NOTICE OF ORDINARY COUNCIL MEETING

Notice is hereby given that the next ORDINARY COUNCIL MEETING will be held in the Council Office Boardroom, 6-8 Richardson Place, Roxby Downs on WEDNESDAY 29 MAY 2019 commencing at 6.00pm.

A copy of the Agenda for the above meeting is attached to this notice.

The meeting is open to the public and members of the community are welcome to attend.

At 6:30pm (following the conclusion of the Council Meeting) a public hearing will be conducted for submissions on the Draft Annual Business Plan and Budget for the year ending 30 June 2020.

Roy Blight
Chief Executive
24 May 2019
MUNICIPAL COUNCIL OF ROXBY DOWNS

AGENDA

Meeting
Ordinary Council Meeting

Meeting Date & Time
Wednesday 29 May 2019 at 6:00pm

Location
Council Office Boardroom, 6-8 Richardson Place, Roxby Downs

1. Opening Statement

I wish to acknowledge the Kokatha peoples, the traditional owners of the land on which we meet today and pay my respect to their Elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. Confirmation of Minutes of the Previous Meeting

That the Minutes of the Council Meeting held on 17 April 2019 be confirmed as a true and accurate record of proceedings.

3. Adoption of Council Resolutions

3.1 Audit Committee Meeting Minutes – 17 May 2019 Subject to Confirmation
3.2 Financial Performance Ending March 2019
3.3 Third Quarter Budget Review
3.4 Draft Annual Business Plan & Budget 2019/2020
3.5 Audit Committee Terms of Reference
3.6 Financial Delegations
3.7 Updates to the Council Delegations
3.8 Authorised Persons
3.9 Proposed Dog and Cat Registration Fees for 2019/2020
3.10 Off Leash Dog Park
3.11 Proposed 12 Month Commitment to the Roxby Downs Chronicle Newspaper
3.12 Roxby Downs Golf Club Lease and License Agreement
3.13 Municipal Council of Roxby Downs Christmas Closure
3.14 Road Closure – NAIDOC 2019 Main Street Festival
3.15 Policy Review – Municipal Rating Policy
3.16 Policy Review – Bad Debts Policy
3.17 Policy Review – Social Media Policy and Procedure
3.18 Policy Review – Fit for Work Policy and Procedure
3.19 Policy Reviews

4. Reports for Information

4.1 Chief Executive’s Report
4.2 Development Application Decisions

5. Community Presentations, Petitions and Deputations
Nil

6. Next Meeting

The next Ordinary Council Meeting is scheduled for Wednesday 26 June 2019 at 4:00pm - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs (unless advised otherwise, by notice on the Council’s website).

7. Closure
MINUTES

Meetings

Meeting: Ordinary Council Meeting
Meeting Date & Time: Wednesday 17 April 2019 at 4:00pm
Location: Council Office Boardroom, 6-8 Richardson Place, Roxby Downs

Present: Geoff Whitbread (Administrator), Roy Blight (Chief Executive), Michelle Hales (Group Manager Governance & Community), Stuart Edwards (Group Manager Essential Services & Assets), Drew Ellis (Group Manager Corporate Services), Tony Weir (Group Manager Lifestyle & Sport), Minute Taker - Kerrie Thomas (Executive Support)

Apologies: Nil

1. Council Opening

The meeting commenced at 4:00pm.

Mr Whitbread acknowledged the Kokatha peoples, the traditional owners of the land on which we meet today and paid respect to their Elders past and present and extended that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. Confirmation of Minutes of the Previous Meeting

RESOLVED: The Minutes of the Council Meeting held on 27 March 2019 are confirmed as a true and accurate record of proceedings.

3. Council Business

3.1 Audit Committee Meeting Minutes 22 February 2019 (Subject to Confirmation)

PURPOSE: To receive the minutes (subject to confirmation) from the Audit Committee held 22 February 2019.

RESOLVED: That the minutes (subject to confirmation) of the Audit Committee held 22 February 2019 be received and noted and the recommendations contained therein be agreed to.

3.2 Draft Annual Business Plan and Budget 2019/20

PURPOSE: To provide Council with an update on the progress of the draft Annual Business Plan and Budget 2019/20.

RESOLVED: That the release of the draft Annual Business Plan and Budget 2019/20 be noted by Council.

3.3 Regional Development Australia Far North Local Government Funding Agreement

PURPOSE: To provide further and better particulars on how the funding for the last three years was acquitted as requested at the Council Meeting held 27 March 2019.
RESOLVED:

1. That the report by Regional Development Australia Far North on the outcome and results from the current resource agreement be noted by Council.

2. That Council enter into the Funding Agreement with Regional Development Australia Far North Incorporated, commencing 1 July 2019 and expiring 30 June 2023

3. The Administrator and Chief Executive be authorised to sign the Funding Agreement on behalf of Council.

3.4 Road Closure for ANZAC Day Ceremonies

PURPOSE: Closure of Richardson Place between Burgoyne Street and Arcoona Street, Thursday 25 April 2019 for the ANZAC Dawn Service and March. Full closure of road from the hours of 5.30am to 7.00am, and 10.00am to 12.00pm.

RESOLVED: That:-

1. Pursuant to the provision of the Roxby Downs (Indenture Ratification) Act 1982, and in accordance with Section 33 of the Road Traffic Act 1961 and Clause F of the instrument of General Approval of the Minister 12 March 2001, make the following orders.

Pursuant to Section 33 (1) of the Road Traffic Act 1961 declare that the event described below is to take place on the road described below, and is an event to which Section 33 of the Road Traffic Act 1961 applies; and

Pursuant to Section 33 (1) (a) of the Road Traffic Act 1961, make an order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below can be closed to all traffic except police and emergency vehicles and vehicles involved in the event for the period commencing 5.30am to 7.00am and 10.00am to 12 midday Thursday 25 April 2019.

ROAD: Richardson Place

EVENT: Roxby Downs ANZAC Ceremony & Event

ADJACENT / ADJOINING ROADS: Burgoyne Street, Arcoona Street, Norman Place, Roxby Club Car Park Entrance into Richardson Place, and Tavern Road, Roxby Downs.

Pursuant to Section 33 (1) (b) of the Road Traffic Act 1961 make an order directing that persons taking part in the event be exempted in relation to the road from duty, to observe the Australian Road Rules specified below subject to any conditions described below and attached to the exemption.

Rule: 230 Crossing the road
Rule: 234 Crossing the road on or near a crossing for pedestrians
Rule: 238 Pedestrians travelling along the road
2. Roxby Council to cover the cost of the road closure, also Festival and Fair Public and Products Liability Insurance for the event. Quote No: 11325478485.

3.5 Pump Track Project Update

PURPOSE: To provide an update on the Pump Track project.

RESOLVED: That Council

1. Endorse the concept designs by the Trial Collective for a multi-purpose pump track on the land described as Allotment 100 in the Area Named Roxby Downs Out of Hundreds (Andamooka).

2. That the Roxby Downs Sport and Recreation Forum be commended on their work in developing the project and that the Forum be authorised to conclude the detailed construction drawings and proceed with implementation according to a project plan approved by Council’s Chief Executive.

4. Reports for Information

RESOLVED: The Council receive and notes the following reports:

- Chief Executive Report
- Development Application Decisions

5. Community Presentations, Petitions and Deputations

Nil

6. Next Meeting

The next Ordinary Council Meeting for the Municipal Council of Roxby Downs is scheduled for Wednesday 29 May 2019 at 6:00 pm - Council Office Boardroom, 6-8 Richardson Place, Roxby Downs, unless advised otherwise, by notice on the Council’s website.

7. Closure

The meeting closed at 4.16pm.

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Geoff Whitbread
Administrator
29 May 2019
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 May 2019
Title of Report: Audit Committee Meeting Minutes 17 May 2019 (Subject to Confirmation)

1. Purpose
To receive the minutes (subject to confirmation) from the Audit Committee held 17 May 2019.

2. Recommendation
That the minutes (subject to confirmation) of the Audit Committee held 17 May 2019 be received and noted and the recommendations contained therein be agreed to.

3. Background
By operation of the Roxby Downs (Indenture Ratification) Act 1982, the provisions of the Local Government Act 1999 ('the Act') which relate to the establishment and meetings of a Council Committee do not apply to the Council. However, pursuant to Sections 36(1)(c) and 126 of the Act, the Council has established a committee known as the Roxby Council Audit Committee to ensure compliance with section 126 of the Act and accountability in decision-making.

The Audit Committee meets a minimum of four times per year.

4. Policy Implications
4.1 Financial/Budget
Nil

4.2 Resources
Nil

4.3 Legal and Risk Management
Nil

5. Attachments
Minutes for the Audit Committee Meeting held 17 May 2019 (Subject to Confirmation).

6. Report Authoriser
Roy Blight
Chief Executive
Meeting	MUNICIPAL COUNCIL OF ROXBY DOWNSS
Meeting Date & Time	Friday 17 May 2019 at 10:00am
Location	Boardroom, Council Office, 6-8 Richardson Place, Roxby Downs
Present	David Powell (Chair), Trevor Starr, Rosina Hislop
In Attendance	Geoff Whitbread (Administrator), Roy Blight (Chief Executive), Drew Ellis (Group Manager Corporate Services), Kerrie Thomas (Minute Taker)
Apologies	Nil

1. Opening Statement

The meeting commenced at 10:00am.

Mr Powell acknowledged the Kokatha peoples, the traditional owners of the land on which we meet today and paid respect to their Elders past and present and extended that respect to other Aboriginal and Torres Strait Islander people who may be present today.

2. In Attendance

Independent Members: David Powell (Chair), Trevor Starr, Rosina Hislop

Municipal Council of Roxby Downs: Geoff Whitbread (Administrator), Roy Blight (Chief Executive), Drew Ellis (Group Manager Corporate Services)

10:00am to 11:05am Michelle Hales (Group Manager Governance and Community), Sapna Greer (WHS Officer and Risk Specialist), Melissa Cox (Regional Risk Coordinator)

3. Conflict of Interest

No member declared a conflict of interest.

4. Confirmation of Minutes of the Previous Meeting

Moved: Trevor Starr

That the Minutes of the Audit Committee Meeting held on 22 February 2019 be confirmed as a true and accurate record of proceedings.

Seconded: Rosina Hislop Carried
5. **Chief Executive Report**

Including a progress report and presentation on Risk Management and the implementation of Skytrust ICT application (10:02am to 11:05am).

*Moved:* Rosina Hislop

That the report by the Chief Executive be received and noted.

*Seconded:* Trevor Starr

Carried

6. **Written Reports**

6.1 **Financial Performance ending March 2019**

*Moved:* Trevor Starr

That the Audit Committee notes the report on Financial Performance for the period ending March 2019.

*Seconded:* Rosina Hislop

Carried

6.2 **Third Quarter Budget Review**

*Moved:* Trevor Starr

That the Audit Committee receives and notes the report, and recommends that Council adopt the third quarter budget review for 2018/19.

*Seconded:* Rosina Hislop

Carried

6.3 **Draft Annual Business Plan & Budget 2019-2020**

*Moved:* Trevor Starr

That the Audit Committee notes the production of the Draft Annual Business Plan and Budget 2019-2020, the conduct of public consultation and the draft plan & budget is due to be presented to Council for its consideration on 26 June 2019.

