

Council Meeting Minutes

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.*

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Claire Clutterham
Cr Garry Knoblauch
Cr Hugh Holfeld
Cr Josh Robinson
Cr Kevin Duke
Cr Connie Granzio
Cr Scott Sims
Cr Grant Piggott
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Derek Langman (General Manager, Infrastructure & Major Projects)
Lisa Mara (General Manager, Governance & Civic Affairs)
Natalia Axenova (Chief Financial Officer)
Geoff Parsons (Manager, Development & Regulatory Services)
Simonne Whitlock (Manager, Strategic Communications & Advocacy)
Lucinda Knight (Executive Assistant, Chief Executive's Office)
Marina Fischetti (Executive Assistant, Governance & Civic Affairs)

APOLOGIES Nil

ABSENT Cr Victoria McFarlane

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Christel Mex.

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

Cr Knoblauch moved that the Minutes of the Council meeting held on 22 January 2024 be taken as read and confirmed. Seconded by Cr Robinson and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 22 January	<ul style="list-style-type: none">• Presided over a Council meeting, Council Chamber, Norwood Town Hall.
Tuesday, 23 January	<ul style="list-style-type: none">• Participated in a Zoom meeting with Mr David West, Chair, Mainstreet SA.
Wednesday, 24 January	<ul style="list-style-type: none">• Presided over a meeting of the Chief Executive Officer's Performance Review Committee, Mayor's Office, Norwood Town Hall.
Thursday, 25 January	<ul style="list-style-type: none">• Participated in the Contract Signing Ceremony for the re-development of the Payneham Memorial Swimming Centre, Norwood Town Hall.
Friday, 26 January	<ul style="list-style-type: none">• Presided over the 2024 Australia Day celebrations and Citizenship Ceremony, St Peters Street, St Peters.
Friday, 27 January	<ul style="list-style-type: none">• Attended the 'Movie by the Pool' event, Norwood Swimming Centre, Kensington.
Sunday, 28 January	<ul style="list-style-type: none">• Attended the 'Soft Opening' of Gelato Messina, Kent Town.
Monday, 29 January	<ul style="list-style-type: none">• Attended a meeting with Mr Mick Petrovski, Adviser to Hon Geoff Brock MP, Minister for Local Government, Adelaide.
Monday, 29 January	<ul style="list-style-type: none">• Attended a meeting with Mayor Heather Holmes-Ross (City of Mitcham), Chair, Greater Adelaide Region of Councils (GAROC), Norwood Town Hall.
Tuesday, 30 January	<ul style="list-style-type: none">• Attended an introductory meeting with the Chief Executive Officer and Superintendent Scott Denny (Eastern District, SAPOL), Norwood Town Hall.
Thursday, 1 February	<ul style="list-style-type: none">• Attended a meeting with a resident, Norwood.
Friday, 2 February	<ul style="list-style-type: none">• Attended the Eastern Region Alliance (ERA) Mayor's monthly breakfast, Adelaide.
Saturday, 3 February	<ul style="list-style-type: none">• Officially opened the re-developed Dunstan Adventure Playground, St Peters.
Saturday, 3 February	<ul style="list-style-type: none">• Attended the Adelaide United versus Central Coast Mariners Soccer Match, Coopers Stadium, Hindmarsh.
Monday, 5 February	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance & Civic Affairs and events staff, Mayor's Office, Norwood Town Hall.

- **Australia Day**

Mayor Bria congratulated all recipients of the 2024 Local Australia Day Awards. He also congratulated all new Australian citizens. Mayor Bria thanked Council staff for their work in organising the Australia Day celebration on St Peters Street, St Peters.

- **Dunstan Adventure Playground**

Mayor Bria congratulated all staff involved in the organising of the official opening of the re-developed Dunstan Adventure Playground and Mr Stuart Pope for leading this project on behalf of Council. Mayor Bria also thanked all contractors engaged by the Council for their outstanding work on the project. He said he was pleased with the public attendance at the opening.

5. **DELEGATES COMMUNICATION**
Nil.

6. **QUESTIONS WITHOUT NOTICE**
Nil

7. **QUESTIONS WITH NOTICE**
Nil.

