

**Local Government Reform – and so it begins...  
Reforming Local Government in South Australia Discussion Paper**

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Minister Knoll yesterday released the “[Reforming Local Government In South Australia Discussion Paper](#)” (“the Paper”).

The Paper has been developed following the [Reforming Local Government Survey](#) which took place from 26 March to 26 April 2019.

The Paper contains many, substantial reform suggestions which are arranged into four areas:

- Reform Area 1: Stronger Council Member Capacity and Better Conduct*
- Reform Area 2: Lower Costs and Enhanced Financial Accountability*
- Reform Area 3: Efficient and Transparent Local Government Representation*
- Reform Area 4: Simpler Regulation*

Reform Area 1 includes the following possible reforms:

- a hierarchy of elected member conduct with complaints of differing severity to be directed to and resolved by different bodies, including a new Conduct Commissioner;
- replacement of the Code of Conduct and section 62 of the *Local Government Act 1999* with an overarching “Council Member Conduct Framework”;
- more detailed descriptions of the roles and the expectations of elected members, principal members and the CEO, compulsory professional development requirements and remuneration reform; and
- the ability for a CEO to take action to preserve the health and safety of council staff

Reform Area 2 includes the following possible reforms:

- expanded financial auditing;
- improving audit committee independence and standards;
- expanding the role of the Auditor-General in annual audits;
- the creation of mandatory ‘audit and risk’ and ‘governance committees; and
- amendments to the current long-term financial plan requirements.

Reform Area 3 includes the following possible reforms:

- requiring councils to undertake activities to increase voter enrolment;
- the re-introduction of automatic enrolments;
- Electoral Commission SA to be given greater responsibility in the nominations process, including publication of nominations;
- amendments to candidate declaration requirements;
- extension of the voting period and changes to vote counting;
- amendments to supplementary elections and the ability for elected members to contest State elections; and
- amendments to representation reviews.

Reform Area 4 includes the following possible reforms:

- changes to public consultation requirements to reflect present technology and preferences;
- amending internal review of decision procedures to allow more applications to be refused, to provide a time limit on reviews and to allow fees to be charged to deter vexatious complaints;

- providing for a new category of council 'meeting' to replace informal gatherings;
- simplification of council returns and the register of interests;
- mechanisms to provide access to council information;
- simplification of community land revocation processes, in limited circumstances; and
- amendments to public consultation requirements for section 221 authorisations and section 222 permits.

The significance of the Paper cannot be understated and, certainly not underestimated. Whilst some reforms may pose challenges to councils, many have the potential to have a positive impact on council operations.

Considerable reform of the local government sector does not occur frequently. Councils must, therefore, grasp this opportunity to seek to influence any legislative reform in a constructive manner.

Over the next four weeks we will release a further four Alerts each providing a more detailed consideration and analysis of each of the Reform Areas. We will explore all issues that the possible reforms raise and provide our comments on opportunities and challenges that are posed by the Paper.

Our objective is to assist councils in their consideration of the issues and the preparation of submissions before the closing date for submissions, being **5.00pm on Friday 1 November 2019**.

If you would like further information, please contact Natasha Jones on 08 8113 7102 or [njones@kellyjones.com.au](mailto:njones@kellyjones.com.au) or Michael Kelly on 08 8113 7103 or [mkelly@kellyjones.com.au](mailto:mkelly@kellyjones.com.au).