*Seconded:* Rosina Hislop

Carried

6.4 **Audit Committee Terms of Reference**

*Moved:* Trevor Starr

That the Audit Committee notes the changes to the Terms of Reference in relation to the role for an internal auditor and recommends that Council adopts the proposed amendments along with the following additional clause:

- **Meet with the Internal Auditor at least once a year, (including a segment without Council management being present) to discuss issues arising from the internal audits.**

The Audit Committee recommends the following additions to the “Internal Auditor – Proposed Role and Function”:

- **Change the yearly work plan to a 3 year workplan**
- **A (broken) reporting line from the Internal Auditor through to the Audit Committee**
- **Internal Auditor available for meetings either remote or in person as required**
Seconded: Rosina Hislop  Carried

6.5 Policy Review – Bad Debts Policy

Moved: Trevor Starr

That the Audit Committee

1. notes the changes made to the policy and recommends that Council adopts the proposed first and second changes to the Bad Debts Policy as amended.
2. recommends to Council the third change be amended to read “Any individual debt above this limit will need to be authorised by the Council” (instead of Administrator).

Seconded: Rosina Hislop  Carried

6.6 Policy Review – Order Making Policy

Moved: Rosina Hislop

That the Audit Committee notes the review of the Order Making Policy and recommends that the policy be released for public consultation prior to consideration by Council.

Seconded: Trevor Starr  Carried

6.7 Policy Review – Municipal Rating Policy

Moved: Rosina Hislop

That the Audit Committee notes the changes made to the policy and recommends that Council adopts the proposed changes to the Municipal Rating Policy as amended, with the inclusion of a new eligibility criteria that to be eligible to apply for rate cap relief that the applicant must be both the owner and occupier of the residential property for which the application is made.

Seconded: Trevor Starr  Carried

6.8 Policy Reviews

Moved: Rosina Hislop

That the Audit Committee

1. notes that no changes have been identified from the reviews of the following policies:

   • Review of Council Decisions
   • Whistleblower Protection

   and recommends that Council endorse the policies for a further period or until such time as legislative changes require a review.

2. requests that the Fraud and Corruption Policy be presented in full to the October 18, 2019 meeting for review.

Seconded: Trevor Starr  Carried
7. **Next Meeting**

The next Audit Committee Meeting is scheduled for 18 October 2019 at 12:30pm Boardroom, Local Government Finance Authority, Suite 1205, 147 Pirie Street, Adelaide SA 5000.

8. **Closure**

The meeting closed at 1:13pm.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Financial Performance ending March 2019

1. Purpose
To consider a review of Council's Financial Performance ending March 2019, including a review of the power and water aged debtors.

2. Recommendation
That Council receives the Financial Performance ending March 2019 report which has been reviewed by the Audit Committee and notes that there were no substantive comments made by them in relation to the report.

3. Background
A review was undertaken on Council financial performance for the period ending March 2019, including a review of the power and water aged debtors. This was done for internal (Management Accounting) purposes.

4. Discussion
1) Council's March 2019 Financial Performance
A review was undertaken on the key accounts (based on materiality) of each business unit – Municipal, Power and Water by comparing the March YTD actuals against budget review 2.

2) Aged debtors
A review was undertaken on the aging category of power and water debtors to ensure that actions have been taken to address any long outstanding debt.

The Audit Committee, at their meeting on 17 May 2019, reviewed the report. There was general discussion in relation to the report, however there were no substantive comments made and no recommendations.

5. Policy Implications
5.1 Financial/Budget
As detailed above.

5.2 Resources
Nil

5.3 Legal and Risk Management
Effective debtor management mitigates the risk of bad debts and insufficient cashflow for operations.

6. Report Consultation
Roy Blight - Chief Executive
Sayying Toh – Financial Accountant
7. Attachments

March 2019 Management Report
March 2019 Aged Power Debtors
March 2019 Aged Water Debtors

8. Report Authorisers

Drew Ellis
Group Manager Corporate Services
March Management Report

The table below summarises the operating surplus for each business units for the year ending 31 March 2019:

<table>
<thead>
<tr>
<th>In $'000</th>
<th>Mar19 YTD budget*</th>
<th>Mar19 actuals</th>
<th>Variance ($/ %)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total income</strong></td>
<td>14,546</td>
<td>15,335</td>
<td>789 5%</td>
</tr>
<tr>
<td><em>Municipal (combined Municipal and Roxbylink)</em></td>
<td>7,717</td>
<td>7,702</td>
<td>(15) 0%</td>
</tr>
<tr>
<td><em>Power</em></td>
<td>3,323</td>
<td>3,659</td>
<td>336 10%</td>
</tr>
<tr>
<td><em>Water</em></td>
<td>3,506</td>
<td>3,974</td>
<td>468 13%</td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td>(12,809)</td>
<td>(12,218)</td>
<td>591 5%</td>
</tr>
<tr>
<td><em>Municipal (combined Municipal and Roxbylink)</em></td>
<td>(9,173)</td>
<td>(8,436)</td>
<td>737 8%</td>
</tr>
<tr>
<td><em>Power</em></td>
<td>(2,069)</td>
<td>(2,128)</td>
<td>(59) 3%</td>
</tr>
<tr>
<td><em>Water</em></td>
<td>(1,567)</td>
<td>(1,654)</td>
<td>(87) 6%</td>
</tr>
<tr>
<td><strong>Mar YTD operating surplus</strong></td>
<td>1,737</td>
<td>3,117</td>
<td>1,380 79%</td>
</tr>
<tr>
<td><em>Municipal (combined Municipal and Roxbylink)</em></td>
<td>(1,456)</td>
<td>(734)</td>
<td>722 50%</td>
</tr>
<tr>
<td><em>Power</em></td>
<td>1,254</td>
<td>1,531</td>
<td>277 22%</td>
</tr>
<tr>
<td><em>Water</em></td>
<td>1,939</td>
<td>2,320</td>
<td>381 20%</td>
</tr>
</tbody>
</table>

*Budgeted balance is based on budget review 2.*

Note that overhead allocations are excluded from our analysis.

All +ve variances are favourable to budget, while –ve variances are unfavourable to budget.

March YTD overview:
March YTD consolidated operating surplus has outperformed budget by $1.4m. This is predominantly driven by higher than budgeted volume consumption on water and sewer, and lower material expenses incurred by Municipal.

Procedure:
We review each business unit in further details on its key account: rates/ user charges, grants, employee expenses and materials, contractors and other expenses. For the purpose of our analysis, we have disaggregated the Municipal (combined) financial performance to Municipal and Roxbylink:

<table>
<thead>
<tr>
<th>In $'000</th>
<th>Mar19 YTD budget*</th>
<th>Mar19 actuals</th>
<th>Variance ($/ %)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total income - Municipal combined</strong></td>
<td>7,717</td>
<td>7,702</td>
<td>(15) 0%</td>
</tr>
<tr>
<td><em>Municipal</em></td>
<td>6,378</td>
<td>6,296</td>
<td>(82) 1%</td>
</tr>
<tr>
<td><em>Roxbylink</em></td>
<td>1,339</td>
<td>1,406</td>
<td>67 5%</td>
</tr>
<tr>
<td><strong>Total expenses - Municipal combined</strong></td>
<td>(9,173)</td>
<td>(8,436)</td>
<td>737 8%</td>
</tr>
<tr>
<td><em>Municipal</em></td>
<td>(6,089)</td>
<td>(5,483)</td>
<td>606 10%</td>
</tr>
<tr>
<td><em>Roxbylink</em></td>
<td>(3,084)</td>
<td>(2,953)</td>
<td>131 4%</td>
</tr>
<tr>
<td><strong>Mar YTD operating surplus - Municipal combined</strong></td>
<td>(1,456)</td>
<td>(734)</td>
<td>722 50%</td>
</tr>
<tr>
<td><em>Municipal</em></td>
<td>289</td>
<td>813</td>
<td>524 181%</td>
</tr>
<tr>
<td><em>Roxbylink</em></td>
<td>(1,745)</td>
<td>(1,547)</td>
<td>198 11%</td>
</tr>
</tbody>
</table>

Comment is provided on significant variances, i.e. variance to budget greater than 10% and $10k.
Result:

1) Business Unit – Municipal, power and water
   a. Rates and user charges – favourable to budget by $804k (7%)
      In addition to comparison between actual and budget, we have also compared rates and user
      charges (power, water and sewer) to Mar 18 YTD actuals to reflect the seasonality nature of
      these accounts.

      Mar19 power and water actual income were higher than budget due to higher than budgeted
      volume consumption (will be revised in 3rd quarter budget review). Other user charges income
      and rates income are in line with budget.

   b. Grants and Municipal Deficit Funding
      We reviewed each individual grants against budget:
      - Municipal Deficit Funding of $600k (Mar19 YTD actual): $300k received from State
        Government of South Australia and $300k invoiced to BHP (not yet received).
      - Financial assistance grant of $65k (Mar19 YTD actual): Remaining $22k to be received in the
        next quarter, in line with budget of $87k.
      - Other grants of $116k (Mar 19 YTD actual): Materially in line with budget of $120k, being
        Supplementary Local Roads Program ($32k), Roads to Recovery ($57k), sports income grant
        ($30k) and library income grant ($22k).
An error was identified in the 2018/19 budget of employee cost which resulted in the unfavourable result. We have calculated the full year (FY) forecast based on Mar19 YTD actuals as detailed below:

<table>
<thead>
<tr>
<th></th>
<th>2019 FY budget</th>
<th>2019 FY forecast</th>
<th>FY variance ($/ %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee cost (incl Roxbylink)</td>
<td>$4,309k</td>
<td>$4,534k</td>
<td>-$225k (-5%) Mar19 YTD actual exceeded budget by $225k (5%).</td>
</tr>
<tr>
<td>Other employee expenses (also reported under employee cost)</td>
<td>$271k</td>
<td>$176k</td>
<td>$95k (35%) This is made up of accounts such as staff training, workers compensation.</td>
</tr>
<tr>
<td>Total employee cost</td>
<td>$4,580k</td>
<td>$4,710k</td>
<td>-$130k (-3%) Overspent identified in the employee cost will be partially offset against other employee cost therefore resulting in net employee cost full year forecasted variance of -$130k.</td>
</tr>
</tbody>
</table>
1. **Community and corporate operating expenses** – favourable $540k underspent (31%)

<table>
<thead>
<tr>
<th>Category</th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Variance to budget was mainly due to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community expenses</td>
<td>$287k</td>
<td>$65k</td>
<td>i) $100k Olympic Way signage not yet completed (expected in 2018/19)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ii) $60k arts and cultural project not yet committed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>iii) $60k public arts project not yet committed</td>
</tr>
<tr>
<td>Regulatory services</td>
<td>$46k</td>
<td>$34k</td>
<td>Balance was made up of building and planning activities.</td>
</tr>
<tr>
<td>Accounting related contractors</td>
<td>$104k</td>
<td>$36k</td>
<td>Variance to budget was mainly due to external accountant consulting cost ($86k) budgeted for but not incurred. Will be adjusted in the 3rd quarter budget review.</td>
</tr>
<tr>
<td>General management advice</td>
<td>$255k</td>
<td>$202k</td>
<td>Reduced level of contracts and commitments.</td>
</tr>
<tr>
<td>Legal expenses</td>
<td>$23k</td>
<td>$0</td>
<td>Variance was due to budgeted external legal consultants not incurred. Balance will be revised in the 3rd qtr budget review.</td>
</tr>
<tr>
<td>Insurance cost</td>
<td>$171k</td>
<td>$144k</td>
<td>Balance relates to insurance on public risk and building and equipment. Actuals materially in line with budget.</td>
</tr>
<tr>
<td>IT operating</td>
<td>$396k</td>
<td>$354k</td>
<td>Variance to budget was mainly due to $40k licence fee on Asset Management System not yet committed.</td>
</tr>
</tbody>
</table>
**Corporate admin**