8. **DEPUTATIONS**

8.1 DEPUTATION – PERCIVAL STREET, NORWOOD – PEDESTRIAN WARNING SIGNS

REPORT AUTHOR: Acting Manager, Economic Development & Strategic Projects
GENERAL MANAGER: Acting Chief Executive Officer
CONTACT NUMBER: 8366 4509
FILE REFERENCE: qA1041
ATTACHMENTS: Nil

SPEAKER/S

Mr Nick Nash

ORGANISATION/GROUP REPRESENTED BY SPEAKER/S

Not Applicable.

COMMENTS

Mr Nick Nash has written to the Council requesting that he be permitted to address the Council in relation to pedestrian warning signs in Percival Street, Norwood.

In accordance with the *Local Government (Procedures at Meetings) Regulations 2013*, Mr Nick Nash has been given approval to address the Council.

Mr Nick Nash addressed the Council in relation to this matter.

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.

Cr Mex moved:

- 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.*

Seconded by Cr Duke and carried unanimously.

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.
-

Cr Piggott moved:

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.*

Seconded by Cr Clutterham and carried unanimously.

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.

Cr Piggott moved:

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.*

Seconded by Cr Whittington and carried unanimously.

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 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.
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, its 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 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.
-

Cr Sims left the meeting at 7.33pm.

Short Term Suspension of Meeting Proceedings

At 7.35pm, with approval of two-thirds of the Elected Members present, the Mayor suspended the meeting proceedings pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, for up to 45 minutes to enable informal discussion regarding the *2023 Local Government Participation and Elections Review*.

Cr Sims returned to the meeting at 7.35pm.

Resumption of Proceedings

The meeting resumed at 7.51pm.

Cr Robinson moved:

2.1 - Increase Council Members' Allowances

That the Council is of the view that if Elected Members' allowances were increased, a more diverse range of people may be attracted to the role.

Seconded by Cr Mex and carried.

Cr Robinson left the meeting at 7.57pm.

Cr Robinson returned to the meeting at 7.58pm.

Cr Duke moved:

4 - Election Improvements

1. *That voting in Ward Elections be changed to allow voters to exercise their full democratic vote, so that where two (2) or more Elected Members are required for a Ward, electors get the option of the equivalent number of first voters.*
2. *For a two (2) Member Ward, two (2) first votes are available and it would be optional for the voter to choose the number used and also optional in indicating any other preferential votes.*

Seconded by Cr Knoblauch and lost.

Cr Mex moved:

2.4 - Term Limits for Council Members

That the Council is of the view that individual Councils should have the option to determine if they wish to set term limits for Elected Members.

Seconded by Cr Callisto.

Cr Robinson left the meeting at 8.10pm.
Cr Robinson returned to the meeting at 8.11pm.

Variation

Cr Mex as the mover of the motion, with the consent of Cr Callisto as the seconder, sought leave of the meeting to vary the motion as follows:

2.4 - Term Limits for Council Members

That the Council is of the view that individual Councils should have the option to determine if they wish to set term limits for Elected Members, at the time of representation reviews.

*Mayor Bria put the request for leave to the meeting.
The meeting granted leave and the motion was varied as set out above.*

*The motion (as varied) was put and resulted in a tied vote.
The Mayor used his casting vote to vote against the motion (as varied) and declared the motion Lost.*

Cr Holfeld moved:

3.1 - Make Voting for Councils Compulsory

That the Council supports compulsory voting as it has shown greater voter participation as seen in the majority of other States in Australia.

Seconded by Cr Piggott and lost.

Cr Duke moved:

- 1. That the 2023 Local Government Participation and Elections Submission, as contained within Attachment C to this report and as amended, 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.*

Seconded by Cr Knoblauch and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS
Nil

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.

Cr Clutterham left the meeting at 8.30pm.
Cr Clutterham returned to the meeting at 8.31pm.

Cr Holfeld moved:

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 [Chief Executive Officer; General Manager, Governance & Civic Affairs; General Manager, Urban Planning & Environment; General Manager, Infrastructure & Major Projects; Chief Financial Officer; Manager, Strategic Communications & Advocacy; Executive Assistant, Chief Executive's Office and Executive Assistant, Governance & Civic Affairs], 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.

Seconded by Cr Duke and carried unanimously.

Cr Robinson moved:

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.

Seconded by Cr Callisto and carried unanimously.

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.

Cr Holfeld moved:

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 [General Manager, Governance & Civic Affairs and Executive Assistant, Chief Executive's Office], 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.

Seconded by Cr Callisto and carried unanimously.

Cr Holfeld moved:

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.

Seconded by Cr Robinson and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 8.40pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)