councils should be required to hold their meetings at a particular time to maximise community participation.

Recommended Council Response:

The Council advises the Office of Local Government that the decision to livestream and/or provide recordings of Council Meetings and the timing of Council Meetings should be at the discretion of individual Councils.

1.3 Support Council Members to Engage with Communities

The Review seeks comments in respect to whether the introduction of a specific allowance to support constituent work, similar to that which Members of Parliament receive, would assist Council Members to engage more effectively with their communities.

Members of Parliament receive an Electorate Allowance, in addition to any salary paid, for expenses associated with Parliamentary, Electoral or community duties in their electoral district.

Elected Members of this Council currently engage with their local communities in a number of ways and staff are available at all times to assist them with these processes. It has been a long standing position of this Council that the Council Member Allowances are adequate for Members to perform their duties as an Elected Member.

Recommended Council Response:

The Council advises the Office of Local Government that the current Council Members Allowance is adequate for Elected Members to perform their duties in accordance with the role of an Elected Member.

Topic 2: How Can We Encourage a Greater Number of More Diverse Candidates?

2.1 Increase Council Member Allowances

The Review states that there is an issue in respect to the number of and diversity of Candidates for Local Government Elections and that there is a perception that the Local Government is represented by older people, usually men.

The Review suggests that a wide range of Candidates would reflect South Australia's diverse community and proposes that increasing the Council Member Allowance would attract a greater number of and a more diverse range of Candidates.

Recommended Council Response:

1. The Council advises the OLG that increasing the Elected Member Allowance will not ensure an increase in candidates. Citizens who are passionate about and genuinely committed to making a positive difference to their community are not simply attracted to the role on the basis of the Allowance. Similarly, increasing the Allowance could simply attract people who are not suited to the role and/or people who nominate purely for financial gain rather than for the benefit of their community.
2. In addition, any increase to the Allowance places a burden on those Councils with limited financial resources.

2.2 Make Council Meetings More Flexible

The Review questions whether there are elements of Council business that may deter citizens from nominating for Council, including the requirement to attend Council Meetings in person.

To address this, the Review asks if Council Members should be able to attend Council Meetings electronically.

As part of this discussion, the Review specifically raises challenges around the proper management of integrity matters (ie, a Council member removing themselves from the meeting after declaring a Conflict of Interest, confidential matters, etc).

These are valid issues which would need robust governance systems in place and of course the commitment of Elected Members to abide by those systems. Whilst this is certainly achievable, as stated previously the value of Elected Members meeting face-to-face and interacting with each other and staff prior to, during and after Council Meetings cannot be underestimated.

These interactions are crucial in terms of working together and building positive relationships.

Recommended Council Response:

The Council advises the Office of Local Government that the Council does not support attendance at Council Meetings electronically. The decision to allow Council Members to attend Council Meetings electronically should be at the discretion of individual Councils.

2.3 More Local Promotion for Nominating for Council

Local Government Elections are conducted by the Electoral Commission of SA (ECSA), with Councils meeting the full cost of each Council Election.

Whilst ECSA has formal responsibility for the promotion of the 'enrolment' and 'voting' components of the election, the LGA has also facilitated promotional activities to provide collateral for Councils and to maximise the value of advertising/promotion of Local Government Elections through consistent branding.

For the 2022 Local Government Elections, the LGA secured \$300,000 through the Local Government Research and Development Scheme (LGR&DS) for a promotional campaign aimed at raising awareness and increasing engagement with the Election process across three (3) election stages: Enrol, Nominate and Vote.

A number of Councils access promotional materials from the LGA and use these for online, social media and other advertising. In addition, like this Council, many Councils host information sessions for potential candidates to provide information regarding the role of an Elected Member and other general information regarding their individual Council.

The costs associated with increasing the role for Councils in the promotion of elections, either specifically for the nomination stage or more broadly, must be considered. In relation to the 2022 Local Government Elections, there were significant increases in the costs to conduct the elections (ie Australia Posts charges, etc). Whilst information on the actual total cost of the 2022 Local Government Election is not yet available, ECSA advised Councils prior to the 2022 Local Government Elections to expect an increase in the order of 30% compared to the costs associated with the 2018 Local Government Election.

Recommended Council Response:

The Council advises the Office of Local Government that it is appropriate that Local Government Election promotional campaigns are conducted at a state wide level and not undertaken by individual Councils to ensure consistency in the messaging and branding.

2.4 Term Limits for Council Members

Currently there is no limit on the number of terms a Council Member may serve. The Review raises the idea that limiting the term an Elected Member may serve on Council to a maximum of two (2) or three (3) terms will effectively increase turnover and generate interest for other members of the community in becoming an Elected Member, as potential candidates may feel that there is less risk in running against a well-established incumbent Elected Member.

From a general perspective it may be that term limits could assist with providing more citizens with an opportunity to represent their community. Equally, there could be an argument that limiting terms could result in more challenges in attracting enough candidates for the available roles.

Ultimately it should be up to individual Elected Members to determine their capacity to continue in the role. The community, through the democratic process, will determine if an Elected Member is re-elected.

New Elected Members bring “fresh” eyes and new ideas to the Council and long-serving Elected Members have experience and knowledge which contributes to stronger connections and understanding of the community.

Recommended Council Response:

The Council advises the Office of Local Government that the Council does not support limiting the number of terms a Council Member may serve on the Council.

2.5 Required Training for Candidates

Currently, there are no minimum skills, knowledge or experience required for a person to be able to nominate as a Candidate in a Council Election.

As Members are aware, following an election, Elected Members must complete mandatory training within 12 months of the election, which ensures Elected Members have the necessary knowledge and skills in relation to a range of topics including strategy, finance, legal, civic and Elected Member behaviour.

The Victorian Government has introduced compulsory training for all Victorians who wish to nominate as a Candidate in a Council Election. The training is online and takes around an hour to complete. The training covers information about being an Elected Member, including understanding the Conflict of Interest provisions, the Code of Conduct, and what support is available to help undertake the role. The training is not graded (ie, there is no “pass” or “fail”) and remains valid for two (2) years. The training must be completed by anyone intending to nominate, including Elected Members who have been Elected Members previously.

The mandatory course was introduced in the *Local Government Act 2020 (Victoria)*, to ensure Candidates understand the role of Elected Member councillor and the standards they are expected to uphold if elected.

Undertaking mandatory training for potential new Candidates would ensure that those Candidates are fully informed prior to nominating. This would be beneficial to the organisation as the newly elected Candidate would have a good understanding of the operations of a Council once they commence in the role. The mandatory training prior to nominating should be similar to the mandatory training for Elected Members once elected.

It should also be mandatory for new Candidates to attend Council Candidate Briefing sessions that are held by the Council that they intend to nominate for, to ensure they are aware of that Council’s particular operational requirements (ie times of Council Meetings, how information is provided to them, meeting places, strategic documents, Organisational structure, etc)

New Candidates should also be required to attend a Council Meeting/s prior to nominating.

Recommended Council Response:

1. The Council advises the Office of Local Government that the Council supports the introduction of mandatory training for anyone intending to nominate who has not previously served as an Elected Member. Consideration should also be given to establishing a time frame in which the training is mandatory for those Elected Members who have previously served on Council (ie if the person served as an Elected Member two (2) terms ago then the training should be mandatory as a number of legislative changes could have occurred during that time).
2. In addition, new Candidates should be required to attend Candidate Briefing Sessions and at least one (1) Council Meeting prior to nominating.

2.6 Consider Real Time Publishing of Nominations

The Reviews asks if Councils should have a role in the nomination process and if the Electoral Commissioner of South Australia (ECSA), continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end of the nomination period.

From a staff perspective, the management of nominations by ECSA works well and ensures that staff remain separate from this process.

However, it was disappointing that the Council was not provided with a copy of the nominations which were received as part of the 2022 Election, so that the Council could continue to place the nominations in hard copy at the Council's Principal Office.

A number of citizens take the opportunity to view the information regarding Candidates in this manner and this information should be accessible to all members of the community.

The publication of the Nomination Forms at the conclusion of the Nomination period also means that Candidates are not aware of who has nominated and for what position. Whilst some Candidates may use this information to switch their nomination from a certain Ward to another Ward depending on who has nominated, most Candidates are genuinely interested just to see who is running in each Ward.

Recommended Council Response:

1. The Council advises the Office of Local Government that Tte Council supports the current provisions in respect to the nomination process (ECSA managing this process), with the exception of the publication of the Nomination Forms.
2. A copy of the Nomination Forms should be provided to each Council to ensure the Council can provide copies of the Nomination Forms to their communities.
3. The Council also is of the view that the nominations should be published throughout the process and not at the end of the process.

2.7 Removal of Council Wards

Councils currently have the power to determine the composition of the Council, including whether to divide the area of the Council into Wards, alter the division of the Council or abolish the division of the Council area into wards, subject to complying with the requirements of Section 12 of the *Local Government Act 1999*.

Councils use the Representation Review process and based on a schedule determined by the Minister (approximately every 8 years), must review its Representation structure, including examining the advantages/disadvantages of various options available for the composition of the Council and the number of Elected Members (within the legislated framework - a Council must not be comprised of more than 13 Members unless the Council is granted an exemption certificate by the Electoral Commission SA).

It should be at the discretion of individual Councils and their communities to determine how their Local Government Area is structured through this process.

The removal of Wards may also be a deterrent for a citizen to nominate for the Council as the area in which they have to campaign would increase significantly.

Recommended Council Response:

The Council advises the Office of Local Government that the Council does not support the removal of Wards and that the structure of a Council should be determined by each Council through its Representation Review process.

2.8 Lack of Nominations Trigger for Boundary Reform

It is unclear on what basis this statement has been made as it is a conclusion without substance, justification or evidence.

The endorsed policy position of the Local Government Association of South Australia (LGA) in relation to amalgamations, is that they should only occur on a voluntary basis, where there is support of the Councils and their communities and strong supporting evidence. It is important that Councils maintain their autonomy and the ability to respond directly to the needs of their communities.

The Review suggests that increasing the size of a Council's area (e.g., through amalgamation with an adjoining Council or Councils), or making other structural changes (eg, removal of the existing Ward structures), may support a greater number of more diverse candidates to stand for that Council.

The Review proposes that where insufficient nominations are received as part of a Local Government Election, this should trigger the referral of a boundary review process to the SA Boundaries Commission, the end product of which could be forced Council amalgamations or changes to Ward structures within the Council.