<table>
<thead>
<tr>
<th></th>
<th>$464k</th>
<th>$346k</th>
<th>Variance to budget was mainly due to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i)</td>
<td></td>
<td></td>
<td>Advertising underspent by $51k – no print media in Roxby Downs after decline of The Monitor.</td>
</tr>
<tr>
<td>ii)</td>
<td></td>
<td></td>
<td>$28k budgeted Council office painting which will be incurred in the last quarter.</td>
</tr>
</tbody>
</table>

2. **Contractor works** - unfavourable $31k overspent (2%)

<table>
<thead>
<tr>
<th></th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townscaping – Stevens Resources</td>
<td>$567k</td>
<td>$635k</td>
<td>A backlog of townscape maintenance works and adverse seasonal conditions requiring higher levels of intervention have resulted in additional expenditure. Regular town inspections are conducted to ensure presentation quality is maintained.</td>
</tr>
<tr>
<td>Street cleaning - Envirosweep</td>
<td>$20k</td>
<td>$20k</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Waste – BSH</td>
<td>$658k</td>
<td>$621k</td>
<td>Lower waste management cost reflects cost savings on the new waste management contract. Budget adjusted in the 3rd quarter to better reflect actuals.</td>
</tr>
</tbody>
</table>
3. **Infrastructure maintenance and utilities** - favourable $40k underspent (7%)

<table>
<thead>
<tr>
<th></th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footpath maintenance</td>
<td>$15k</td>
<td>$16k</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Parks and gardens maintenance</td>
<td>$39k</td>
<td>$23k</td>
<td>Variance to budget was mainly due to horticulture plan of $20k not yet spent.</td>
</tr>
<tr>
<td>Roads and street maintenance</td>
<td>$124k</td>
<td>$113k</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Stormwater maintenance</td>
<td>$99k</td>
<td>$37k</td>
<td>Maintenance is currently ongoing and expected to complete in the last quarter of 2018/19.</td>
</tr>
<tr>
<td>Street lighting expenses</td>
<td>$37k</td>
<td>$13k</td>
<td>Variance to budget due to timing of street lights run to be occurred in the final quarter of 2018/19.</td>
</tr>
<tr>
<td>Infrastructure utilities</td>
<td>$230k</td>
<td>$302k</td>
<td>This mainly relates to utilities charges on town’s street lights ($112k) and irrigation ($190k). Actuals are higher than budgeted due to higher water usage as a result of drier summer months in 2018/19.</td>
</tr>
</tbody>
</table>
4. **Power and water purchases** – unfavourable $117k overspent (-7%)
   - **Power operating** – favourable $21k underspent (30%)
   - **Water operating** – favourable $7k underspent (9%)
   - **Sewer operating** – favourable $4k underspent (6%)

**Power and water purchases** – 2019/20 usage was higher than budgeted which was in line with higher revenue than budgeted (driven by higher volume consumption). Amount will be revised in the 3rd quarter budget review.

**Power operating** – Variance to budget was predominantly due to lower than budgeted utilities expense on electricity yard.

**Water operating** – Variance to budget was predominantly contributed by lower EPA licence and fee expense than budgeted.
5. **Power maintenance** - favourable $38k underspent (16%)

**Water and sewer maintenance** - favourable $39k underspent (12%)

<table>
<thead>
<tr>
<th>Description</th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>General power maintenance</td>
<td>$39k</td>
<td>$64k</td>
<td>Variance to budget was mainly contributed by non-budgeted once off events, i.e. underground cable fault ($13k) and contractor cost on power outage ($9k).</td>
</tr>
<tr>
<td>High Voltage Power Maintenance</td>
<td>$195k</td>
<td>$133k</td>
<td>Remedial work on HV power will be performed in the coming months following the findings from the scheduled inspections.</td>
</tr>
<tr>
<td>Water maintenance</td>
<td>$152k</td>
<td>$136k</td>
<td>Variance to budget is mainly driven by lower meter maintenance and repair works than budgeted.</td>
</tr>
<tr>
<td>Sewer maintenance</td>
<td>$181k</td>
<td>$157k</td>
<td>Variance to budget is mainly driven by lower water reticulation maintenance and repair works than budgeted.</td>
</tr>
</tbody>
</table>
2) **Business Unit - Roxbylink**

Roxbylink operating net profit/ loss actual vs budget is summarised in the graph below:

a. **User charges income** – favourable $21k over budget (2%)

Community income is mainly made up of auditorium hire fee income and Visitor Information Centre events and merchandise commission sales. March 2019 YTD community income was $7k below budget.

For other function areas, Mar 19 actuals are generally in line with budget (i.e. less than 10% and/or less than $10k).
b. **Total operating expense excluding salaries** – favourable $161k underspend (16%)

c. **Total Roxbylink salaries and wages** – favourable $57k underspend (5%)

i) **Operating profit margin on function areas (excluding salaries)** – Mar19 YTD budgeted gross profit of $733k vs Mar19 YTD actual gross profit $793k.

![Operating Profit Margin Chart]

The operating profit margin (excluding salaries) in the table below is a combined factor of variance to budget on user charges and operating expense. User charges have been discussed in page 9, therefore the comment noted in the table below is on operating expense of the respective function areas.

<table>
<thead>
<tr>
<th></th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Comment on operating expense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Café</td>
<td>$262k (59%)</td>
<td>$267k (60%)</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Cinema</td>
<td>$16k (28%)</td>
<td>$19k (33%)</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Functions</td>
<td>$91k (47%)</td>
<td>$98k (50%)</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Gym</td>
<td>$51k (54%)</td>
<td>$85k (82%)</td>
<td>Margin was mainly contributed by lower than budgeted gym operating expense.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>This was mainly due to timing of repairs and maintenance expenditure to be incurred in coming months.</td>
</tr>
<tr>
<td>Kiosk</td>
<td>$60k (43%)</td>
<td>$548k (38%)</td>
<td>Margin lower than budgeted was contributed by lower kiosk income than budgeted.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mar19 YTD actual kiosk operating expense is in line with budget (underspent by 0.7%).</td>
</tr>
<tr>
<td>Pool</td>
<td>$80k (49%)</td>
<td>$92k (52%)</td>
<td>Higher margin contributed by higher than budgeted income without corresponding increase in operating expense.</td>
</tr>
<tr>
<td>Sports &amp; recreational</td>
<td>$173k (81%)</td>
<td>$184k (83%)</td>
<td></td>
</tr>
</tbody>
</table>
ii) Operating profit margin on function areas (incl salaries) – Mar19 YTD budgeted net loss of -$26k vs Mar19 YTD actual net profit $82k

The operating profit margin in the table below is a combined factor of variance to budget on user charges, operating expense and employee cost. User charges and operating expenses have been discussed in page 9 and 10, therefore the comment noted in the table below is on employee cost of the respective function areas.

<table>
<thead>
<tr>
<th>Function</th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Comment on employee cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Café</td>
<td>$18k (4%)</td>
<td>-$42k (-10%)</td>
<td>Lower than budgeted margin was predominantly due to rostering of additional staff (as a temporary measure for transition purposes) following a significant restructuring.</td>
</tr>
<tr>
<td>Cinema</td>
<td>$7k (12%)</td>
<td>$11k (18%)</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Functions</td>
<td>$50k (26%)</td>
<td>$63k (32%)</td>
<td>Materially in line with budget.</td>
</tr>
<tr>
<td>Gym</td>
<td>-$64k (-68%)</td>
<td>-$1k (-1%)</td>
<td>Higher than budgeted margin was due to lower than budgeted number of Group Fitness instructors (especially in the first half of 2018/19), and lower than budgeted operating expense (discussed in page 10).</td>
</tr>
<tr>
<td>Kiosk</td>
<td>-$59k (-43%)</td>
<td>-$29k (-23%)</td>
<td>Higher than budgeted margin was predominantly due to better staff management during down time.</td>
</tr>
<tr>
<td>Pool</td>
<td>-$97k (-59%)</td>
<td>-$44k (-25%)</td>
<td>Higher than budgeted margin was predominantly due to one less pool operator compared to budgeted.</td>
</tr>
<tr>
<td>Sports &amp; recreational</td>
<td>$119k (56%)</td>
<td>$124k (56%)</td>
<td>Materially in line with budget.</td>
</tr>
</tbody>
</table>
iii) **Community and admin expenses** – unfavourable $66k overspent (-8%)

Community expense is made up of expenses on Art Gallery, Auditorium, VIC, Crèche, Nippy Gym and Library.

Mar19 operating expense for admin and community – unfavourable $76k overspent (-4%)
Mar19 salaries for admin and community – favourable $10k underspent (3%)

Community operating – Mar19 actual expense was $99k higher than budget. This was mainly due to higher than budgeted oval irrigation charges as a result of higher usage in March 2019 quarter.

Admin operating – Mar19 actual expense was $24k lower than budget. This was mainly contributed by faulty gas meter in 2018/19 where minimal gas charges were billed compared to budget. The meter was replaced by the supplier in April 2019.
d. **Maintenance** – favourable $30k underspent (7%)

<table>
<thead>
<tr>
<th>Maintenance Category</th>
<th>Mar19 YTD budget</th>
<th>Mar19 actuals</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roxbylinks building and plant maintenance</td>
<td>$329k</td>
<td>$339k</td>
<td>Materially in line with budget (variance to budget 3%)</td>
</tr>
<tr>
<td>Ovals and courts maintenance</td>
<td>$81k</td>
<td>$45k</td>
<td>Lower oval surface and irrigation maintenance work compared to budget.</td>
</tr>
<tr>
<td>Pool maintenance</td>
<td>$30k</td>
<td>$25k</td>
<td>Materially in line with budget.</td>
</tr>
</tbody>
</table>
Mar 2019 Aged Power Debtors Analysis

Procedure:
Determine aged power debtors as at 31/3/19 based on customers’ last billing issue date.

<table>
<thead>
<tr>
<th>Aged category</th>
<th>Range (days)</th>
<th>Count</th>
<th>Balance @ 31/3/19 ($)</th>
<th>Balance @ 31/12/18 ($)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current</td>
<td>&lt;30</td>
<td>1510</td>
<td>1,255,370</td>
<td>1,062,878</td>
<td></td>
</tr>
<tr>
<td></td>
<td>30-60</td>
<td>0</td>
<td>-</td>
<td>9,456</td>
<td>None in this aged category.</td>
</tr>
<tr>
<td>60 Days</td>
<td>60-90</td>
<td>17</td>
<td>9,420</td>
<td>624</td>
<td></td>
</tr>
<tr>
<td>90 Days</td>
<td>90-120</td>
<td>13</td>
<td>36,733</td>
<td>10,742</td>
<td></td>
</tr>
<tr>
<td>&gt;120 Days</td>
<td>&gt;120</td>
<td>141</td>
<td>189,865</td>
<td>256,388</td>
<td></td>
</tr>
</tbody>
</table>

Gross balance: 1,471,388 1,340,088
Council bill: 77,498 74,627
Credit balances: 129,079- 159,321-
Net balance as at 31 March 2019: 1,410,807 1,255,394

Mar19 balance was lower than Dec18 balance due to $91k write off in Mar19. Refer below for detailed analysis.

