

Local Government Reform

Tuesday, 21 September 2021

Presented by the City of Mitcham



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Purpose

- To provide information on the reforms that will impact members directly that came into effect **20 September 2021**.
- Identify next tranche of reforms & when.
- Advise of next steps.



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Tonight's Agenda

- Local Government Reforms **September 2021**;
Local Government Act 1999 & Regulations
Equal Opportunity Act 1984
Local Government (Elections) Act
- Reforms planned for **November 2021** and **beyond**
- Next steps

Local Government Act – commencing 20 September

S 54 – Casual Vacancies - **NEW**

- Inserts a clause that references the disqualification of a member by an Order of South Australian Civil and Administrative Tribunal (SACAT) (in addition to a court order) as a grounds for a casual vacancy.

Analysis = No action by Members



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Local Government Act – commencing 20 September

S 55A– Leave of Absence – council member contesting election – **NEW**

- Leave is automatically granted.
- Not entitled to any allowance whilst on leave.
- Must not use any facility, service or other support provided by the council to its members
- Must not carry out any Member function or duty
\$15,000 maximum penalty

Analysis = No action by Members



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Local Government Act – Commencing 20 September

S 55A – Quorum

- Council members suspended from office or those granted leave are not counted to calculate a quorum.



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Analysis = No action by Members

Local Government Act – Commencing 20 September

S 58– Role of Principal Member

Business as usual PLUS:

- Provide leadership and guidance to members,
- lead the promotion of positive and constructive working relationships
- Support members to understand the separation of responsibilities
- Guidance to members on their performance

Analysis = Training for Principal Member TBC



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Local Government Act – Commencing 20 September

S 59– Role of Members

Business as usual PLUS:

- Act with integrity
- Ensure positive and constructive relationships
- Recognise and support the role of the principal member and the function of council as a whole
- Participate in deliberations & activities of council

Analysis = Training for Members TBC



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Local Government Act – commencing 20 September

S 76 - Allowances

- Requires the Remuneration Tribunal SA (RTSA) to have regard to the '*ratio of members to ratepayers*' when determining allowances.
- Deletes reference to a '*scheme prescribed by regulations*'.
- Allows LGA to recover costs from councils as incurred by the RTSA in making a determination.

Analysis = No action by Members



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Local Government Act – commencing 20 September

S 78A – Legal Advice

- Repeal of the entire section as Council's facilitated legal advice via Policy in the absence of Regulation.



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Analysis = No action by Members

Local Government Act – Commencing 20 September

S 90A - Information or Briefing Sessions – **NEW** (kind of)

Requires that the; **place, date, time, topic** and whether the meeting was **open to the public** be published as soon as practicable after holding the Information or Briefing session.

Analysis = No action by Members



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Local Government Act – Commencing 20 September

S 90(3)(O) – Meeting in Confidence - **NEW**

- Provision for ‘proposed Award Recipients’ before the presentation of the Award.



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Analysis = No action by Members

Local Government Act – Commencing 20 September

S 99A – Remuneration of CEO - **NEW**

Requires Council's to remunerate their CEO within the salary bands as determined by the RTSA.

- clarifies that the obligation will not apply until the RTSA has made its final determination.
- Councils will NOT need to comply with this requirement for new or reappointing CEO's until the first determination by the RTSA is made.

Analysis = No action by Members



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Local Government Regs – Commencing 20 September

(Procedures at Meetings)

- R9 – Questions – 7 Days notice **Monday before**
- R12 – Motions – 7 Days notice **Monday before**



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Analysis = Action by Members

Equal Opportunity Act – Commencing 20 September

S 87 (6e) Sexual Harassment - **NEW**

- The change now makes it unlawful for a Member to subject another Member to sexual harassment.

[Equal Opportunity Commissioner Website](#)

Analysis = Training for Members TBC



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LG (Elections) Act – Commencing 20 September

S 48 (1a) Method of counting and provisional declarations

This change provides a counting method to be used to fill one (1) vacancy where;

- NO candidate receives a number of votes equal to or greater than the quota OR where two or more candidates have an equal number of votes in a general election.

Analysis = No action by Members



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LG (Elections) Regs – Commencing 20 September

R4 –the regulations will require;

Candidate profiles submitted when nominating for Local Government Elections must include;

- A statement that identifies if they live in the area or ward they have nominated
- Membership of a political party
- Name of political party, dates joined or ceased to be a member.

Analysis = No action by Members



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LG (Elections) Regs – Commencing 20 September

R5 –S57(3) of the Act;

- Providing food, drink or entertainment is below a prescribed level of ‘bribery’.
- \$20 prescribed level (bribery)
\$2,500 prescribed level (large gifts)



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Analysis = Training by Members TBC

Local Government Act – Commencing **10 November**

- \$20 fee S270 Review of a Decision and requests for services
- Casual Vacancies
- Gifts and Benefits Registers
- Registers of Allowances and benefits
- Public notices of meetings
- Vacancies of CEO Office
- CEO Performance Review

Analysis = No action by Members



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Local Government Act – Commencing ?

- Community Engagement Charter –October Reports

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

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.



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Analysis = No action by Members

Local Government Act – Commencing ?

- Specific requirements if member disqualified
- General Duties
- Registers
- Provision of false information (Registers)
- Conflicts of Interest
- Behavioural Standards
- Procedures at meetings

Analysis = No action by Members



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Next steps

1. Reports as /when information becomes available,
 - Information or Briefing sessions
 - Training Offered by the LGA (TBC)
2. Check Elected Member extranet;

[Mitcham Extranet Local Government Reform](#)

3. Check LGA website (remember you have to be logged in for this link to work);

[LGA Reform site](#)