Investigations should be undertaken to determine a suitable process to respond to a lack of nominations in these situations. For example, there could be a mechanism in place for a Council to seek assistance from the Minister for Local Government and/or the LGA and a provision which allows a Council to seek an exemption under strict criteria to not fill the position.

There could be merit in investigating the potential for a Council to have a range in terms of a minimum and maximum number of Elected Members based on population (similar to the Allowances), and if the minimum number of Elected Members is achieved through the election process, and the Council determines it operate with the number of Elected Members (provided the number is within the prescribed minimum and maximum range), supplementary elections would not be required.

Recommended Council Response:

1. The Council advises the Office of Local Government that the Council does not support the proposal that a boundary review process is automatically triggered as a result of a lack of nominations as part of a Local Government Election.
2. The Council supports the Local Government Association of South Australia's position, in relation to amalgamations - amalgamations should only occur on a voluntary basis, where there is support of the Councils and their communities.

Topic 3: How Can We Achieve a Better Voter Turnout?

3.1 Make Voting for Councils Compulsory

Voter turnout in the 2022 Local Government Elections was an average of 34.54% across the State, with voter turnout of 34.23% for the City of Norwood Payneham & St Peters.

Prior to the introduction of postal voting in Local Government Elections in 1997, the State-wide average voter participation rarely exceeded 20%. Following the introduction of postal voting in 2000, Voter participation rates have been consistently above 30%.

The issue of compulsory voting for Local Government Elections has been raised on numerous occasions over the last few years. As part of a number of reviews since the 2006 Local Government Elections, this Council has provided feedback in respect to the issue of introducing compulsory voting for Local Government Elections.

It has been the Council's position since the question was first raised that the Council does not support the introduction of compulsory voting for Local Government Elections.

This position was based on the view that compulsory voting (whether in Federal, State or Local Governments) can really be defined as "compulsory attendance" rather than compulsory voting.

In addition, the costs associated with compulsory voting would potentially be more (ie more ballot papers returned = more postage costs, increased costs associated with the counting of ballot papers, etc).

The most effective means to increase voter turnout is to engage with the community and communicate the importance of "having a say". At the end of the day, however, it is a citizen's choice whether they wish to exercise their vote.

Having said that, as part of the 2014 Local Government Elections, the State Electoral Commissioner undertook an extensive campaign to promote the Local Government Elections and the LGA took responsibility for promoting the value and importance of Local Government generally. Individual Councils also undertook promotional activities to encourage community participation in the election process.

Combined, significant resources, both human and financial, were expended to promote and encourage greater participation in the 2014 Local Government Elections, however based on the percentage of voter turnout, one could question the value of undertaking such an extensive campaign for future elections.

It is obvious from the voter turnout participation rates in the previous three (3) Local Government Elections (ie 2014 - 31.99%, 2018 - 32.94%, 2022 – 34.54%), that only a select number of citizens within any Council area are interested and committed to voting in Local Government Elections.

The question the Council needs to now ask is – does this matter?

At the end of the day, the citizens who do vote in Local Government Elections are generally those citizens who are genuinely interested in the process and committed to “having a say” or are concerned about a particular issue/s.

Recommended Council response:

The Council advises the Office of Local Government that the Council does not support compulsory voting for Local Government Elections.

3.2 Change the Method of Voting

The current method of voting in South Australian Council Elections is postal voting. As stated above, Voter turnout has been relatively stable over the past six (6) elections (2003 – 2022).

It has been raised that voter turnout is connected to the method of voting with a greater risk of lower participation for postal voting.

Anecdotally it is claimed that people receive postal ballot papers, put them down to action later and then forget to do so, which contributes to the lower Voter turnout.

The Review asks whether the method of voting should return to attendance (in person), voting.

Whilst the introduction of postal voting has increased the level of Voter turnout albeit marginally and not to the extent originally envisaged, however as stated previously, requiring citizens to attend a polling booth does not necessarily equate to a higher percentage of votes.

Electronic voting has also previously been raised as an alternative to postal voting which may increase Voter participation. It has been this Council’s position that it does not support electronic voting systems as there is a risk of system failures, issues associated with the verification of votes and potential fraud which could jeopardise an entire election.

There is no evidence to support a change in the method of voting.

Recommended Council response:

The Council advises the Office of Local Government that the Council does not support changing the method of voting for Local Government Elections and that the current postal system should be retained.

3.3 Consider Who Can Vote for their Council

The automatic entitlement to vote of landlords, lessees of a business and owners who are not occupiers (ie those who were not on the House of Assembly Electoral Roll for a Council area), was removed following the review of the 2008 Local Government Elections.

This was primarily based on the costs associated with maintaining a separate Council Electoral Roll, particularly when compared to the actual Voter turnout.

Whilst this Council forwarded correspondence to all those affected by the amendments to the *Local Government (Elections) Act 1999* and promoted the requirement to re-enrol via the Council's newsletter, *Look East* and the Council's website, a significant number of eligible voters did not take the opportunity to re-enrol.

This was due partly to a lack of understanding of the need to re-enrol (as they have always been on the Voters Roll) and a lack of interest to re-enrol and the process involved..

Overall there are approximately 7,000 landlords, lessees of a business and owners who are not occupiers who may have an entitlement to vote.

It has been this Council's position that the automatic entitlement to vote provisions should not have been removed.

Recommended Council response:

The Council advises the Office of Local Government that the Property Franchise entitlement to vote provisions should be reinstated.

3.4 Change the Timing of Council Elections

The timing of Local Government Elections has been a longstanding concern with the alignment of elections for all three (3) levels of Government in 2022, highlighting this issue.

Legislation currently sets out that both the State Government and Local Government elections occur on a four (4) yearly cycle, with State Government elections generally held around March and Council elections held in November.

The Electoral Commissioner of South Australia (ECSA), is responsible for the conduct of both the State and Local Government Elections.

The Federal Government elections generally occur on a three (3) yearly cycle, which means that every fourth State Government and Local Government election coincides with a Federal Government election.

During 2022, concerns were raised with the LGA regarding potential 'voter fatigue' and the impact on Voter turnout for Council Elections. However, despite some electors having to participate in up to three (3) compulsory election process prior to the voluntary Council elections, Voter turnout was approximately 34% in the 2022 Local Government Election.

Notwithstanding the above, it has been this Council's position that Local Government Elections should not be held in the same year as State Government elections.

Recommended Council response:

The Council advises the Office of Local Government that Local Government Elections should not be held in the same year as State Government Elections.

3.5 Election Promotion

The response to this question is dealt with in Question 2.3.

3.6 Removing Wards

The Review suggests that the removal of Wards would provide Voters with a greater choice of Candidates, which could potentially encourage more citizens to vote.

A number of Councils in South Australia currently do not have Wards. Elected Members of these Councils are referred to as *Area Councillors*.

Based on the Voter Turnout percentage applicable to Local Government Elections across the State there is no evidence that removing Wards does increase Voter Turnout.

The value of Wards is that they provide for “personal” recognition of and representation by the local Elected Member. The capacity of an Elected Member to represent the community should be based on the knowledge, skills and commitment to the role and local knowledge of and the ability to relate to the local community is a highly regarded and important quality in an Elected Member.

In accordance with Question 2.7 the determination to have Wards or not should be at the discretion of individual Councils.

Recommended Council response:

The Council advises the Office of Local Government that the Council does not support the removal of Wards.

3.7 Consider Candidate Information

The Review asks what, if any, additional information should be required from Candidates to inform Voters (eg, as part of the Candidate Profile) and whether Councils should provide a platform or mechanisms to help disseminate information about Candidates to Voters.

The Review also recognises that this role may be inappropriate for a Council administration as the administration should remain impartial throughout the election process.

To ensure Voters have adequate information to make an informed decision in terms of casting their vote, the word limit applicable to the Candidate Profile should be increased.

The Candidate Profile could then include information regarding a Candidate’s work history, the number of terms they have served on Council, as well as current and previous Board roles and any associations they may have.

The current word limit for Candidate Profiles is restrictive. Increasing the limit from 150 words to 500 words would enable Candidates to provide additional relevant information.

Recommended Council response:

The Council advises the Office of Local Government that the word limit applicable to the Candidate Profile should be increased to a maximum of 500 words.

Topic 4: Election Improvements

The Review asks if the Council has any ideas to improve Council Elections.

- Withdrawal of Candidate after the Close of Nominations

As part of the 2008 review of Local Government Elections, this Council advised the LGA, that the Council felt strongly that the legislation should be amended to require an election to continue, with remaining Candidates, if any, despite the legitimate withdrawal of one or more candidates after the close of nominations.

In 2008, The Independent Review of Local Government Elections Final Report stated that:

“...most respondents to the Interim Report, including the LGA, were in favour of an option under which the Returning Officer would have the discretion to determine whether an election could continue despite the withdrawal of a candidate after the conclusion of the nomination period.

However, the Electoral Commissioner is strongly opposed to this proposal. The Electoral Commissioner is concerned about being placed in the position of needing to investigate what might be conflicting claims about the reasons for a candidate’s withdrawal.

Despite the arguments in favour of change made by the LGA and many of those who submitted to the Review, the Review believes that further discussion is required if any proposal to change the current provisions is to be developed.”

At that time, the Electoral Commissioner's position was supported by the Minister and the legislation was not amended.

It is therefore recommended that the Council, as part of this review, advises the Office of Local Government that it maintains its position in respect to this matter and that the legislation should be amended to require an election to continue, with remaining candidates, if any, despite the legitimate withdrawal of one or more candidates.

- Election Material

There should be more prescriptive processes put in place in terms of electoral material to ensure unauthorised, defamatory and misleading electoral material is minimised.

- Election Signage

The Council does not support the use of Election Signage for elections.

- Campaign Donation Returns

The recent legislative provisions are supported, however an Elected Member who does not complete the Campaign Donation Return by the prescribed date should be suspended until the form is completed rather than lose office.

Recommended Council Response:

The Council advises the Office of Local Government that in terms of improvements to Local Government Elections the following should be considered:

1. the legislation should be amended to require an election to continue, with remaining candidates, if any, despite the legitimate withdrawal of one or more candidates;
2. more prescriptive processes are required in terms of electoral material to ensure unauthorised, defamatory and misleading electoral material is minimised;
3. the Council does not support the use of Election Signage for elections; and
4. the Council supports the legislative provisions regarding Campaign Donation Returns, however an Elected Member who fails to lodge their Return by the prescribed dated should be suspended from office until the form is completed and lodged and not lost office.