> 120 days analysis
Debt > 120 days are made up of:

<table>
<thead>
<tr>
<th>Count</th>
<th>Balance @ 31/3/19 ($)</th>
<th>Balance @ 31/12/18 ($)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>We will monitor these debts to determine if they are required to be provided for in the next quarter.</td>
</tr>
<tr>
<td>62</td>
<td>139,967</td>
<td>107,885</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>30,585</td>
<td>30,436</td>
<td>Current active payers therefore no provision required at this stage.</td>
</tr>
<tr>
<td>179</td>
<td>-</td>
<td>90,747</td>
<td>Amount was written off in Mar19.</td>
</tr>
<tr>
<td>19</td>
<td>25,313</td>
<td>27,339</td>
<td>These bad debts have been listed to be written off as unrecoverable in the next quarter following advise from debt collection agency KEMPS - will be finalised in Jun19.</td>
</tr>
<tr>
<td></td>
<td>189,865</td>
<td>256,388</td>
<td></td>
</tr>
</tbody>
</table>

This is mainly made up:

i) March quarter bill of $1.13m
ii) Feb monthly accounts (commercial properties) $173k

31/3 balance is higher than 31/12 balance due to higher power bill/ income for March quarter compared to December quarter.

Balance mainly relates to:

i) Active - $2.0k on payment arrangement for Dec opt bill (payments were received in March)
ii) Final accounts - $1.9k customers been issued final accounts due to previous non payment (if payment was not made on the final accounts, they will be sent to debt collection)
iii) Non-active - $5k in debt collection

All in debt collection relating to Dec18 final accounts. Review will be performed at year end on the status and determine if any write off is required.

All debt outstanding identified in the Dec18 quarter has been rolled to >120 days category.

Mar19 balance was lower than Dec18 balance due to $91k write off in Mar19. Refer below for detailed analysis.

Comments

i) March quarter bill of $1.13m
ii) Feb monthly accounts (commercial properties) $173k

31/3 balance is higher than 31/12 balance due to higher power bill/ income for March quarter compared to December quarter.

Balance mainly relates to:

i) Active - $2.0k on payment arrangement for Dec opt bill (payments were received in March)
ii) Final accounts - $1.9k customers been issued final accounts due to previous non payment (if payment was not made on the final accounts, they will be sent to debt collection)
iii) Non-active - $5k in debt collection

All in debt collection relating to Dec18 final accounts. Review will be performed at year end on the status and determine if any write off is required.

All debt outstanding identified in the Dec18 quarter has been rolled to >120 days category.

Mar19 balance was lower than Dec18 balance due to $91k write off in Mar19. Refer below for detailed analysis.

Comments

i) March quarter bill of $1.13m
ii) Feb monthly accounts (commercial properties) $173k

31/3 balance is higher than 31/12 balance due to higher power bill/ income for March quarter compared to December quarter.
March 2019 Aged Water Debtors Analysis

Work performed:
Determine aged water debtors as at 31/3/19..

Result:
Aged bracket relates to number of unpaid quarter bills/ bills not paid in full.

<table>
<thead>
<tr>
<th>Age bracket</th>
<th>Unpaid bill qtr</th>
<th>Count</th>
<th>Balance @ 31/3/19 ($)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current/ 1 quarter</td>
<td>Mar'19 bill</td>
<td>1,111</td>
<td>$932,389</td>
<td>Low collectibility risk - relates to Mar 19 quarter bill (issued 8 Apr 2019)</td>
</tr>
<tr>
<td>2 quarters</td>
<td>Dec18 &amp; Mar'19 bill</td>
<td>31</td>
<td>$34,140</td>
<td>17 customers (with total debt of $20.2k) have made recent payments (Jan - Apr 19) which partly settled the Dec quarter bill/ previous quarter bill.</td>
</tr>
<tr>
<td>3 quarters</td>
<td>Sep18 - Mar'19 bill</td>
<td>10</td>
<td>$15,422</td>
<td>4 customers (totalled to $5.4k) have made recent payments (Jan- Apr19). Review will be performed on the remaining 6 customers to determine if they will be sent to debt collector in June 2019 (when Mar quarter bill is due)</td>
</tr>
<tr>
<td>&gt; 3 quarters</td>
<td>Unpaid bill &lt; Sep'18</td>
<td>15</td>
<td>$49,065</td>
<td>- $11k received post year end, one from property settlement ($8.9k). - 2 customers totalled to $16.1k currently being pursued by debt collection. - We will review in June 2019 if 8 customers (totalled to $12k) will be sent to debt collector.</td>
</tr>
</tbody>
</table>

Gross balance 1,031,017  A
Council bill 170,376  B
BHP bill 332,999  Low collectibility risk
Credit balances 6,878  C
Net balance as at 31 March 2019 1,527,514  (A+B+C)
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Third Quarter Budget Review

1. Purpose

To consider a review of Council’s 2018/2019 budget performance and associated matters.

2. Recommendation

That Council adopts the Third Quarter Budget Review as recommended by the Audit Committee at the meeting held on 17 May 2019.

3. Background

Council is required by legislation to review its budget on four occasions each financial year.

4. Discussion

A review of the budget against 31 March 2019 actuals was undertaken. The financial statements attached to this report show the adopted budget, the budget inclusive of the recommended changes (Review 3) and the actuals as at 31 March 2019.

The overall picture (ie total budget vs total actuals YTD) indicates that operations are generally found to be well within budget parameters. Some adjustments to specific budget lines were identified as being necessary to give a more accurate picture of what the full financial year might look like when finished.

The impact of the recommended changes on the budget can be summarised as follow:

Operating budget:

<table>
<thead>
<tr>
<th></th>
<th>After 3rd Qtr Review</th>
<th>After 2nd Qtr Review</th>
<th>Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Income</td>
<td>$17,916k</td>
<td>$17,402k</td>
<td>$514k</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>($17,159k)</td>
<td>($17,078k)</td>
<td>($81k)</td>
</tr>
<tr>
<td>Operating Surplus</td>
<td>$757k</td>
<td>$324k</td>
<td>$433k</td>
</tr>
</tbody>
</table>

Capital budget:

<table>
<thead>
<tr>
<th></th>
<th>After 3rd Qtr Review</th>
<th>After 2nd Qtr Review</th>
<th>Movement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Income</td>
<td>$785k</td>
<td>$1,665k</td>
<td>($880k)</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>($2,815k)</td>
<td>($4,190k)</td>
<td>$1,375k</td>
</tr>
<tr>
<td>Surplus/ (Deficit)</td>
<td>($2,030k)</td>
<td>($2,525k)</td>
<td>$495k</td>
</tr>
</tbody>
</table>

How is budget tracking after third quarter?

The review looked at how various income sources were looking against budget after the third quarter. The following observations are provided:
OPERATING BUDGET

Rates

Rates income was found to be in line with budget expectations.

Statutory charges

This income was mainly made up of dog and cat registrations. Year to date actuals were found to be in line with budget.

User charges – power, water and sewerage charges

Third quarter results indicated that the income from power and water sales were higher than budget due to higher levels of consumption. The specific budgets have been revised to better reflect actuals (Power increased by $274k, Water increased by $320k & Sewerage reduced by $30k).

User charges - Roxbylink

All Roxbylink income lines were found to be materially in line with budget.

Grants, subsidies and contributions

Each of the grants and subsidies income lines were found to be materially in line with budget.

Investment income

Investment income was found to be in line with budget.

Other income

Other Income includes a number of different income sources. Of these, Services SA contract income had been stronger than expected and the budget has been increased by $15k. An adjustment to the Workers Compensation Refunds income which has been reduced by ($65k).

Employee costs

It was noted that an overspend against budget was likely to emerge in ‘salaries and wages’. On investigation it was found that there was an error in the budget calculation incorporated into the 2018/19 Annual Business Plan and Budget as adopted by Council in June 2018. The error occurred from the field calculations which omitted the inclusion of additional specialist roles from the aggregate employee cost.

Council’s management is endeavouring to retrieve as much as possible of the net $130k negative variation before the 30 June 2019 with the aim to maintain Council’s overall budget position. Strategies include the reduction of accumulated leave and the holding of vacancies as they arise, except in the circumstances where there are pressing ongoing and urgent Council works required.

It was also observed that the overspend in ‘salaries and wages’ was expected to be offset at least partially by underspend in other accounts which were also reported under the category of ‘employee costs’, as summarised below:

<table>
<thead>
<tr>
<th></th>
<th>Full year forecast – variance to budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and wages</td>
<td>Overspend by $225k</td>
</tr>
<tr>
<td>Other payroll cost</td>
<td>Underspend by $95k</td>
</tr>
<tr>
<td>Net variance on employee costs</td>
<td>Net overspend by $130k (2%)</td>
</tr>
</tbody>
</table>

Council proposes to not to provide an adjustment at this stage because of the materiality (based on expected 2% variance on ‘employee costs’) and the measures to recoup the variation.
Materials, contracts & other expenses

This line can be categorised into the following areas:

1) Community and corporate operating expenses – There have been savings in relation to external consulting, namely Accounting ($60k) and Legal Fees ($25k). There was also a budget adjustment of $45k to Advertising.

2) Works contractors cost – Works contractors cost was materially in line with budget.

3) Infrastructure maintenance and utilities - With some major maintenance works now completed and finalised (e.g. road reseal and line marking, kerb and gutter works), budgeted maintenance costs had been revised downwards to reflect a net savings of $21k.

4) Power and water purchases - Adjustments were made to the budgets for water purchases (increased by $150k) and power purchases (increased by $102k) due to higher volume-based purchasing. The increased in budget on the purchase side commensurate, in both cases, with the higher water and power sold and reflected in higher income.

5) Power and water operating and maintenance – Main budget adjustment was related to technical failures of $35k. Other power and water operating cost were generally in line with budget.

6) Roxbylink operating and maintenance – Roxbylink related expenses were materially in line with budget.

Asset disposal and fair value adjustments

There were no asset disposal and fair value adjustments in the third quarter. This was consistent with the budget.

CAPITAL BUDGET

Capital projects

A number of capital expenditure items were identified as needing budget adjustments. These were principally due to various projects being carried forward to 2019/20. Of these projects, the most material were:

- Multi-purpose Change Room Facilities $1m
- Emu Walk $200k

An overall adjustment to the budget of $495k is proposed in relation to capital. This represents an improvement in the expected net capital expenditure.
The following table summarises the adjustments that are now sought as a result of this review:

1) Operating

<table>
<thead>
<tr>
<th>Account Type</th>
<th>Comments</th>
<th>Impact on Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income (I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expenditure (E)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Municipal
- **Service SA income**: To align with actuals - higher due to new fee structure. **$15**
- **Workers Compensation Refunds**: Reflects lower WC claims which is consistent with Council’s WHS objectives. **($65)**
- **Accounting Services**: Reflects reduced engagement with external accounting consultant. **$60**
- **Legal Advice**: Reflects lower use of external lawyers. **$25**
- **Administrator Expense**: Reduction in overall expenditure. **$25**
- **Advertising**: Greater utilisation of social media for advertising and promotion. Reduced reliance on print media. **$45**
- **Community Expense**: ‘YourSay’ Community Engagement Project deferred following introduction of BHP Local Voices. **$25**
- **Transfer Station Maintenance and Running**: Reflects expected cost savings on new waste management contract. **$20**

### Works maintenance
- **Road Maintenance**: Reflects cost savings on road maintenance. **$11**
- **Kerb and Channel Maintenance**: Relates to kerbing work budgeted in 2017/18 but incurred in 2018/19. **($20)**
- **Linemarking**: Reflects a portion of linemarking works to be carried forward to 2019/20. **$30**

### Power
- **User Charges – Power**: Higher than expected volume-based consumption. **$274**
- **Power Purchases**: Additional volume purchased in line with higher volume sold. **($102)**
- **Power Maintenance**: Adjustment to reflect non-budgeted power outages and cable fault (unexpected technical failures). **($35)**
- **Power Bad Debts**: Extra provision sought as part of portfolio cleanup. **($15)**