Submission to the Office of Local Government

A draft submission has been prepared which sets out responses based on the Council's previous position in relation to a number of matters which have been raised as part of previous reviews of Local Government Elections and the information contained within this report.

There are some questions contained within the Submission where the response has been *Deliberately left blank*. These questions appear to be directed at obtaining the community's views and not a Councils. This does not mean however that a response cannot be provided if the Council chooses to respond to these questions.

A copy of the draft submission to the Review is contained within **Attachment C**.

OPTIONS

The Council can determine to forward comments to the Office of Local Government in relation to the 2023 *Local Government Participation and Elections Review* or decline the invitation.

However, given the review provides the Council with an opportunity to provide comments in relation to the various issues which have been raised as part of the Review, it is important that the Council's position is forwarded to the Office of Local Government by the close of the consultation period.

CONCLUSION

There are several recommendations where legislative changes will be required. To this end, responses must be forwarded to the Office of Local Government by 1 March 2024.

COMMENTS

Nil.

RECOMMENDATION

1. That the *2023 Local Government Participation and Elections Submission*, as contained within Attachment C to this report, be submitted to the Office of Local Government in response to the request for submissions from Councils regarding the *2023 Local Government Participation and Elections Review*.
2. That a copy of the Council's submission be forwarded to the Local Government Association of South Australia.

Attachments – Item 11.3

Attachment A

2023 Local Government Participation and Elections Review

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City of
**Norwood
Payneham
& St Peters**

Local Government Participation and Elections Review

Discussion Paper

October 2023



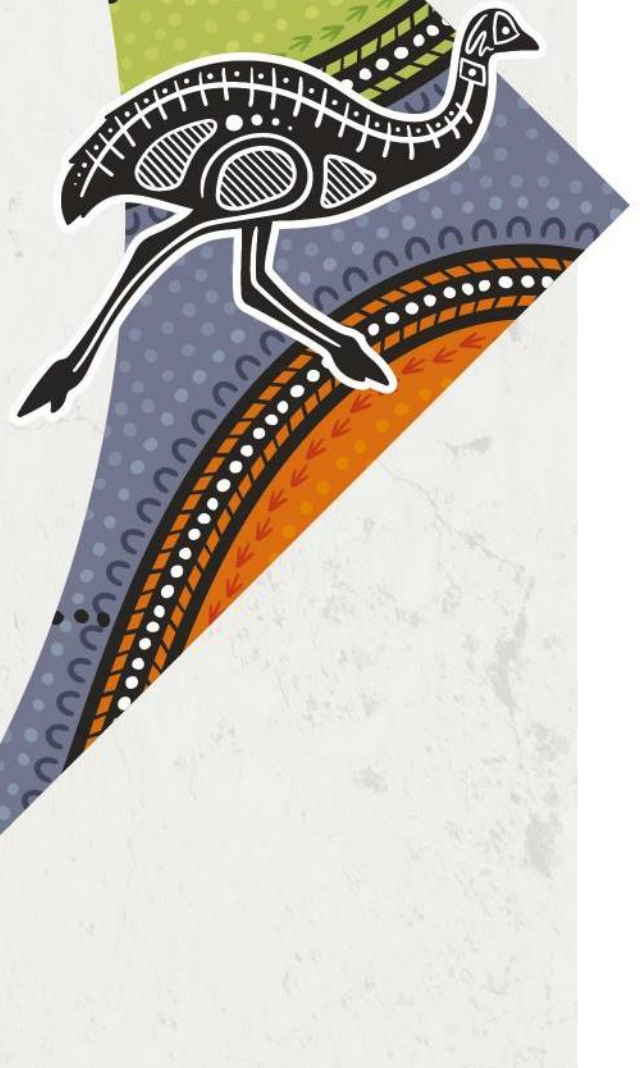
Government of South Australia
Department for Infrastructure
and Transport

Build.
Move.
Connect.

Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the Minister for Local Government, its agencies, instrumentalities, employees and contractors disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

We acknowledge the Traditional Custodians of the Country throughout South Australia and recognise their continuing connection to land and waters. We pay our respects to the diversity of cultures, significance of contributions and to Elders past, present and emerging.



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Minister's foreword



Nearly 35 years ago, I threw my hat in the ring and stood for election to my local council. And after 20 years as a council member—including six as Mayor—and 14 as a Member of Parliament, I can confidently say that this was one of the best decisions of my life.

I stood for council for the same reasons that many South Australians do; because I wanted to get involved in the local decisions that have such an impact on our day-to-day lives. It's a challenging role, but one that also has tremendous rewards. I can honestly say—and often do—that my time as a local elected member has been one of the best of my life.

I'm passionate about local government, local leadership, and local decision-making. That's why I am also passionate about encouraging every South Australian to get involved with their council—to have your say about council decisions and activities, and,

at election time, to make sure you have your say about who will represent you and make decisions on your behalf by voting.

I'm also passionate about making sure that we have as many South Australians as possible making the same decision that I did so many years ago—to turn my commitment to my community into a decision to run for council and put that commitment into action.

This discussion paper poses a number of questions about how we can improve participation in local government, both throughout councils' terms, and at election times.

It poses some bold ideas that might be challenging or even controversial. But I firmly believe that it is time for us to take real action to better connect people to their councils; to get serious about tackling the persistently low voter turnout that we see every four years at council election time, and to make sure that the future of local government is in the hands of the most diverse and capable local representatives that we can find.

I encourage everybody reading this paper to respond to the questions it poses. Let us know how we can build a future for South Australia where our councils represent and are supported by a local community that truly feels connected to their local government.

A handwritten signature in blue ink that reads "Brock". The signature is stylized and written in a cursive-like font.

Hon Geoff Brock MP

MINISTER FOR LOCAL GOVERNMENT

Introduction

Our local councils are often described as the sphere of government that is ‘closest to the people’. The services they provide are often those that touch our day-to-day lives most closely—the footpaths and roads we walk and drive on, the bins we put our rubbish in, the parks, gardens and ovals where we walk, exercise and play with our children, and our local libraries to name just a few.

Yet this involvement with our local services isn’t always reflected in close participation and engagement with our councils. While our local members are elected by the ratepayers and residents in their local areas, typically only around a third of voters choose to exercise their democratic right to vote for their council representatives. Councils can also struggle to have a good number of diverse candidates put their hand up to stand for election, to ensure that a local elected body has the best chance of representing and making the best decisions for its local community.

Over the past 20 years, the local government sector has been making increasingly large investments in promoting elections, both to encourage nominations, and to increase voter turnout. This participation is crucial, as elections establish the democratic foundations for the decisions that a council will make over a four-year term to spend ratepayers’ money on the services and facilities that the council decides its community can and wants to pay for.

Despite these investments, engagement with councils at election times has remained at consistently low rates. This discussion paper therefore tackles some fundamental questions, not only about how council elections should be run to improve the number and diversity of council members and increase voter turnout, but also how people engage with their council over the whole of a council term, so that when election time rolls around, they are interested and engaged with the future of their local council.

There are four key topics covered in this paper. They are:

1. How people engage and participate with their council;
2. How we can encourage greater numbers and more diverse candidates;
3. How we can increase voter turnout; and
4. How we can make sure that council elections are run efficiently, with the highest level of integrity.

For each of these topics, this discussion paper provides a brief snapshot of current requirements, and changes over time. Each section also puts forward some ideas for improvements—and we want to hear from you! Are these ideas good ones? If not, why not? What other ideas do you have to improve people’s engagement with councils—both at, and between, elections?

Topic 1: How people engage with their council

Community Engagement Charter

Councils continually engage with their communities on a range of critical decisions—their annual business plans and budgets, how council rates are set and collected, how parks and gardens and other council land should be used and managed, how a council's elected member body should be structured, and so on.

The *Local Government Act 1999* (the Act) requires all councils to have a public consultation policy in place. This policy must include some actions as a minimum—largely a requirement to consult for a minimum period of 21 days, to publish material on their website and in a newspaper, and to allow for submissions. The Act also requires councils to undertake more specific consultation on significant decisions, such as the requirement to hold an hour-long public meeting on its annual business plan and budget.

Principles of engagement

The Charter is underpinned by these engagement principles:

1. 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.
2. Information about issues should be in plain language, readily accessible and in a form that facilitates community participation.
3. Participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.
4. Participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.
5. Insofar as is reasonable, communities should be provided with information about how community views have been considered and reasons for actions and decisions of councils.

These principles are consistent with principles adopted by individual councils over many years. They are informed by the International Association for Public Participation (IAP2) Core Values.

These basic requirements have now been in place in the Act for more than 20 years, however, community and council expectations regarding consultation have changed. For example, many councils have moved towards more modern methods of communication and engagement—for instance, using social media to 'get the word out' rather than relying on ratepayers reading notices published in the back of a local newspaper, or undertaking more fit-for-purpose engagement methods such as 'drop in' events at council venues.

Yet while councils may wish to invest in more modern and effective engagement—and their communities may expect them to—they must still comply with two-decades-old statutory requirements.

Changes to the Act will replace these inflexible requirements with a ‘Community Engagement Charter’ (the Charter). Councils’ community engagement policies must be consistent with the Charter and comply with its requirements. These changes will commence when a Charter has been developed—which needs your input!

A flexible or prescriptive approach?

There is broad scope to create a Charter that reflects community and councils’ views on how it should direct council’s community engagement.

For example, the Charter could specify mandatory requirements that largely replicate the current requirements contained within the Act. Councils would then be required to undertake ‘engagement tasks’ as the Charter instructs them—for example, to release information online for a specific period of time; or to publish material elsewhere in a particular way. However, placing these requirements on councils may not support councils to invest in community engagement in a way that they feel best meets their community’s particular needs.

Another option would be for the Charter to set out a range of general principles or performance outcomes then enable the specifics of each councils’ community engagement to be determined in its own community engagement policy. With this approach, there might be concerns in the community that not all councils would engage in a similar way or might not engage to the level that a community may like to see.

The Charter could also be a mixture of these approaches. For example, it could contain more specific requirements for significant council decisions that affect the whole council area, but also allow for a more flexible approach for more localised matters.

While the public consultation requirements have traditionally covered the method of engagement (e.g., minimum consultation periods and publishing requirements), the Charter could also cover the type of information that should be made available during community engagement, or how public consultation feedback should be considered. This approach may fulfil the principle that engagement should encourage constructive dialogue and discussion.

A Charter might include that a council should provide information in a form that is appropriate for the council’s community to engage with and make a submission on. Councils could then determine what this information looks like in their community engagement policies.

The intent of the change to a Charter is to enable councils to take a more fit-for-purpose approach to public consultation, taking into account the significance of the matter under consideration, the needs of their local community, and the advantages of new technology. It should also bolster community confidence that their council will engage with them properly on the decisions and actions that affect them.

To achieve this aim, the Charter may:

- include categories of consultation;
- specify mandatory requirements or set out more general principles and performance outcomes related to engagement, for each category;
- provide guidance on specific measures or techniques to achieve outcomes; and
- set out measures to evaluate how outcomes have been achieved, or to what degree.

And, of course, there will be mandatory public consultation on both the Charter and the related council community engagement policies.

One proposal is that the Charter set some minimum standards for more significant council tasks, such as the annual business plan and budget, but largely focus on a ‘principles-based approach’ to allow councils to determine the exact activities they will undertake to best engage with their communities on their business under their own policies. Another approach could be for the Charter to more specifically dictate exactly what activities councils must undertake to consult on particular matters and decisions, more like the current legislative requirements.

Of course, the Charter will not preclude councils from undertaking non-statutory consultation, which councils may choose to include in their community engagement policies.

Ideas and questions

- What requirements should be set for councils’ community engagement for what decisions?
- What should be included in the Charter and what should be left for councils’ own community engagement policies?
- Should councils have the capacity to determine how they will engage with their communities, or should the Charter be more directive in its approach?
- What other ideas do you have for councils’ community engagement?
- How would you like to see councils engage with you?
- What are the types of information you would like to see councils include when they engage with you?

Council meetings

While community engagement on council decisions is a critical part of councils’ business, councils also have other opportunities to engage their communities. Chief amongst these tools is council meetings, which are open, public meetings where all community members should have the opportunity to view council debates and decisions.

Traditionally, council meetings have been held in the council’s chambers, with a gallery open to those who wish to spectate. The COVID-19 public health emergency, however, accelerated an increase in people’s desire to watch council meetings at home, either at the meeting time or at a time of their own choosing. There is also an increasing need for councils to ensure the safety of people attending council meetings in person, particularly when contentious or highly debated matters are being discussed.

Many councils have met this demand by livestreaming their meetings, or by making recordings available after the meeting.

Ideas and questions

- Should councils be required to livestream their meetings, and make recordings available?
- All metropolitan councils hold their council meetings during the evenings, but councils in regional areas often hold their meetings during business hours. Should councils be required to hold their meetings at a particular time to maximise community participation?

Support council members to engage with communities

Council members are elected to represent their communities. However, many people do not realise that their local elected members are available to speak to about their concerns and priorities and to advocate on their behalf. Instead, people will contact their council administration directly, which can lead to a sense of frustration that they are not being heard, or that their concerns are not being acted on.

Members themselves may not feel empowered or supported to engage with community members, particularly if this is presented as engaging with operational rather than strategic council matters. Additionally, it can be difficult for members to spend time with their community, particularly if they are also busy with work and other life matters.

This can result in a lack of understanding that council members are elected to make decisions on their community's behalf and can also cause a sense of disconnection between citizens and their councils. Conversely, supporting stronger engagement between council members and constituents can increase engagement with local matters and decisions.

Ideas and questions

- How should members be supported to engage directly with their communities?
- Should all council members be provided with a specific allowance to support constituent work, similar to the allowance that is provided to Members of Parliament?
- What other ideas do you have to strengthen the relationship between council members and their local community members?

Topic 2: How can we encourage a greater number of more diverse candidates?

Every four years, elections are held so that local communities can decide who should represent them and make decisions on their behalf about the services and facilities that are provided in their local area. These elections are the foundation of local government—as is the case with state and federal elections, communities exercising their choice on their representation is what makes councils governments in their own right.

For these elections to truly deliver this democratic foundation of councils, community members should be choosing who they vote for from as wide a selection of candidates as possible. Councils that reflect the diversity of their communities are better able to make decisions for, and provide services to, these communities.

However, council elections often struggle to attract enough candidates to fill all vacancies, let alone a wide range of candidates. For example, at the 2022 council elections, 683 positions needed to be filled, but 93 of these positions were filled without an election being held. The voters in these elections had no opportunity to exercise their democratic right to vote for their local representation. Additionally, some positions—including two mayoral positions—did not receive enough nominations, meaning that nine supplementary elections were then needed to fill these roles.

There is also a strong perception that councils are dominated by older people, usually men. Female representation has increased enormously in recent decades, but it is true that candidates for council continue to be dominated by older people.

While the commitment of every person who puts their hand up to stand for council should be acknowledged and appreciated, a more varied range of candidates would better reflect our increasingly diverse community.

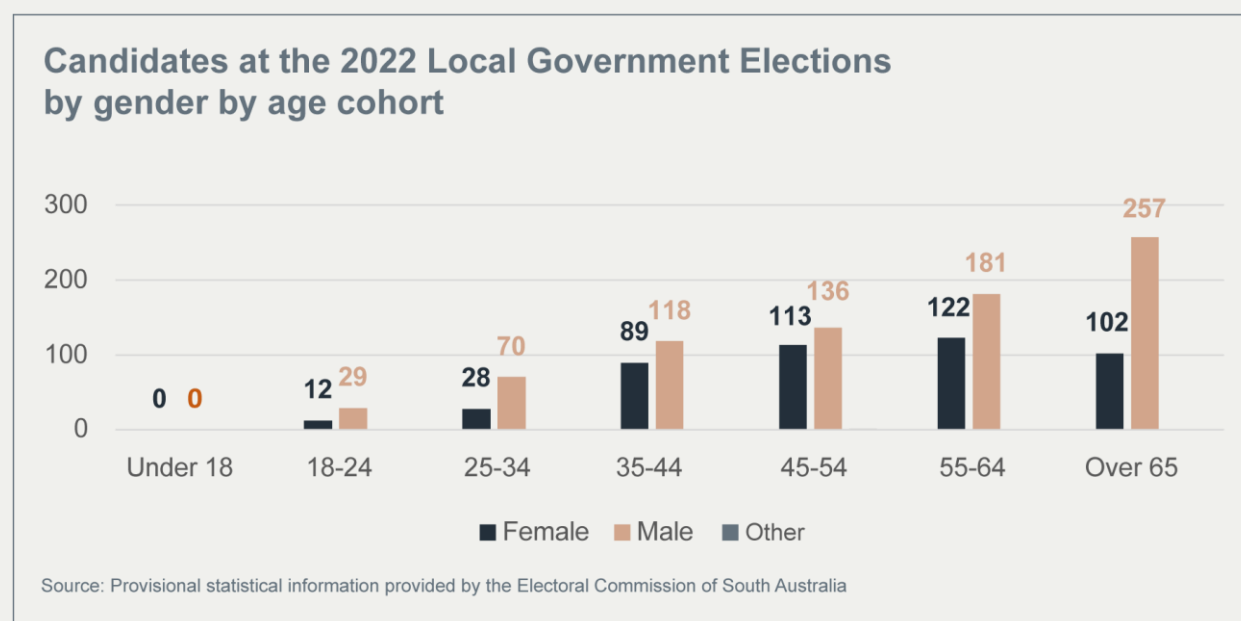
Ideas and questions

Many people choose to stand for their council as they have a real commitment to their local community and want to ‘make a difference’ by being part of the decision-making body that determines the vitality and sustainability of their local area. However, there would be many community-minded people who already commit many hours to community service but would not consider running in a council election. Why is this? Some ideas to tackle this issue are included below.

2022 periodic council elections—provisional statistics

Provisional statistical information provided by the Electoral Commission of South Australia shows that at the 2022 periodic council elections, elections were held for 565 of a possible 683 (82.7%) vacant positions. This was the lowest proportion of elections held for vacant positions since 2006. Related to this, nine supplementary elections were held following the 2022 periodic council elections, which was the highest number required since, at least, the elections held in 2000. Both statistics point to a drop in the number of candidates nominating, with a record number of positions receiving no nominations.

Of 791 male candidates, over a half (438, or 55.4%) were aged over 55 years.



Both the number and proportion of female candidates have continued to increase, with a record 466 females (37%) nominating for election. Of 466 female candidates, 224 (48%) were aged over 55 years.

Of all 1258 candidates, 1043 (82.9%) were born in Australia. The next largest group by birth was the United Kingdom (78, or 6.2%), followed by India (42, or 3.3%).

While the total number of nominations declined at the 2022 Local Government elections, the long-term trend has seen an increase in people nominating for election, particularly amongst women. From the 2000 council elections until 2014, women consistently made up between 25% and 29% of nominees. At the 2022 council elections, the number of women nominating reached an all-time high, with women representing 37% of all nominees.

Increase council members' allowances

Most council members receive a small independently determined annual allowance of between \$7,192 and \$25,838, depending on the council. Mayors receive an allowance four times more than the councillors of their council. The City of Adelaide is an exception to this: council members' allowance is \$28,692, and the Lord Mayor's allowance is \$195,851.

These allowances are not intended to be remuneration or a salary, as is the case for Members of Parliament. This often results in council members performing their roles in addition to paid employment or other income, or—as is often the case—being retired.

Would more, and a more diverse range of, people be attracted to the role if allowances were increased?

Make council meetings more flexible

Are there elements of council business that might put people off nominating?

For example, if a council meets during business hours, does that prevent people from standing for council if they are in the workforce or have family or other responsibilities? Or does it enable others, who may not be able to attend evening meetings, to run for council?

Currently, council members are required to attend council meetings in person. Enabling members to attend meetings electronically may also provide the flexibility that is needed to encourage a wider range of people to nominate for council. However, this should also be considered in the context of additional matters, including:

- Challenges that can arise when a meeting is held with some members in the room, and some are on screen, which can make meeting discussion and management difficult.
- The need to ensure that important integrity matters are properly managed, such as members not participating where they have a conflict of interest in a matter or ensuring that sensitive matters are discussed in confidence.
- Providing an assurance to communities that their council members are physically present in their local area, for at least a good proportion of time. If members are able to attend meetings electronically, there may be no guarantee that they are in the local area at any time.