### Water and Sewer
- **User Charges – Water**: Higher than expected volume-based consumption. **$320**
- **User Charges – Sewer**: To align with actuals. **($30)**
- **Water Purchases**: Additional volume purchased in line with higher volume sold. **($150)**

| Net Change in Operating Surplus | **$433** |
## 2) Capital

<table>
<thead>
<tr>
<th>Capital projects</th>
<th>Account Type</th>
<th>Comments</th>
<th>Impact on Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multipurpose change room facilities</td>
<td>Cap I</td>
<td>Adjustment to reflect unsuccessful grant application to date.</td>
<td>(950)</td>
</tr>
<tr>
<td>Multipurpose change room facilities</td>
<td>Cap E</td>
<td>Project carried forward to 2019/20.</td>
<td>1,000</td>
</tr>
<tr>
<td>Skate bowl</td>
<td>Cap I</td>
<td>Adjustment to reflect higher in-kind contributions to be received.</td>
<td>70</td>
</tr>
<tr>
<td>Skate bowl</td>
<td>Cap E</td>
<td>Adjustment to reflect higher than budgeted cost, partially offset by higher grant income.</td>
<td>(120)</td>
</tr>
<tr>
<td>Emu Walk</td>
<td>Cap E</td>
<td>A portion of project carried forward to 2019/20.</td>
<td>200</td>
</tr>
<tr>
<td><strong>Works</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Road reseals</td>
<td>Cap E</td>
<td>Adjustment to reflect cost savings</td>
<td>18</td>
</tr>
<tr>
<td>New footpath – school crossing</td>
<td>Cap E</td>
<td>Adjustment to reflect cost savings.</td>
<td>40</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town water supply backup generator</td>
<td>Cap E</td>
<td>Project carried forward to 2019/20.</td>
<td>129</td>
</tr>
<tr>
<td><strong>Roxbylink</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 hour gym</td>
<td>Cap E</td>
<td>Project has been deferred.</td>
<td>40</td>
</tr>
<tr>
<td>Plant and equipment</td>
<td>Cap E</td>
<td>$50k asset replacements were identified to be no longer required, while the remaining $18k were carried forward to 2019/20.</td>
<td>68</td>
</tr>
<tr>
<td><strong>Net Change in Capital</strong></td>
<td></td>
<td></td>
<td>495</td>
</tr>
</tbody>
</table>

### Impact on cashflow of above budget changes

In terms of cashflow over the full year, the proposed above budget adjustments should lead to an increase in the year end cash balance of $928k when compared to figure predicted in the second quarter budget.

### Contract dispute

Although not reflecting in the accounts, it is noted that Council is currently working through a dispute in relation to one of its key contracts. Council is confident in the strength of its contractual position and believes it is more likely than not that the dispute will eventually be settled in Council’s favour. Nonetheless, this dispute is hereby disclosed due to the materiality of the disputed amount. Depending on how this dispute progresses, it may need to be reflected as a contingent liability in a future review.
5. **Policy Implications**

5.1 **Financial/Budget**

As detailed above.

5.2 **Resources**

Nil

5.3 **Legal and Risk Management**

Nil

6. **Report Consultation**

Roy Blight - Chief Executive
Sayying Toh – Financial Accountant

7. **Attachments**

Third Quarter Budget Review

8. **Report Authorisers**

Drew Ellis
Group Manager Corporate Services
### Statement of Comprehensive Income

#### Income

<table>
<thead>
<tr>
<th></th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>March $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates</td>
<td>5,473</td>
<td>5,473</td>
<td>5,373</td>
<td>5,373</td>
<td>5,374</td>
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<tr>
<td>Statutory charges</td>
<td>44</td>
<td>44</td>
<td>44</td>
<td>44</td>
<td>37</td>
</tr>
<tr>
<td>User charges</td>
<td>10,652</td>
<td>10,702</td>
<td>10,853</td>
<td>11,417</td>
<td>9,010</td>
</tr>
<tr>
<td>Grants subsidies and contributions</td>
<td>191</td>
<td>223</td>
<td>243</td>
<td>243</td>
<td>162</td>
</tr>
<tr>
<td>Municipal deficit funding</td>
<td>600</td>
<td>600</td>
<td>600</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>Investment income</td>
<td>40</td>
<td>40</td>
<td>122</td>
<td>122</td>
<td>77</td>
</tr>
<tr>
<td>Reimbursements</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other income</td>
<td>165</td>
<td>147</td>
<td>167</td>
<td>117</td>
<td>75</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>17,165</strong></td>
<td><strong>17,229</strong></td>
<td><strong>17,402</strong></td>
<td><strong>17,916</strong></td>
<td><strong>15,335</strong></td>
</tr>
</tbody>
</table>

#### Expenses

<table>
<thead>
<tr>
<th></th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>March $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs</td>
<td>-4,695</td>
<td>-4,633</td>
<td>-4,580</td>
<td>-4,580</td>
<td>-3,494</td>
</tr>
<tr>
<td>Materials contracts &amp; other expenses</td>
<td>-9,181</td>
<td>-9,285</td>
<td>-9,313</td>
<td>-9,394</td>
<td>-6,349</td>
</tr>
<tr>
<td>Finance Costs</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-1</td>
</tr>
<tr>
<td>Depreciation amortisation &amp; impairment</td>
<td>-3,171</td>
<td>-3,171</td>
<td>-3,171</td>
<td>-3,171</td>
<td>-2,374</td>
</tr>
<tr>
<td>Share of profit - equity accounted Council businesses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>-17,061</strong></td>
<td><strong>-17,103</strong></td>
<td><strong>-17,078</strong></td>
<td><strong>-17,159</strong></td>
<td><strong>-12,218</strong></td>
</tr>
</tbody>
</table>

#### OPERATING SURPLUS / (DEFICIT)

<table>
<thead>
<tr>
<th></th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>March $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Distribution</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Adjusted Net Surplus / (Deficit)</strong></td>
<td><strong>104</strong></td>
<td><strong>126</strong></td>
<td><strong>324</strong></td>
<td><strong>757</strong></td>
<td><strong>3,117</strong></td>
</tr>
</tbody>
</table>

#### Asset disposal and fair value adjustments

<table>
<thead>
<tr>
<th></th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>March $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Resources Received Free of Charge</td>
<td>0</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Amounts specifically for new or upgraded assets</td>
<td>1,760</td>
<td>1,760</td>
<td>1,615</td>
<td>735</td>
<td>165</td>
</tr>
<tr>
<td><strong>NET SURPLUS / (DEFICIT)</strong></td>
<td><strong>1,864</strong></td>
<td><strong>1,886</strong></td>
<td><strong>1,981</strong></td>
<td><strong>1,534</strong></td>
<td><strong>3,324</strong></td>
</tr>
</tbody>
</table>

#### Other Comprehensive Income

<table>
<thead>
<tr>
<th></th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>Budget $'000</th>
<th>March $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer Between Reserves</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL COMPREHENSIVE INCOME</strong></td>
<td><strong>1,864</strong></td>
<td><strong>1,886</strong></td>
<td><strong>1,981</strong></td>
<td><strong>1,534</strong></td>
<td><strong>3,324</strong></td>
</tr>
</tbody>
</table>
### Statement of Financial Position

#### ASSETS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash &amp; cash equivalents</strong></td>
<td>4,810</td>
<td>4,649</td>
<td>8,154</td>
<td>9,082</td>
<td>10,715</td>
</tr>
<tr>
<td><strong>Trade &amp; other receivables</strong></td>
<td>3,336</td>
<td>3,336</td>
<td>3,336</td>
<td>3,336</td>
<td>4,854</td>
</tr>
<tr>
<td><strong>Inventories</strong></td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>32</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td>8,167</td>
<td>8,006</td>
<td>11,511</td>
<td>12,439</td>
<td>15,601</td>
</tr>
<tr>
<td><strong>Infrastructure, property, plant &amp; equipment</strong></td>
<td>119,779</td>
<td>119,962</td>
<td>120,801</td>
<td>119,426</td>
<td>118,432</td>
</tr>
<tr>
<td><strong>Total Non-Current Assets</strong></td>
<td>119,779</td>
<td>119,962</td>
<td>120,801</td>
<td>119,426</td>
<td>118,432</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>127,946</td>
<td>127,968</td>
<td>132,312</td>
<td>131,865</td>
<td>134,033</td>
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</table>

#### LIABILITIES

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trades &amp; other payables</strong></td>
<td>-1,325</td>
<td>-1,325</td>
<td>-1,325</td>
<td>-1,325</td>
<td>-1,488</td>
</tr>
<tr>
<td><strong>Provisions</strong></td>
<td>-259</td>
<td>-259</td>
<td>-259</td>
<td>-259</td>
<td>-527</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td>-1,584</td>
<td>-1,584</td>
<td>-1,584</td>
<td>-1,584</td>
<td>-2,015</td>
</tr>
<tr>
<td><strong>Non-current provisions</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-55</td>
</tr>
<tr>
<td><strong>Other non-current liabilities</strong></td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,122</td>
</tr>
<tr>
<td><strong>Total Non-Current Liabilities</strong></td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,230</td>
<td>-1,177</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>-2,814</td>
<td>-2,814</td>
<td>-2,814</td>
<td>-2,814</td>
<td>-3,192</td>
</tr>
</tbody>
</table>

**NET ASSETS**

|                      | 125,132                | 125,154                         | 129,498                         | 129,051                         | 130,841                         |

#### EQUITY

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accumulated Surplus</strong></td>
<td>25,683</td>
<td>25,705</td>
<td>28,213</td>
<td>27,766</td>
<td>29,556</td>
</tr>
<tr>
<td><strong>TOTAL EQUITY</strong></td>
<td>125,132</td>
<td>125,154</td>
<td>129,498</td>
<td>129,051</td>
<td>130,841</td>
</tr>
</tbody>
</table>
### Statement of Changes in Equity

#### ACCUMULATED SURPLUS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget $'000</td>
<td>23,819</td>
<td>23,819</td>
<td>26,232</td>
<td>26,232</td>
<td>26,232</td>
</tr>
<tr>
<td>Net result for year</td>
<td>1,864</td>
<td>1,886</td>
<td>1,981</td>
<td>1,534</td>
<td>3,324</td>
</tr>
<tr>
<td>Balance at end of period</td>
<td>25,683</td>
<td>25,705</td>
<td>28,213</td>
<td>27,766</td>
<td>29,556</td>
</tr>
</tbody>
</table>

#### ASSET REVALUATION RESERVE

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gain on revaluation of infrastructure, property plant &amp; equipment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transfer to accumulated surplus on sale of infrastructure, property, plant &amp; equipment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

#### TOTAL EQUITY AT END OF REPORTING PERIOD

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>125,132</td>
<td>125,154</td>
<td>129,498</td>
<td>129,051</td>
<td>130,841</td>
</tr>
</tbody>
</table>
### Statement of Cash Flows