Should council members be able to attend some council meetings electronically?

More local promotion

Local government invests in raising the profile of councils and council elections shortly before elections to increase awareness of and interest in, nominating for elections.

Close to each council election, the Local Government Association of South Australia (LGA) runs a campaign on the sector's behalf to generate awareness of the upcoming elections, and to encourage interest in standing.

This approach has the benefit of providing a statewide, funded campaign, but may also mean that promotion on a local level doesn't necessarily reflect what is going on in each council area, or the local issues. It may also mean that people don't draw a strong connection between a wider, consistent campaign and their own local area and council.

Are there other efforts that councils could make to increase interest in standing over a council term, for example, by working with ratepayer or other community organisations?

Would councils get a better local result if they make greater investments in local promotion and initiatives, particularly ahead of election periods?

Term limits for council members

Council members have no limit to the terms that they can serve on council—it's not unusual for council members to serve for 20, 30, or even 40 years. While this commitment is commended, limiting council members to a maximum of two or three terms may 'open up' vacancies to a wider range of candidates, who may otherwise be dissuaded by having to run against a long-established incumbent member. Limiting council members to a maximum of two or three terms may also allow for fresh ideas and perspectives to be brought in by new candidates.

Should term limits for council members be introduced?

Required training for candidates

A question that is increasingly being asked is whether people considering nominating for council should be required to undertake some kind of formal or informal training, such as a short online course, before they nominate.

This might ensure that potential candidates better understand a council member's role before they put the time and energy into running, and also maximise the chances of a person being really committed before they stand and are potentially elected. It may also reassure people considering standing that if they are elected, they will be joining a group of people who all have sufficient commitment to the role to complete this training.

However, requiring some form of training might also put people, who would potentially make great elected members, off standing. Should people be required to complete an online course before nominating?

What forms of training could both benefit candidates and generate more community confidence in the people that are standing for election?

Consider real-time publishing of nominations

Historically, candidates have deposited their nomination with the council, who would forward it to the Electoral Commission of South Australia (ECSA) for lodgement. Councils were then required to display names of people who had successfully nominated for election on the noticeboard in their principal office once notified by ECSA.

Following requests from councils, changes were made ahead of the 2022 periodic council elections that removed councils' role in displaying candidate details in council offices.

ECSA then managed the nominations as it does for State elections by receiving and publishing all of them online at the close of nominations—this is also the case for federal elections, as managed by the Australian Electoral Commissioner. This harmonised the nomination process for all three spheres of government, and also responded to concerns that some candidates were 'ward shopping', that is, withdrawing their nomination for a contested election to re-nominate for another, uncontested ward after reviewing nominations displayed at the council.

However, some councils reported that not publishing nominations at council offices meant that potential candidates did not know that not enough nominations had been received to fill all council positions, and—if local people had known that only two or three people, or no-one had nominated—they otherwise may have put their hand up to stand.

There is also a view, though, that the publication of these details encourages people to stand for reasons that may not be considered the best reasons—for example, because they know that they will not have to run in a contested election—rather than simply because they wish to contribute to improving their local community.

Should councils have a role in the nomination process?

If ECSA continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end? If so, how should these be published?

Remove council wards

Thirty of South Australia's 68 councils have a ward structure, where a council is divided into smaller areas for the purposes of elections.

Traditionally, maintaining a ward structure has been regarded as a way to bolster representation from all parts of a council's whole area, rather than just its major population centres—although it should be remembered that all wards are required to have equivalent elector and member ratios to ensure the 'one vote, one value' principle.

Once a member has been elected from a ward, though, they have a clear obligation to make decisions in the interests of the whole council area, not just their ward. It can be difficult for members to be able to do this, as they will respond to the concerns and views of the constituency that elected them—the electors of their ward—even if this may not be consistent with the interests of the council as a whole.

Wards can also determine—and to a degree, restrict—who can stand, as they essentially require candidates to form a constituency from within a limited geographic area, rather than across a whole council area.

For example, one candidate may wish to stand on a platform of advocating for additional services for parents, and while they may not have a sufficient constituency within their local ward to support their views, they may well do so across the whole council. Yet the requirement to standing for a ward also restricts them to forming a like-minded community within that small area.

Removing wards from councils could ‘open up’ opportunities for a much wider, more diverse group of candidates, by giving them much more flexible options to find their own community of potential voters.

Many councils, particularly regional councils, have already removed wards as some wards were heavily contested, and others not at all. Occasionally, where wards had fewer nominations than positions, this resulted in the need for a supplementary election. It could also be possible for wards to be removed from a council if elections for all, or some wards, are not contested.

However, especially in larger councils, wards can provide a way for the council’s population to maintain a closer level of connection to their council member. An alternative approach to removing wards for all councils may therefore be to set a ‘size threshold’ for councils to retain wards. This threshold could be the size of the council’s roll, or the ratio of council members to voters.

Should councils continue to have wards? If so, why? And if not, what would be the benefits of removing them?

Should wards only be kept in councils where a council’s size warrants their retention?

Lack of nominations trigger for boundary reform

A council’s existence as a local government is predicated on having a locally elected body. Smaller councils often point towards the support for their local elections as evidence that amalgamation, or other boundary change is not necessary or desirable to help the council deliver the services that their community expects. However, this is hard to argue when not enough people stand to fill all council positions at election time.

Increasing the size of a council’s area, or making other structural changes, may support a greater number of more diverse candidates to stand for that council, giving its citizens greater choice and a stronger local representative body.

Should potential boundary changes be referred to the South Australian Boundaries Commission when a council receives significantly fewer nominations than it has vacancies?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

Topic 3: How can we achieve a better voter turnout?

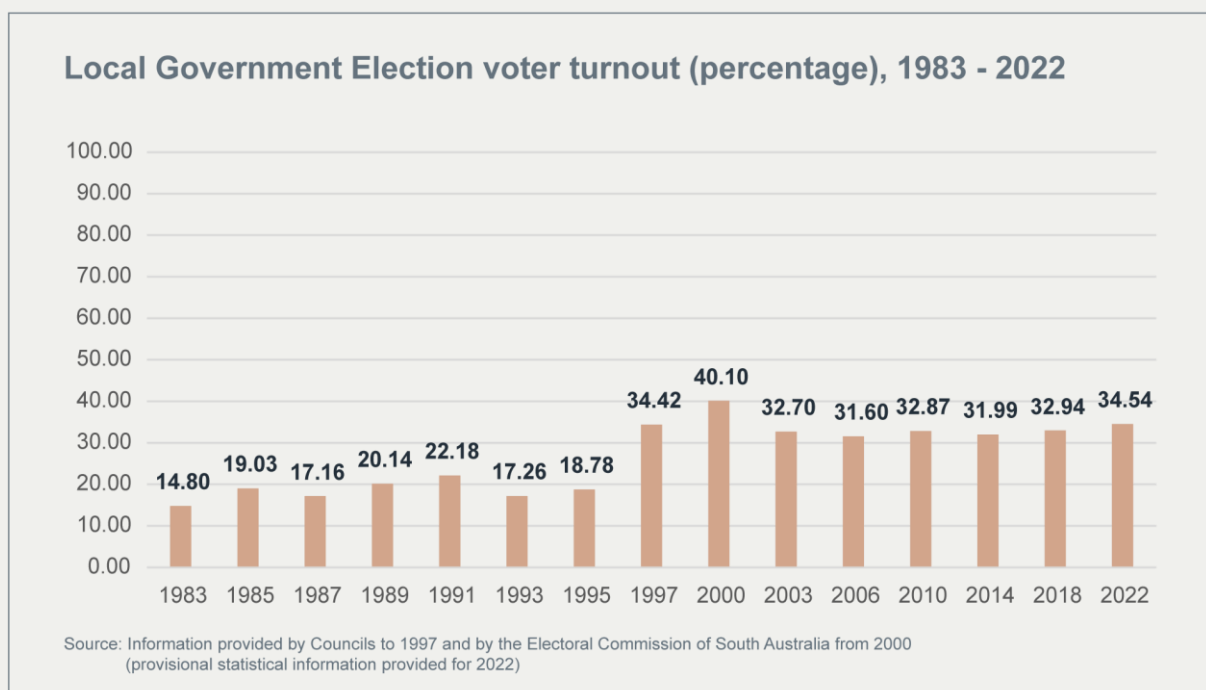
One of the unique factors about local government in South Australia is the way in which people vote for their council. Unlike federal and state elections, where voting is compulsory and in person, voting for councils is voluntary and done through the postal system.

Many people are not aware that postal voting was introduced in 1997. Before this, voting was done in person, but voter turnout rarely exceeded 20%. Over the six elections since the turn of the century, voter turnout has remained consistently low. This held true for the most recent periodic council elections held in November 2022, when the voter turnout was 34.5%.

This means that around two-thirds of people who could vote for their local council representatives are choosing not to vote.

Democratically elected councils are the foundation of local government. Yet citizens are not exercising their right to choose who will represent them, make the decisions about how to spend their rates, and determine what services their local area should receive.

Some ideas to improve voter turnout are detailed below.



Make voting for councils compulsory

Over time, most other Australian jurisdictions have made voting in council elections compulsory. South Australia is now one of only two states that have maintained voluntary voting in council elections, along with Western Australia.

Tasmania is the most recent state to make this change, following concerns that voluntary voting had dipped to 68%. Following the introduction of compulsory voting, this increased to 84.8%, with the increase in participation higher amongst electors aged under 34 years, whose participation rates in past elections was below 46%.

Making voting for your council compulsory would be the most certain way to increase voter turnout. It would also remove a significant difference between council elections and both the Australian Government and South Australian Government elections.

Is there any particular reason why councils do not warrant compulsory voting, when the two other spheres of Australian governments do?

Should voting for councils be compulsory in South Australian council elections?

How do people vote for their council in other Australian jurisdictions?

Queensland—voting for councils is compulsory in Queensland. Voting is by attendance, but councils can apply to the Minister to request postal voting to apply for all or part of their area. For the March 2024 Queensland council elections, the Minister approved full postal elections for 15 councils. Hybrid elections (a mix of attendance and postal voting) were approved for a further two councils.

Victoria—in Victoria, it is compulsory for residents in a council area who are enrolled for state elections to vote in council elections. However, voting it is not compulsory for other voters, including property-owning ratepayers, except in Melbourne City Council. The Victorian Minister for Local Government decides before an election whether council elections will be held by postal vote or attendance vote.

Tasmania—as with Victoria, voting at council elections is compulsory for voters on the state roll in Tasmania, but not for other voters. Postal voting is the voting method.

New South Wales—in NSW, voting is compulsory for electors on the residential roll, but not for other voters. Voting is by attendance.

Western Australia—voting for councils is not compulsory in Western Australia. Most voting is through the postal system—while attendance voting is also available to electors, it is not primarily used. Eight out of 139 local government areas run in-person elections.

States that have attendance voting for councils (Victoria, NSW and Queensland) allow voters to cast a 'pre-poll' vote at a polling centre before polling day, or apply for a postal vote, if they cannot attend a polling place on election day. Additionally, some states—including South Australia—offer telephone voting to assist vision-impaired voters, and/or voters who are overseas or interstate and may not otherwise be able to return a vote in time.

Change the method of voting

Voting for Australian councils is done by postal or attendance voting, or a hybrid of the two. In a postal voting system, electors are sent their ballot papers in the post. They fill them out and then return via post, or by depositing the envelope in a ballot box at their local council. Attendance voting requires electors to ‘attend a polling place’ in person, where their enrolment details are checked, and they then vote—as is the case for state and federal elections.

Hypothetically, it should be easy for voters to open the envelope that is sent directly to them, read the candidate profiles, decide who they want to vote for, mark the ballot paper, sign the declaration, and return the vote in the post. However, the stubbornly low rate of people who do this indicates that in our busy lives, it can become one more administrative task to do—and easy to put to one side.

Given this, it may be worth re-visiting the question of whether voting for councils should be through the post, or return to attendance (in person) voting, particularly given the increase in pre-polling and postal voting in recent state and federal elections.

But it must also be acknowledged that voter turnout in a postal voting system for local government has always been higher than it was for in person voting. As noted, the change from attendance to postal voting in 1997 saw a bump in voter turnout, however, this turnout then dropped and has consistently stayed at around 32–34% since.

How should people vote for their councils?

Consider who can vote for their council

People who can vote for their council are:

- Residents in a council area who are enrolled for state elections. These people automatically receive ballot papers in the post.
- Persons, business lessees, business owners, bodies corporate or groups that are ratepayers, or occupy a rateable property, within the council area (often referred to as the ‘property franchise’). Those falling under this category, who wish to vote in council elections, must self-enrol for each council election by completing an enrolment form (except in the City of Adelaide, where they are automatically enrolled).

Voters exercising their property franchise do not need to live in the area of the election they are voting in, and do not need to be Australian citizens.

Additionally, residents within a council area who are not Australian citizens may also self-enrol to vote for their council, if they have been a resident in the area for at least one month immediately before the date they apply to vote. This reflects the general tenor of council elections—that local people who use local services should have a say in the local decision-making body that determines them. However, some people argue that this is not appropriate, or that a longer period of residency should be required before non-Australian citizens can enrol to vote.

While one month's residency may not sound like a long time, non-citizens choosing to vote for their council will have been living in their area for a longer period. For the 2022 council elections, the final date to enrol to vote was 29 July 2022. This means that a person would have needed to have resided in a council area for at least the period from 29 June 2022 to the point at which ballot papers were posted out at the end of October 2022—approximately four months in total.

Should the franchise for council elections be changed in any way?

Online voting

Often people ask why they can't vote online for their council, particularly now that so many transactions—including government processes—are conducted online.

However, Australia is not yet in a position to introduce any large-scale system of online voting without seriously compromising the integrity of our elections. There is a very serious risk that personal computers, as well as servers, storing and counting votes could be hacked.

Any move to online voting must consider a number of factors:

- **Security**—can the system be made secure from tampering?
- **Operational**—can the system be securely and effectively administered by electoral officials?
- **Authenticity**—how does the system know that the person voting is who they say they are? Can votes be verified and scrutinised? How does the system guarantee the secrecy of a person's vote, and that it was cast without undue pressure?
- **Perception**—is the system robust enough to assure all citizens that the election is secure, and the results can be trusted?

These challenges explain why there are very few examples of fully online voting around the world.

NSW is the only jurisdiction in Australia where online voting has been permitted. The remote voting system iVote has been used in a limited capacity for state elections since 2011, and more recently in council elections. However, in March 2022, the NSW Supreme Court ruled that three council elections held in December 2021 were invalid due to an error with the iVote system.

Additionally, in these elections, the iVote system suffered outages—the NSW Electoral Commission estimated that more than 10,000 people could not cast a vote. iVote was then not used for the 2023 NSW State elections.

Change the timing of council elections

Currently, council elections are held in November of the same year as State government elections. This can mean that three elections—state, federal and local—could be all held in the same year—as was the case in 2022. Many people argue that this generates 'voter fatigue'—that by the time council elections roll around, people struggle to have interest in and enthusiasm for another election.

Many will argue that giving council elections ‘clear air’, well separated from South Australian Government elections, gives local government the opportunity to gain the attention that it deserves as an independent sphere of government. Others argue that a close alignment between local and state elections means that councils and the South Australian Government have the majority of their respective four-year terms to build close working relationships.

Additionally, both councils and the Electoral Commissioner have also expressed concerns that requiring ECSA to hold South Australian Government and council elections in the same year places a huge burden on ECSA, which, while it has enormous experience in running multiple processes at once, cannot really turn its whole attention to council elections until all aspects of a state election are completed. This may not be the best result for councils.

Should council elections be moved to a different year from South Australian Government elections?

Election promotion

As described in Topic 2, the LGA undertakes promotion before council elections to encourage people to stand for election. Councils also provide funding to the Electoral Commissioner to run a promotional campaign to let people know the election is underway, and to encourage people to vote.

While this approach results in a centrally funded and organised election promotion campaign, as is the case with encouraging nominations, it doesn’t necessarily link the elections to a local area in a way that might prompt voters to consider voting for their council members.

Should councils have a stronger role in promoting elections locally to increase voter turnout?

Removing wards

Topic 2 includes discussion on the reasons that councils have wards, and the impact that wards may have on nominations for council elections.

It is also noted that removing wards would provide voters with a greater choice of candidates to choose from and may therefore encourage more people to vote. Where wards are in place, voters only have the opportunity to consider and vote for a relatively small number of candidates for a small number of places. This can be particularly noticeable where voters in some wards do not get to vote at all, as there is the same number of candidates as positions, but other wards in the same council area are heavily contested.

Varying voter participation rates across different wards in the same council can also give rise to inconsistencies in the number of votes that are needed for a candidate to win a position at that council. For example, in the 2022 periodic elections, a candidate in one council ward was elected with 722 votes, while other candidates in different wards for that council did not get elected, despite receiving between 786 to 998 votes.

Would removing wards provide voters with greater choice, and produce fairer results?

Consider candidate information

Currently, information about all candidates is included in the ballot pack distributed to voters. This includes the 'candidate profile' that is prepared by each candidate, along with information on any political party membership, and a 'tick the box' statement of whether the candidate lives in the area being contested.

This information is crucial in helping voters decide who they will vote for, particularly in larger council areas where it may be more difficult to know your candidates personally. But it can also be difficult for voters to work out who to vote for based on the brief candidate profile that is included in a ballot pack. If voters want more information about people running for their council, then they must generally make their own efforts to find it, by searching social media, or contacting councils directly.

There may be a role for councils to play in providing a platform for candidates to use to make themselves known to voters, and for voters to gain a better understanding of their choices. This may be through online 'town hall' or 'question and answer' sessions. Council administrations may have concerns, however, that this may be inappropriate involvement in an election for a body that must be, and must be seen to be, impartial.

Some feedback received after the 2022 periodic council elections was that the newly introduced requirement for members to include information on political party membership was helpful to voters, but also that additional information—including a National Police Check—may help people to know more about the candidates, and therefore encourage them to return their vote. This raises a question, however, as to whether requiring what can be sensitive information may dissuade people who may make good council members from standing. Is it fair for someone who has 'served their time' to have to release this information?

What information should candidates be required to include with their nominations?

Is there a role for councils to play in enabling all candidates to reach potential voters?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

Topic 4: Election improvements

As the foundation of our local democracy, it is essential that council elections are run as efficiently as possible and with the greatest level of integrity. This review is therefore an opportunity to consider any needed improvements to our system of council elections, particularly considering that a number of changes were introduced before the 2022 periodic council elections.

After each periodic council election, the Electoral Commissioner undertakes a review of the elections. The Electoral Commissioner has advised that he will provide a report of his review of the 2022 periodic council elections to the Minister towards the end of the 2023 calendar year. Any recommendations that the Electoral Commissioner makes will be considered for inclusion in this review.

In summary, therefore, this review will look at the following:

- Any modifications that may be needed following changes introduced in 2022. In particular, the obligations for council election candidates to provide their campaign donations returns directly to ECSA, and the automatic loss of council office for failure to do so will be considered, given the significant issue this caused in early 2023, when special legislation needed to be passed to restore 45 council members to office who had lost their positions for this reason.
- Any matters raised by the Court of Disputed Returns, or other illegal practices found by the Electoral Commissioner, which may require legislative amendment to protect the integrity of council election processes.
- Any other matters raised, or improvements identified by the Electoral Commissioner in his review of the 2022 periodic council elections.

Do you have any ideas to improve council elections?

Attachment B

2023 Local Government Participation and Elections Review

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City of
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Proposed Community Engagement Charter (CEC)

(as submitted to the Minister)

November 2021



This document sets out the LGA proposed Community Engagement Charter (CEC) as submitted to the Minister for Local Government in November 2021.

The Minister retains the discretion to determine the content of, and publish, the CEC in accordance with the requirements of section 50(1) of the Local Government Act 1999.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

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Introduction

The *Local Government Act 1999* (the Act) recognises that it is not always appropriate for legislation to mandate that all community engagement should be conducted in the same manner for all decisions in every region of South Australia. The Act encourages councils to take a more fit-for-purpose approach to engagement, taking into account the particular matter under consideration, the type and needs of the local community and the advantages of new technology.