**CASH FLOWS FROM OPERATING ACTIVITIES**

**Receipts**

<table>
<thead>
<tr>
<th>Description</th>
<th>2018/2019 Adopted Budget $'000</th>
<th>Review 1 Budget $'000</th>
<th>Review 2 Budget $'000</th>
<th>Review 3 Budget $'000</th>
<th>YTD Actuals Budget $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates - general and other</td>
<td>5,473</td>
<td>5,473</td>
<td>5,373</td>
<td>5,373</td>
<td>5,374</td>
</tr>
<tr>
<td>Fees and other charges</td>
<td>44</td>
<td>44</td>
<td>44</td>
<td>44</td>
<td>37</td>
</tr>
<tr>
<td>User charges receipts</td>
<td>10,652</td>
<td>10,702</td>
<td>10,853</td>
<td>11,417</td>
<td>9,010</td>
</tr>
<tr>
<td>Grants utilised for operating purposes</td>
<td>191</td>
<td>223</td>
<td>243</td>
<td>243</td>
<td>162</td>
</tr>
<tr>
<td>Municipal deficit funding receipts</td>
<td>600</td>
<td>600</td>
<td>600</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>Investment receipts</td>
<td>40</td>
<td>40</td>
<td>122</td>
<td>122</td>
<td>77</td>
</tr>
<tr>
<td>Reimbursement receipts</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other revenues receipts</td>
<td>165</td>
<td>147</td>
<td>167</td>
<td>117</td>
<td>75</td>
</tr>
<tr>
<td>Changes in Net Assets</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-1,304</td>
</tr>
</tbody>
</table>

**Payments**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs payments</td>
<td>-4,695</td>
<td>-4,633</td>
<td>-4,580</td>
<td>-4,580</td>
<td>-3,494</td>
</tr>
<tr>
<td>Materials, contracts &amp; other payments</td>
<td>-9,181</td>
<td>-9,285</td>
<td>-9,313</td>
<td>-9,394</td>
<td>-6,349</td>
</tr>
<tr>
<td>Finance payments</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-1</td>
</tr>
</tbody>
</table>

**Net Cash provided by (or used in) Operating Activities**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3,275</td>
<td>3,297</td>
<td>3,495</td>
<td>3,928</td>
<td>4,187</td>
</tr>
</tbody>
</table>

**CASH FLOWS FROM INVESTING ACTIVITIES**

**Receipts**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amounts specifically for new or upgraded assets</td>
<td>1,760</td>
<td>1,760</td>
<td>1,665</td>
<td>785</td>
<td>165</td>
</tr>
</tbody>
</table>

**Payments**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure on renewal/replacement of assets</td>
<td>-2,666</td>
<td>-2,849</td>
<td>-3,027</td>
<td>-2,109</td>
<td>-653</td>
</tr>
<tr>
<td>Expenditure on new/upgraded assets</td>
<td>-1,222</td>
<td>-1,222</td>
<td>-1,163</td>
<td>-706</td>
<td>-168</td>
</tr>
</tbody>
</table>

**Net Cash provided (or used in) Investing Activities**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>-2,128</td>
<td>-2,311</td>
<td>-2,525</td>
<td>-2,030</td>
<td>-656</td>
</tr>
</tbody>
</table>

**CASH FLOWS FROM FINANCING ACTIVITIES**

**Receipts**

|-------------|-----------|-----------|-----------|-----------|-----------|

**Payments**

|-------------|-----------|-----------|-----------|-----------|-----------|

**Net Cash provided by (or used in ) Financing Activities**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Net Increase / (Decrease) in cash**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1,147</td>
<td>986</td>
<td>970</td>
<td>1,898</td>
<td>3,531</td>
</tr>
</tbody>
</table>

**Cash & equivalents at beginning of period**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3,663</td>
<td>3,663</td>
<td>7,184</td>
<td>7,184</td>
<td>7,184</td>
</tr>
</tbody>
</table>

**Cash & equivalents at end of period**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4,810</td>
<td>4,649</td>
<td>8,154</td>
<td>9,082</td>
<td>10,715</td>
</tr>
</tbody>
</table>
### Uniform Presentation of Finances

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Income</td>
<td>17,165</td>
<td>17,229</td>
<td>17,402</td>
<td>17,916</td>
<td>15,335</td>
</tr>
<tr>
<td>less Expenses</td>
<td>-17,061</td>
<td>-17,103</td>
<td>-17,078</td>
<td>-17,159</td>
<td>-12,218</td>
</tr>
<tr>
<td>Operating Surplus / (Deficit)</td>
<td>104</td>
<td>126</td>
<td>324</td>
<td>757</td>
<td>3,117</td>
</tr>
</tbody>
</table>

**less Net Outlays on Existing Assets**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Expenditure</td>
<td>2,666</td>
<td>2,849</td>
<td>3,027</td>
<td>2,109</td>
<td>653</td>
</tr>
<tr>
<td>less Depreciation</td>
<td>-3,171</td>
<td>-3,171</td>
<td>-3,171</td>
<td>-3,171</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>of replaced assets</td>
<td></td>
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<td></td>
<td>-505</td>
<td>-322</td>
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**less Net outlays on New and Upgraded Assets**

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<tr>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>of surplus assets</td>
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<td></td>
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<tr>
<td></td>
<td>-538</td>
<td>-538</td>
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**Net Lending / (Borrowing) for Financial Year**

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### Statutory Financial Indicators

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<td>0.7%</td>
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<tr>
<td>as a percentage of</td>
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<tr>
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<td>-30%</td>
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### Asset Sustainability Ratio

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<td>100%</td>
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<td>renewal/ replacement</td>
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<td>replaced assets divided</td>
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<tr>
<td>by Infrastructure Asset</td>
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### Statement of Comprehensive Income

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<tbody>
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<tr>
<td>Depreciation/amortisation &amp; impairment</td>
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<td>-1,726</td>
<td>-1,726</td>
<td>-1,726</td>
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<td>-11,197</td>
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<td>-8,436</td>
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<td>1,050</td>
<td>1,050</td>
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<td><strong>Adjusted Net Surplus / (Deficit)</strong></td>
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<td>-8</td>
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<td>Physical Resources Received Free of Charge</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Amounts specifically for new or upgraded assets</td>
<td>1,760</td>
<td>1,760</td>
<td>1,665</td>
<td>785</td>
<td>165</td>
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<td><strong>NET SURPLUS / (DEFICIT)</strong> transferred to Equity Statement</td>
<td>.396</td>
<td>-263</td>
<td>-1,226</td>
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<td>-526</td>
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<td><strong>Other Comprehensive Income</strong></td>
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<tr>
<td>Transfer Between Reserves</td>
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<td>0</td>
<td>0</td>
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<tr>
<td><strong>TOTAL COMPREHENSIVE INCOME</strong></td>
<td>.396</td>
<td>-263</td>
<td>-1,226</td>
<td>-877</td>
<td>-526</td>
</tr>
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</table>

### Uniform Presentation of Finances

- **Income**
  - 8,060
  - 8,124
  - 8,297
  - 8,247
  - 7,703

- **plus Municipal Distribution**
  - 1,050
  - 1,050
  - 1,050
  - 1,050
  - 0

- **Operating Surplus / (Deficit)**
  - -11,266
  - -11,197
  - -12,230
  - -10,951
  - -8,436

- **less Net Outlays on Existing Assets**
  - Capital Expenditure on renewal & replacement of existing assets
    - 2,666
    - 2,805
    - 2,983
    - 2,065
    - 614
  - less Depreciation/amortisation & impairment
    - -1,726
    - -1,726
    - -1,726
    - -1,726
    - -1,366
  - less Proceeds from sale of replaced assets
    - 0
    - 0
    - 0
    - 0
    - -8

- **Net 940 1,079 1,257 339 760**

- **less Net Outlays on New and Upgraded Assets**
  - Capital Expenditure on new & upgraded assets
    - 888
    - 888
    - 829
    - 501
    - 153
  - less Amounts received specifically for new & upgraded assets
    - -1,760
    - -1,760
    - -1,665
    - -785
    - -165
  - less Proceeds from sale of surplus assets
    - 0
    - 0
    - 0
    - 0
    - 0

- **-872 -872 -836 -284 -12**
### ROXBY POWER

---

#### Statement of Comprehensive Income

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<td>Review 2</td>
<td>Review 3</td>
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#### Income

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<tr>
<td>User charges</td>
<td>4,431</td>
<td>4,431</td>
<td>4,431</td>
<td>4,705</td>
<td>3,659</td>
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<tr>
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<tr>
<td>Reimbursements</td>
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<td>0</td>
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<td>0</td>
</tr>
<tr>
<td>Other income</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td>4,431</td>
<td>4,431</td>
<td>4,431</td>
<td>4,705</td>
<td>3,659</td>
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#### Expenses

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<tbody>
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<td>-3,287</td>
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#### Operating Surplus / (Deficit)

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</thead>
<tbody>
<tr>
<td></td>
<td>1,224</td>
<td>1,144</td>
<td>1,673</td>
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#### Adjusted Net Surplus / (Deficit)

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<tr>
<td>Asset disposal and fair value adjustments</td>
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<td>Physical Resources Received Free of Charge</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Amounts specifically for new or upgraded assets</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td><strong>Total Net Surplus / (Deficit)</strong></td>
<td>1,224</td>
<td>1,144</td>
<td>1,673</td>
<td>1,266</td>
<td>1,531</td>
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#### Uniform Presentation of Finances

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<tbody>
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<td>Income</td>
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<td>4,431</td>
<td>4,431</td>
<td>4,705</td>
<td>3,659</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>less Expenses</td>
<td>-3,207</td>
<td>-3,287</td>
<td>-2,758</td>
<td>-3,439</td>
<td>-2,128</td>
</tr>
<tr>
<td><strong>Operating Surplus / (Deficit)</strong></td>
<td>1,224</td>
<td>1,144</td>
<td>1,673</td>
<td>1,266</td>
<td>1,531</td>
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#### Other Comprehensive Income

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<td>1,673</td>
<td>1,266</td>
<td>1,531</td>
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*Operating Surplus / (Deficit) transferred to Equity Statement*
## ROXBYS WATER & SEWERAGE

### Statement of Comprehensive Income

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</tr>
<tr>
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<td>4,675</td>
<td>4,965</td>
<td>3,974</td>
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<tr>
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<td>-629</td>
<td>-629</td>
<td>-629</td>
<td>-431</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td>-2,587</td>
<td>-2,617</td>
<td>-2,089</td>
<td>-2,767</td>
<td>-1,654</td>
</tr>
<tr>
<td><strong>OPERATING SURPLUS / (DEFICIT)</strong></td>
<td>2,088</td>
<td>2,058</td>
<td>2,586</td>
<td>2,198</td>
<td>2,320</td>
</tr>
<tr>
<td>Municipal Distribution</td>
<td>-1,050</td>
<td>-1,050</td>
<td>-1,050</td>
<td>-1,050</td>
<td>0</td>
</tr>
<tr>
<td><strong>Adjusted Net Surplus / (Deficit)</strong></td>
<td>1,038</td>
<td>1,008</td>
<td>1,536</td>
<td>1,148</td>
<td>2,320</td>
</tr>
<tr>
<td>Asset disposal and fair value adjustments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Physical Resources Received Free of Charge</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Amounts specifically for new or upgraded assets</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>NET SURPLUS / (DEFICIT)</strong> transferred to Equity Statement</td>
<td>1,038</td>
<td>1,008</td>
<td>1,536</td>
<td>1,148</td>
<td>2,320</td>
</tr>
<tr>
<td><strong>Other Comprehensive Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer Between Reserves</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL COMPREHENSIVE INCOME</strong></td>
<td>1,038</td>
<td>1,008</td>
<td>1,536</td>
<td>1,148</td>
<td>2,320</td>
</tr>
</tbody>
</table>

### Uniform Presentation of Finances

<table>
<thead>
<tr>
<th></th>
<th>Income 4,675 $'000</th>
<th>Plus Municipal Distribution -1,050 $'000</th>
<th>Less Expenses -2,587 $'000</th>
<th>Operating Surplus / (Deficit) 1,038 $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>less Net Outlays on Existing Assets</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
</tr>
<tr>
<td>less Depreciation amortisation &amp; impairment</td>
<td>-629 $'000</td>
<td>-629 $'000</td>
<td>-629 $'000</td>
<td>-629 $'000</td>
</tr>
<tr>
<td>less Proceeds from sale of replaced assets</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
</tr>
<tr>
<td></td>
<td>-629 $'000</td>
<td>-629 $'000</td>
<td>-629 $'000</td>
<td>-629 $'000</td>
</tr>
<tr>
<td>less Net outlays on New and Upgraded Assets</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>139 $'000</td>
</tr>
<tr>
<td>Capital Expenditure on new or upgraded assets</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>139 $'000</td>
</tr>
<tr>
<td>less Amounts received specifically for new &amp; upgraded assets</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
<td>0 $'000</td>
</tr>
<tr>
<td>less Proceeds from sale of surplus assets</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>268 $'000</td>
<td>139 $'000</td>
</tr>
</tbody>
</table>
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 17 May 2019
Title of Report Draft Annual Business Plan & Budget 2019-2020

1. Purpose

To provide Council with the opportunity to consider feedback from the Audit Committee and the Government of South Australia in relation to the DRAFT Annual Business Plan & Budget 2019-2020.

2. Recommendation


3. Background

The Draft Annual Business Plan and Budget has been prepared according to the budget principles reported in February 2019. Public consultation on the draft plan began on 8 April 2019 and finished on 29 April 2019. The Public Meeting to receive verbal submissions is to be held 29 May 2019. A copy has been forwarded to the State Government of South Australia (Department of Energy and Mining) and BHP.

The draft ABP is available on Council’s website at: http://roxbydowns.sa.gov.au/currentconsultations

Attachment – Consultation Report to 7 May 2019

4. Discussion

The Audit Committee reviewed the DRAFT Annual Business Plan and Budget 2019-2020 at their meeting on 17 May 2019. The Audit Committee raised no substantive issues and made no recommendations regarding the changing of any specific aspect of the document.

The State Government also considered the document at a meeting with Council’s Chief Executive and Administrator on 21 May 2019. The Government of South Australia also raised no substantive issues and made no recommendations regarding the changing of any specific aspect of the document.

Council therefore intends for the final version of the document to be unchanged from the version that was considered by both the Audit Committee and the Government of South Australia.

For information, the Audit Committee and the Government of South Australia considered the following content in support of the DRAFT Annual Business Plan and Budget 2019-2020:

For 2019-2020, the budget aims to achieve an operating surplus of $3,000 and a net capital expenditure of $4.844 million.

Operating Income

The budget proposes an Operating Income of $18.021 million, which is $865,000 more than for the Adopted Budget of 2018/2019. This income is derived from a number of different sources, the most material of which are Municipal Rates, User Charges (ie income from Roxby Power, Roxby Water and Roxbylink). It is proposed to hold rates total income at the same level as for 2018/2019 in dollar terms. It is also proposed that Council offer a rate capping rebate designed
to ensure that no residential ratepayer needs to incur a rates increase a greater than 10% over last year’s. The budget also plans to hold tariffs for power and water at current levels.

Included in Operating Income is a combined contribution from the State Government of South Australia and BHP of $600,000 (which is the same as for 2018/2019).

Operating Expenditure

The budget proposes an Operating Expenditure of $18.018 million including depreciation of $3.184 million. Total operating expenditure represents an increase of $975,000 over the Adopted Budget of 2018/2019. This increase relates to Employee Costs and in Materials, Contracts and Other, which reflects an increased focus on asset management and maintenance, as well as some carried forward works from 2018/2019.

Capital Expenditure

The budget proposes capital expenditure comprising:

- Expenditure on renewal/replacement of assets: $2.083 million
- Expenditure on new/upgraded assets: $2.971 million

Which is to be partially offset by:

- Amounts specifically for new/upgraded assets: ($0.570 million)

= Net Capital Expenditure: $4.844 million

Significant items

All activities and projects impact the budget. Significant activities and projects highlighted for 2019/2020 include:
<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Community/recreational projects</strong></td>
<td></td>
</tr>
<tr>
<td>Hermit St Playground – construction of new toilets and fencing</td>
<td>$120,000</td>
</tr>
<tr>
<td>Oval – fertigation system</td>
<td>$50,000</td>
</tr>
<tr>
<td>Community Centre (CYC) improvements – Roof over pergola, replace</td>
<td>$20,000</td>
</tr>
<tr>
<td>couches and activity items. Complete rebranding.</td>
<td></td>
</tr>
<tr>
<td><strong>Roxbylink projects</strong></td>
<td></td>
</tr>
<tr>
<td>Pool – replace &amp; repair main pump &amp; filters</td>
<td>$90,000</td>
</tr>
<tr>
<td>Pool – construction of additional shade</td>
<td>$23,000</td>
</tr>
<tr>
<td>Indoor Pool – modification of building to provide an internal link</td>
<td>$120,000</td>
</tr>
<tr>
<td>to the change rooms and toilets.</td>
<td></td>
</tr>
<tr>
<td>Pulse Gym – replace fitness equipment &amp; group fitness sound system</td>
<td>$25,000</td>
</tr>
<tr>
<td>Courts – construction of shade over netball courts</td>
<td>$7,000</td>
</tr>
<tr>
<td>Air conditioner replacement (1 unit)</td>
<td>$16,000</td>
</tr>
<tr>
<td>Leisure centre - painting</td>
<td>$50,000</td>
</tr>
<tr>
<td>Cinema – painting &amp; ceiling work</td>
<td>$25,000</td>
</tr>
<tr>
<td>Leisure Centre and Dunes Café toilets/change rooms repair and</td>
<td>$35,000</td>
</tr>
<tr>
<td>refurbishment</td>
<td></td>
</tr>
<tr>
<td>Leisure centre LED Lighting ($150k over 2 years)</td>
<td>$75,000</td>
</tr>
<tr>
<td><strong>Infrastructure projects</strong></td>
<td></td>
</tr>
<tr>
<td>Road resales, including:</td>
<td>$500,000</td>
</tr>
<tr>
<td>Scheduled resales based on most recent condition assessments</td>
<td></td>
</tr>
<tr>
<td>($300,000) and specific treatment of cracking Arccona/Pioneer</td>
<td></td>
</tr>
<tr>
<td>&amp; Olympic/Pioneer ($200,000)</td>
<td></td>
</tr>
<tr>
<td>Road line marking</td>
<td>$60,000</td>
</tr>
<tr>
<td>Unsealed road maintenance</td>
<td>$35,000</td>
</tr>
<tr>
<td>Richardson Place upgrade, including:</td>
<td>$72,000</td>
</tr>
<tr>
<td>Tables &amp; chairs replacement ($20,000)</td>
<td></td>
</tr>
<tr>
<td>Toilets – additional refurb to complement new toilets ($50,000)</td>
<td></td>
</tr>
<tr>
<td>Additional bike and scooter racks ($2,000)</td>
<td></td>
</tr>
<tr>
<td>Replacement of pine log railings at key road interchanges and</td>
<td>$50,000</td>
</tr>
<tr>
<td>school crossings</td>
<td></td>
</tr>
<tr>
<td>Footpaths – various scheduled works</td>
<td>$100,000</td>
</tr>
<tr>
<td>Plastics to Fuel Project - equipment</td>
<td>$75,000</td>
</tr>
</tbody>
</table>
### Roxby Power projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street lighting investment, including:</td>
<td>$138,000</td>
</tr>
<tr>
<td>LED upgrades ($111,000)</td>
<td></td>
</tr>
<tr>
<td>Street light pole replacement ($22,000)</td>
<td></td>
</tr>
<tr>
<td>Walkway lights ($5,000)</td>
<td></td>
</tr>
<tr>
<td>High Voltage switches replacement</td>
<td>$162,000</td>
</tr>
<tr>
<td>High Voltage switches &amp; transformers – scheduled maintenance ($260,000)</td>
<td>$335,000</td>
</tr>
<tr>
<td>and upgrade transformer bases ($75,000)</td>
<td></td>
</tr>
<tr>
<td>Low Voltage maintenance</td>
<td>$125,000</td>
</tr>
<tr>
<td>Power meter replacements</td>
<td>$96,000</td>
</tr>
</tbody>
</table>

### Roxby Water projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trailer/crane replacement</td>
<td>$25,000</td>
</tr>
<tr>
<td>Stormwater upgrade – increase capacity &amp; setup system on SCADA (remote monitoring system)</td>
<td>$25,000</td>
</tr>
<tr>
<td>Sewerage upgrade – transfer channels between ponds (includes $10,000 c/f)</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

### IT & Systems

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT projects, including:</td>
<td>$195,000</td>
</tr>
<tr>
<td>Asset Management System and hardware replacement</td>
<td></td>
</tr>
<tr>
<td>Drone Technology</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

### Items carried forward from 18/19 financial year

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hermit St Playground upgrade</td>
<td>$50,000</td>
</tr>
<tr>
<td>Lions and Skate Park upgrade, including: ($120,000 carried forward from previous year)</td>
<td>$270,000</td>
</tr>
<tr>
<td>-Skate bowl</td>
<td></td>
</tr>
<tr>
<td>General improvements ($30,000)</td>
<td></td>
</tr>
<tr>
<td>(Cost of skate bowl to be offset by grant funding of $120,000)</td>
<td></td>
</tr>
<tr>
<td>Emu Walk (balance of work - Grant carried forward)</td>
<td>$200,000</td>
</tr>
<tr>
<td>Multipurpose change room facilities* (funding from grants being sought)</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Sewerage upgrade - airolator for sewage ponds</td>
<td>$60,000</td>
</tr>
<tr>
<td>Roxby water – backup generator</td>
<td>$129,000</td>
</tr>
<tr>
<td>Multi-purpose Pump Track (funding from grants/contributions $450,000)*</td>
<td>$500,000</td>
</tr>
<tr>
<td>Off Leash Dog Park</td>
<td>$60,000</td>
</tr>
<tr>
<td>Richardson Place Public Amenities upgrade</td>
<td>$100,000</td>
</tr>
<tr>
<td>Town Entrance Signage x 3 (BHP funding $70,000)</td>
<td>$100,000</td>
</tr>
<tr>
<td>Public Art Work</td>
<td>$60,000</td>
</tr>
<tr>
<td>Townscape Horticulture Plan (including $20,000 carried forward)</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

### Deferred Projects

<table>
<thead>
<tr>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gym – conversion to 24 hour operations</td>
<td>Deferred</td>
</tr>
<tr>
<td>Community Engagement project – ‘Your Say’ (online engagement platform)</td>
<td>Deferred</td>
</tr>
</tbody>
</table>

* Project approval to be supported by a business case defining business and community benefit and the validation of proposed costings.

◆ Project supported by a detailed project plan

### Policy Implications

#### 5.1 Financial/Budget

As described within the Draft Annual Business Plan and Budget 2019/2020.
5.2 **Resources**

Under the requirements of the Roxby Downs Indenture Agreement Act Council is required to obtain the approval of State Government of South Australia and BHP.

5.3 **Legal and Risk Management**

Meeting the legislative requirements of the Local Government Act.

6. **Attachment**

Consultation Report to 7 May 2019

7. **Report Consultation**

- Group Manager Corporate Services
- Community Consultation
- Audit Committee
- State Government of South Australia

8. **Report Authorisers**

Roy Blight
Chief Executive
Draft Annual Business Plan and Budget
Preliminary consultation report to date: 7 May 2019

• Timeline
• Communications
• Methodology – Engaging Stakeholders
• Summary of engagement
• Website analytics
• Facebook analytics
• Appendices:
  1. Record of community information session
  2. Facebook live session - Transcribed timestamps
  3. Facebook live session – Record of community questions and responses.