The Principles of the Act

Section 50 of the *Local Government Act 1999* sets out the principles underpinning this Charter as follows:

1. 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;
2. information about issues should be in plain language, readily accessible and in a form that facilitates community participation;
3. participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils;
4. participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes;
5. insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for actions and decisions of councils.

These principles are consistent with principles adopted by individual councils over many years. They are informed by the International Association for Public Participation (IAP2) Core Values.

Purpose of the Community Engagement Charter

The views of the community are essential in helping to inform council decision-making processes.

This Community Engagement Charter (the Charter) relates to:

- community consultation and participation with respect to any decision, activity or process where compliance with the Charter is required by the Act; and
- any other circumstance where compliance with the Charter is required by the Act.

The Charter provides members of the community with the information they need to understand how councils approach decisions and an understanding of how they can effectively engage in local government matters and inform decision-making by councils.

The Charter includes the following components:

- categories of statutory process;
- mandatory requirements for all councils;
- adoption of community engagement policy;

- measuring performance; and
- giving of public notice.

Nothing in this Charter should be taken to limit a council's ability to undertake other forms of community consultation or engagement, including other engagement methods, in respect of any decision, activity or process. Furthermore, a council, chief executive officer or delegate is not obliged to consider whether to undertake such other consultation or engagement before making the relevant decision or undertaking the relevant activity or process.

Categories of Statutory Processes

The Act provides the Charter may establish categories of statutory processes to which various parts of the Charter will apply.

The following categories are established:

Category A Statutory Processes	Category B Statutory Processes
<ul style="list-style-type: none"> • Section 12 – Composition and wards • Section 13 – Status of a council or change of various names • Section 50A – Public consultation policies • Section 92 – Access to meetings and documents – code of practice • Section 122 – Strategic management plans • Section 123 – Annual business plan and budget • Section 151 – Basis of rating • Section 156 – Basis of differential rates 	<ul style="list-style-type: none"> • All other decisions, activities and processes where a council is required by the Act to undertake public consultation

Mandatory Requirements for all Councils

The Act provides the Charter may, in relation to each category of statutory processes established by the Charter, specify mandatory requirements.

Category A Statutory Processes

The mandatory requirements for community consultation and participation in relation to Category A statutory processes are as follows:

Requirement	Specified Means
1. Give notice of the proposed decision, activity or process by at least one of the specified means	<ul style="list-style-type: none"> • Notice in a newspaper or other publication circulating in the area of the council • Notice on a website determined by the council or chief executive officer • Notice on a social media platform maintained by the council • Notice published in the Gazette
2. Invite interested persons to make submissions by way of at least one of the specified means	<ul style="list-style-type: none"> • Written submission within at least 21 days of the giving of notice • Completion of a survey or questionnaire within at least 21 days of the giving of notice • Provision of an online response via social media within at least 21 days of the giving of notice • Attendance in person, by representative or via electronic means at a council meeting or public meeting held at least 21 days after the giving of notice • Attendance in person, by representative or via electronic means at a workshop, focus group or interview held at least 21 days after the giving of notice
3. Give consideration to any submissions made in response to an invitation by specified means, as appropriate	<ul style="list-style-type: none"> • Report presented to a council meeting for consideration by council members • Submissions considered by the person or body with delegated authority to make the proposed decision or undertake the proposed activity or process (if delegable)
4. Insofar as is reasonably practicable, provide information about how community views were taken into account and reasons for decisions or actions of councils by way of at least one of the specified means.	<ul style="list-style-type: none"> • Report presented to a council meeting for consideration by council members • Information published on a website determined by the council or chief executive officer • Outcome of decision communicated to persons who made submissions (where an email or physical address was provided). • Outcome of decision communicated to person(s) affected by the decision (where contact details provided).

There is no obligation on a council to utilise more than one of the specified means in respect of each requirement.

A determination about which specified means will be utilised for each requirement may be made by:

- the council;
- the chief executive officer; or
- a delegate with power to make the relevant decision or undertake the relevant activity or process.

Category B Statutory Processes

The mandatory requirements for community consultation and participation in relation to Category B statutory processes are as follows:

Requirement
Comply with the council's community engagement policy adopted under section 50A of the Act.

Adoption of Community Engagement Policy

Section 50A of the Act requires a council to prepare and adopt a policy relating to community engagement for the purposes of the Act. A council must undertake public consultation in the preparation of its community engagement policy.

Information about a council's community engagement policy, and how the community can have input into the policy, must be accessible on a council's website.

A community engagement policy adopted by a council must provide for the undertaking of community engagement in respect of Category B statutory processes.

A community engagement policy adopted by a council may provide for:

- the undertaking of additional community engagement in respect of a Category A statutory process;
- the undertaking of community engagement in respect of a decision, activity or process that is neither a Category A nor a Category B statutory process.

The following principles and performance outcomes must be considered when a council adopts or alters a community engagement policy or substitutes a new policy.

The principles are a reference point for good engagement. If councils have regard to the principles of engagement in the preparation a community engagement policy, then the public can have confidence that the community engagement conducted pursuant to that policy will be appropriate and effective.

It is acknowledged that a council may not necessarily be able to accommodate all views in a final outcome of a consultation process. However, engagement should facilitate a wide spectrum of views to be captured and reported. Feedback gained during community engagement is one of many factors that will be considered by the decision maker.

Principle	Performance Outcome
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.	Information about decisions and how to access and contribute to the decision-making process is available and facilitates participation by affected and interested people.
Information about issues should be in plain language, readily accessible and in a form that facilitates community participation.	Information is made available using communication methods that reach the affected stakeholders, who can access it and understand how the matter would affect them.
Participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.	The engagement method(s) enable the participation of the community in deliberation on council decisions.
Participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.	The engagement method(s) meet objectives specific to the engagement process.
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.	Where relevant, people understand how their views are considered, the reasons for the outcomes and the final decision that was made.

Measuring Performance

Community engagement is undertaken to achieve better outcomes, decisions, projects and policies.

Establishing engagement objectives, and then measuring progress, helps to gauge how successful the engagement process has been. Evaluation can build transparency and accountability. It can contribute to the evidence base, identify good engagement practice and improve future practice.

Examples of how councils may measure engagement processes:

- number of formats used to distribute information;
- number of views and downloads on a website;
- number of registrations for engagement activities;
- numbers of participation/interactions in engagement activities;
- number of comment forms or questions submitted;
- number of methods used to allow for dialogue and deliberation;
- number of objectives set for the decision-making process that were met;
- levels of satisfaction with the decision-making process.

Giving Public Notice

The Act states that the Charter may provide for the giving of public notice under the Act.

Where the Act requires public notice to be given, public notice may be given for a specified matter by a notice:

- published on a website determined by the council chief executive officer; and
- available for inspection upon request at the principal office of the council.

The specified matters are as follows:

Section 93(2) – Meeting of electors
Section 184(4) – Sale of land for non-payment of rates
Section 197(3) – Adoption of management plan
Section 198(4) – Amendment or revocation of management plan
Section 219(7) – Adoption or altering of a policy relating to assigning or changing a name of a road or public place
Section 237(4) – Notification of removal of vehicle where the owner is unknown or cannot be found
Section 234A(6a) – Prohibition of traffic or closure of streets or roads

Further Information

The LGA Community Engagement Guide provides additional information and support resources that supplements this Charter.

If you would like more information about your council's approach to engagement or to learn about how you can be more involved, the starting place is your local council's website. If you do not have access to the internet, council staff will be able to assist.

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Attachment C

2023 Local Government Participation and Elections Review

City of Norwood Payneham & St Peters
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City of
**Norwood
Payneham
& St Peters**



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TOPIC 1 HOW PEOPLE ENGAGE WITH THEIR COUNCIL

(Pages 7-10 – Local Government Participation and Elections Review Discussion Paper).

PARTICIPATION REVIEW DISCUSSION PAPER

Comments

IDEAS AND QUESTIONS:

1.1—Community Engagement Charter

What requirements should be set for Councils' community engagement for what decisions?

The Council has previously advised of its support for the LGA's proposed Community Engagement Charter. However, it is important to ensure that the proposed Charter does not become more prescriptive to ensure Councils can tailor their community engagement processes as required.

What should be included in the Charter and what should be left for Councils' own community engagement policies?

The Charter should include the statutory requirements and the associated minimum requirements in respect to these matters. The Council's Community Engagement Policies should provide a range of options for engagement relevant to the specific nature of the matter and should be based upon the *International Association for Public Participation's Public Participation Spectrum*.

Should Councils have the capacity to determine how they will engage with their communities, or should the Charter be more directive in its approach?

The Council supports a contemporary approach that sets minimum notification and consultation standards and is of the view that Councils should retain the flexibility to determine how they will engage with their communities.

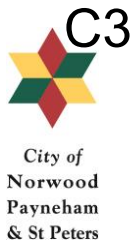
What other ideas do you have for Councils' community engagement?

Deliberately left blank.

What are the types of information you would like to see Councils include when they engage with you?

Deliberately left blank.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 1.2—Council Meetings	Comments
Should Councils be required to livestream their meetings, and make recordings available?	No. This should be at the discretion of individual Councils. Additional resources are required to livestream Council Meetings and in this Council's experience very few citizens accessed the Council Meetings which were livestreamed during COVID. Issues were also experienced at times due to the internet.
All metropolitan Councils hold their Council Meetings during the evenings, but Councils in regional areas often hold their meetings during business hours. Should Councils be required to hold their meetings at a particular time to maximise community participation?	No. This should be at the discretion of individual Councils.
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 1.3—Support Council Members to engage with communities	Comments
How should Council Members be supported to engage directly with their communities?	Elected Members of this Council currently engage with their local communities in a number of ways and staff are available at all times to assist them as required.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER

Comments

IDEAS AND QUESTIONS:

1.3—Support Council Members to engage with communities

Should all Council Members be provided with a specific allowance to support constituent work, similar to the allowance that is provided to all Members of Parliament?

The current Elected Member Allowance is adequate to support the work of Elected Members.

What other ideas do you have to strengthen the relationship between Council Members and their local community members?

Deliberately left blank.

Local Government Participation and Elections Review
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TOPIC 2 HOW CAN WE ENCOURAGE A GREATER NUMBER OF MORE DIVERSE CANDIDATES?
 (pages 11-16 – Local Government Participation and Elections Review Discussion Paper).

PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
2.1—Increase Council Members’ allowances

Comments

Would more, and a more diverse range of, people be attracted to the role if allowances were increased?

Increasing the Elected Member Allowance will not ensure an increase in candidates. Citizens who are passionate about and genuinely committed to making a positive difference to their community are not attracted to the role on the basis of the Allowance. Increasing the Allowance could simply attract people who are not suited to the role and/or people who nominate purely for financial gain rather than for the benefit of their community.

In addition, any increase to the Allowance also places a burden on those Councils with limited financial resources.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
2.2—Make Council Meetings more flexible

Comments

Are there elements of Council business that might put people off nominating? (for example, if a Council meets during business hours, does that prevent people from standing for Council if they are in the workforce or have family or other responsibilities? Or does it enable others, who may not be able to attend evening meetings, to run for Council?)

The commitment to the position in terms of the time required to fulfill the role could be a deterrent for potential candidates.

Should Council Members be able to attend some Council Meetings electronically?

This Council does not support attendance at Council Meetings electronically. However, this should be at the discretion of individual Councils.

Having said that, for those Councils who chose to allow Council Members to attend some Council Meetings electronically, robust governance systems would be required to be in place and Elected Members would need to provide assurance to abide by those systems.

Whilst this is certainly achievable, as stated previously the value of Elected Members meeting face-to-face and interacting with each other and staff prior to, during and after Council Meetings cannot be underestimated.

These interactions are crucial in terms of working together and building positive relationships.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER

Comments

IDEAS AND QUESTIONS:

2.3—More local promotion of nominating for elections

Are there other efforts that Councils could make to increase interest in standing over a Council term, e.g., by working with ratepayer or other community organisations?

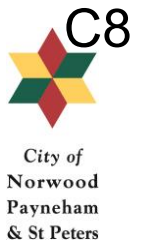
The Local Government Elections, roles of Councils and the benefits of being an Elected Member have been promoted extensively by the Local Government Association of South Australia and the Electoral Commission of South Australia for at least the last 2 Local Government Elections. These campaigns have been extensive with consistent messaging for the community. It is appropriate that these campaigns are conducted at a state wide level as opposed to by individual Councils to ensure consistency in the messaging and brand recognition.

The timing of campaigns which promote the role of Local Government and the benefits of being an Elected Member could be undertaken more in the lead up to each election.

Would Councils get a better local result if they make greater investments in local promotion and initiatives, particularly ahead of election periods?

As per above.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
2.4—Term limits for Council Members

Comments

Should term limits for Council Members be introduced?

No. It is up to individual Elected Members to determine their capacity to continue in the role and ultimately the community will determine if an Elected Member is re-elected.

New Elected Members bring “fresh” eyes and new ideas to the Council and long-serving Elected Members have experience and knowledge which contributes to stronger connections and understanding of the community.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
2.5—Required training for candidates

Comments

Should people be required to complete an online course before nominating?

Candidates should be required to attend mandatory training prior to nominating – similar to the mandatory training for Council Members once elected.

It should also be mandatory for Candidates to attend Council Candidate Briefing sessions at the Council that they intend to nominate for to ensure they are aware of that Council's particular operational requirements (ie times of Council Meetings, how information is provided to them, meeting places, strategic documents, Organisational structure, etc)

New Candidates should also be required to attend a Council Meeting/s prior to nominating.

Consideration should also be given to establishing a time frame in which the training is mandatory for those Elected Members who have previously served on Council (ie if the person served as an Elected Member two (2) terms ago then the training should be mandatory as a number of legislative changes could have occurred during that time).

What forms of training could both benefit candidates and generate more community confidence in the people that are standing for election?

Training should be offered in different forms to ensure that the training is accessible to all.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.6—Consider real time publishing of nominations	Comments
Should Councils have a role in the nomination process?	No. The Council supports the current provisions in respect to the nomination process (ECSA managing this process), with the exception of the publication of the Nomination Forms – see below.
If ECSA continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end? If so, how should these be published?	Whilst the role ECSA played in the nomination process is supported, it was disappointing that the Council was not provided with a copy of the nominations which were received as part of the 2022 Election so that the Council could continue to place the nominations in hard copy at the Council's Principal Office. A number of citizens take the opportunity to view the information regarding Candidates in this manner and this information should be accessible to all members of the community.
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 2.7—Removal of Council Wards	Comments
Should Councils continue to have wards? If so, why? If not, what would be the benefits of removing them?	It should be at the discretion of individual Councils and their communities as to how their Local Government area is structured. This is currently undertaken as part of a Council's Representation Review. The removal of Wards may be a further deterrent for a citizen to nominate for Council as the area in which they have to campaign would increase significantly.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER

Comments

IDEAS AND QUESTIONS:

2.7—Removal of Council Wards

Should wards only be kept in Councils where a size warrants their retention?

As per above. In addition, the removal of wards could result in a greater workload for Elected Members in terms of building relationships with local residents and their knowledge of the wider Council area.

PARTICIPATION REVIEW DISCUSSION PAPER

Comments

IDEAS AND QUESTIONS:

2.8—Lack of nominations trigger for boundary reform

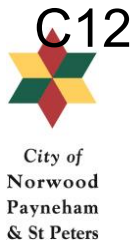
Should a lack of nominations be a trigger for boundary reform?

No.

Investigations should be undertaken to determine a suitable process to respond to a lack of nominations in these situations. For example, there could be a mechanism in place for a Council to seek assistance from the Minister for Local Government and/or the LGA and a provision which allows a Council to seek an exemption under strict criteria to not fill the position.

There could be merit in investigating the potential for a Council to have a range in terms of a minimum and maximum number of Elected Members based on population (similar to the Allowances), and if the minimum number of Elected Members is achieved though the election process, and the Council determines it operate with the number of Elected Members (provided the number is within the prescribed minimum and maximum range), supplementary elections would not be required.

Local Government Participation and Elections Review
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TOPIC 3 HOW CAN WE ACHIEVE A BETTER VOTER TURNOUT?
 (pages 17-22 – Local Government Participation and Elections Review Discussion Paper).

PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
3.1—Make voting for Councils compulsory

Comments

Is there any particular reason why Councils do not warrant compulsory voting, when the two other spheres of Australian Governments do?

The issue of compulsory voting for Local Government Elections has been raised on numerous occasions over the last few years. Since 2007, this Council has provided feedback as part of a number of reviews in respect to the issue of introducing compulsory voting for Local Government Elections.

The Council's position is that the Council does not support the introduction of compulsory voting for Local Government Elections.

This position is based on the view that compulsory voting (whether in Federal, State or Local Governments) can really be defined as "compulsory attendance" rather than compulsory voting.

In addition, the costs associated with compulsory voting would potentially be more (ie more ballot papers returned = more postage costs, increased costs associated with the counting of ballot papers, etc).

The most effective means to increase voter turnout is to engage with the community and communicate the importance of "having a say".

Should voting for Councils be compulsory in South Australian Council elections?

As per above.

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
3.2—Change the method of voting

Comments

How should people vote for their Councils?

The introduction of postal voting has increased the level of Voter turnout albeit marginally and not to the extent originally envisaged, however there is no evidence to suggest that a return to attendance voting will increase Voter Turnout.

History will show that most citizens tend to vote based on issues that are current at the time.

The Council does not support electronic voting systems as there is a risk of system failures, issues associated with the verification of votes and potential fraud which could jeopardise an entire election.

PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
3.3—Consider who can vote for their council

Comments

Should the franchise for Council Elections be changed in any way?

The Property Franchise entitlement to vote provisions should be reinstated.

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PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
3.4—Change the timing of Council elections

Comments

Should Council elections be moved to a different year from South Australian Government elections?

Council elections should not be held in the same year as State Government elections.

PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
3.5—Election promotion

Comments

Should Councils have a stronger role in promoting elections locally to increase voter turnout?

Please refer to Question 2.3

Local Government Participation and Elections Review
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PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.6—Removing Wards	Comments
Would removing wards provide voters with greater choice, and produce fairer results?	The Council does not support the removal of Wards as the mandated structure of a Councils. The value of Wards is that they provide for “personal” recognition of and representation by the local Elected Member. The capacity of an Elected Member to represent the community should be based on the knowledge, skills and commitment to the role and local knowledge of and the ability to relate to the local community is a highly regarded and important quality in an Elected Member. Please refer to Question 2.7
PARTICIPATION REVIEW DISCUSSION PAPER IDEAS AND QUESTIONS: 3.7—Consider Candidate Information	Comments
What information should Candidates be required to include with their nominations?	Candidates should be required to include their work history, the number of terms they have served on Council as well as current and previous Board roles and any associations they may have. The current word limit for Candidate Profiles is too limited and increasing the limit from 150 words to 250 would enable Candidates to provide this additional information.
Is there a role for Councils to play in enabling all candidates to reach potential voters?	In terms of equity and impartiality the Council’s role should be very limited in this respect. As stated previously, the Candidate Nomination forms should be provided to Councils in hard copy for placing on noticeboards and Councils could then promote the availability of this information to their community.

Local Government Participation and Elections Review
City of Norwood Payneham & St Peters Submission

TOPIC 4 ELECTION IMPROVEMENTS

(Page 23 – Local Government Participation and Elections Review Discussion Paper).

PARTICIPATION REVIEW DISCUSSION PAPER
IDEAS AND QUESTIONS:
4—Election Improvements

Council comments

Do you have any ideas to improve Council Elections?

- Withdrawal of Candidate after the Close of Nominations

The Council feels strongly that the legislation should be amended to require an election to continue, with remaining Candidates, if any, despite the legitimate withdrawal of one or more candidates after the close of nominations.

- Election Material

There should be more prescriptive processes put in place in terms of electoral material to ensure unauthorised, defamatory and misleading electoral material is minimised.

- Election Signage

The Council does not support the use of Election Signage for elections.

- Campaign Donation Returns

The recent legislative provisions are supported, however an Elected Member who does not complete the Campaign Donation Return by the prescribed date should be suspended until the form is completed rather than lose office.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS
(Of an urgent nature only)

14. CONFIDENTIAL REPORTS

14.1 CITY OF NORWOOD PAYNEHAM & ST PETERS REPRESENTATION REVIEW

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and discussion be kept confidential for a period not exceeding 12 months, after which time the order will be reviewed.

14.2 STAFF RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years, after which time the order will be reviewed.

15. CLOSURE