---

Monday 8 April 2019
Community Consultation Opens
Online survey and hard copy consultation packs available

Tuesday 9 April 2019
Community Information Session
• Community Youth Centre
• 6-7pm drop in.
Find out more, ask questions and make comments.

Tuesday 16 April 2019
Facebook Live Session
• Roxby Council Facebook page
• Watch and participate 7-8pm.

Monday 29 April 2019
Community Consultation Closes
All written submissions to be received by 5pm.

Wednesday 29 May 2019
Council Meeting
6pm
Public Meeting
-6.30pm
Public are invited to make verbal submissions at the Public Meeting
Consultation Communications:

- Advertisement
  As required under Section 123 of the Local Government Act 1999, Council published a notice in a newspaper circulating within its area – “The Advertiser’ advising the public of the opportunity to make submissions during the consultation period. The advertisement appeared in the May 29 edition of The Advertiser.

- Website and Hard Copy
  The Draft Annual Business Plan and Budget 2019/20 full document was placed on the Roxby Council website informing the public of its preparation and inviting interested persons to provide feedback, suggestions and comments by way of:
  - Completing and submitting an online form via the website
  - Emailing a submission to consultation@roxbycouncil.com.au
  - Post a written submission to the Chief Executive at the Roxby Council (PO Box 124 Roxby Downs SA 5725).

The Draft Annual Business Plan and Budget 2019/20 full document was also made available for public viewing at the Roxby Downs Council office.
• **Consultation Pack**
A Consultation pack with feedback form was also placed on the website – providing a summary of the Key Points of the Draft Annual Business Plan & Budget, key dates during and after the consultation period and a submission form. Hard copy consultation packs were also made available to the public at the Roxby Council office and the Community Library.

• **Community Information Session, Facebook Live Session and Public Meeting**
The Key Dates for the Consultation were also highlighted clearly on the website indicating the various opportunities for the public to provide submissions.
  - Invitation to the public to attend a Community Information Session at the Community Youth Centre on Tuesday 9 April at 6pm.
  - Invitation to the public to participate on a Facebook Live Session with the Chief Executive and Group Manager Corporate/Financial Services on Tuesday 16 April – 7pm
  - Invitation to the public to attend a public meeting held by Council on Wednesday 29 May – 6.30pm where verbal submissions could be made.

**Methodology - Engaging stakeholders in the Public Consultation:**
Council made consistent efforts, leading up to and throughout the consultation period, to engage the community in the consultation and encourage submissions. This included the utilisation of a number of various channels of communication including:
  - The Roxby Council Facebook Page
  - Sharing of Roxby Council Facebook (audience of 1,146 as at 8 April, 2019) posts to the Roxby Idle Chit Chat Facebook page (the latter page has 4,059 members and thus a very wide audience).
  - Speaking on community radio regarding the Public Consultation – both ‘Council Catch-up’ (Thursdays 9.00am-10.00am) and ‘The Vibe’ (Fridays 1pm-2pm). Endeavoring to capture both morning and afternoon audiences.
  - Spotlight items and notifications on the ‘My Local Services App’.
  - Posters placed at the Roxby Council, Roxbylink and on the Community Noticeboard in the centre of the town.
  - Direct email to:
    o State Government stakeholders
    o BHP Communications, Community and Partnership units.
    o The Chair of the Community Board and subsequent distribution to Chairpersons of the 14 Roxby Community Forum groups.
    o Direct email to all staff of the Roxby Council (including Roxbylink) to ensure awareness and encourage distribution to the community.
Facebook Live Session – Tuesday 16 April, 2019

As an endeavor to engage more community members and, particularly ‘difficult to reach’ stakeholders, Roxby Council provided the public the opportunity participate in a Facebook Live Session. The Roxby Downs community consists of a broad range of constituents including shift workers, BHP rostered workers and young families for whom it can be difficult to physically attend community information sessions. Furthermore, Roxby Downs consist of a portion of stakeholders who do not actually reside within the town – homeowners and investors living elsewhere.

A Facebook live session during the 2018/19 Draft Annual Business Plan and Budget consultation period engaged a large audience and was utilized, again, as an innovative tool capturing a broad range of stakeholders. The session provided a means by which all interested persons could gather information first hand from the Chief Executive and Corporate Services Manager and an opportunity to participate in a live dialogue on issues.

Summary of Community Engagement and Submissions:
Summary – full record of questions and Council responses in Appendix of Report.

<table>
<thead>
<tr>
<th>Platform</th>
<th>Attendees/Engagement/Users</th>
<th>Number of Submissions/Questions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Information Session</td>
<td>4 : 2 x general public, 2 x BHP</td>
<td>2 questions</td>
</tr>
<tr>
<td>Consultation Email</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Website Submission Form</td>
<td>1</td>
<td>1 submission</td>
</tr>
<tr>
<td>Facebook Live Session</td>
<td>See Social Media Analytics section</td>
<td></td>
</tr>
<tr>
<td>Verbal Submission</td>
<td>Tbc (session on 29 May)</td>
<td></td>
</tr>
</tbody>
</table>

(to date – 1pm - 06 May 2019)

Full record of questions and responses:
Appendix 1: Record of Community Information Session – 9 April 2019
Appendix 2: Time Stamps of key points in the Facebook live session
Appendix 3: Questions and responses during the Facebook live session
Website Analytics: Summary 8 April to 1pm Monday 6 May 2019

<table>
<thead>
<tr>
<th>Page</th>
<th>Page views</th>
<th>Unique page views</th>
</tr>
</thead>
<tbody>
<tr>
<td>/communityconsultations</td>
<td>158</td>
<td>124</td>
</tr>
</tbody>
</table>

- Page views: the total number of pages viewed. Repeated views of a single page are counted.
- Unique page views: the number of sessions during which the specified page was viewed at least once.
- A unique page view is counted for each page URL + page Title combination.

Facebook Analytics: Summary 8 April to 1pm Monday 6 May 2019

- Facebook Live session: activity on the video post to date.

<table>
<thead>
<tr>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reach: 2000</td>
</tr>
<tr>
<td>Views:</td>
</tr>
<tr>
<td>Peak live viewers 38</td>
</tr>
<tr>
<td>Highest number of concurrent viewers who watched the live broadcast for at least 3 seconds.</td>
</tr>
<tr>
<td>Minutes viewed 1,916</td>
</tr>
<tr>
<td>Total number of minutes video was watched, including replays and views less than 3 seconds.</td>
</tr>
<tr>
<td>Video views 907</td>
</tr>
<tr>
<td>Number of times the video was watched for an aggregate of at least 3 seconds, or for nearly its total length, whichever happened first</td>
</tr>
<tr>
<td>10-second views 415</td>
</tr>
<tr>
<td>Number of times the video was watched for an aggregate of at least 10 seconds, or for nearly its total length, whichever happened first</td>
</tr>
<tr>
<td>Video average watch time 0:54</td>
</tr>
<tr>
<td>The average time the video was watched for. Calculated as the total watch time of your video, divided by the total number of video plays including replays.</td>
</tr>
<tr>
<td>People Reached:</td>
</tr>
<tr>
<td>Unique Viewers 699</td>
</tr>
<tr>
<td>The number of distinct people who viewed the video in your post at least once.</td>
</tr>
<tr>
<td>Post engagement 55</td>
</tr>
<tr>
<td>Total number of reactions and comments your video received on the original post and shared posts.</td>
</tr>
<tr>
<td>Post clicks: 97</td>
</tr>
<tr>
<td>Clicks to play 78</td>
</tr>
<tr>
<td>Link clicks 11</td>
</tr>
<tr>
<td>Other clicks 8</td>
</tr>
<tr>
<td>Not on the page title or to see more (?)</td>
</tr>
<tr>
<td>Reactions: 55</td>
</tr>
<tr>
<td>Like 24</td>
</tr>
<tr>
<td>18 on post 6 on shares</td>
</tr>
<tr>
<td>Love 1</td>
</tr>
<tr>
<td>1 on post</td>
</tr>
<tr>
<td>Laugh 0</td>
</tr>
<tr>
<td>Wow shake head 0</td>
</tr>
<tr>
<td>Sad 0</td>
</tr>
<tr>
<td>Angry 0</td>
</tr>
<tr>
<td>Total Comments 24</td>
</tr>
<tr>
<td>18 on post 6 on shares</td>
</tr>
<tr>
<td>Total Shares 6</td>
</tr>
</tbody>
</table>
Appendix 1: Record of Community Information Session – 9 April 2019

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Platform</th>
<th>Topic</th>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 April 2019</td>
<td>Sandy Sumsion</td>
<td>Public Consultation Meeting</td>
<td>Commercial Rates</td>
<td>Question regarding commercial rates; concern that if commercial rates go up so too will shop rentals.</td>
<td>Chief executive explained that the generator would be utilized to back up water operations should a power failure take place. The pumps require power.</td>
</tr>
<tr>
<td>15 May</td>
<td>Sandy Sumsion</td>
<td>Public Consultation Meeting</td>
<td>Roxby Water</td>
<td>Request for further explanation regarding the purpose of a Roxby Water backup generator.</td>
<td></td>
</tr>
</tbody>
</table>

Appendix 2: Draft Annual Business Plan and Budget 2019/20 FB Live
Transcribed/Time Stamps

Video header ‘Starting soon’
Formal session commences at 2:41” with an introduction from Council’s Chief Executive Roy Blight.
5:00” – an overview of the budget
- Budget will be characterised by no overall increase in rates – by total or category
- No increase in power or water tariffs
- Balanced operating budget
- Council will continue to be debt free
- Council will look to utilise grants wherever possible to offset the cost of its projects
9:55” – deferred projects
13:30” – question and answer regarding the off leash dog park
15:00” – discussion/update on some of the carried forward projects
20:25” – question regarding any new playgrounds or grassed public areas planned for the new areas
21:10” – question regarding the multipurpose pump track
22:35” – question regarding the conversion of the gym to a 24/7 operation
23:10” – question regarding town entrance statements/signage
24:30” – discussion/update regarding the Richardson Place public amenities
24:55” – question regarding the management of the town’s ovals and leisure centre
25:44” – discussion regarding some of the new projects for 2019/20
29:10” – question regarding green flagging between Roxby Downs and Woomera
30:45” – continued discussion regarding new projects for 2019/20
34:35” – question regarding Rotary Park
35:25” – question regarding a nature playground for Roxby Downs
38:40” – question regarding recycling within Roxbylink
39:08” – further information about how to send questions and feedback for the Consultation.
39:57” – Correction the Public Consultation period for written submissions closes on Monday 29 April 2019.
Final verbal submissions will be received at a special public meeting on Wednesday 29 May at 6.30pm in the Council Boardroom.
40:25” – where to find the Draft Annual Business Plan and Budget 2019/20
44:00 – end of live FB session.
## Appendix 3: Draft Annual Business Plan and Budget 2019/20 Facebook live post: Record of Community questions and responses

<table>
<thead>
<tr>
<th>Date</th>
<th>Ref. No.</th>
<th>Name</th>
<th>Platform</th>
<th>Topic</th>
<th>Question</th>
<th>Response (summarised)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 April</td>
<td>1</td>
<td>Tammy Hill</td>
<td>Facebook Live</td>
<td>OFF LEASH DOG PARK</td>
<td>What is happening about the dog park?</td>
<td>A: The proposed location for the dog park is on the corner of Pioneer Drive and Olympic Way. That land is under the care and control of BHP. We have made application to BHP and are expecting an imminent approval on that which will allow us to move that project forward.</td>
</tr>
<tr>
<td>16 April</td>
<td>2</td>
<td>Davin Pedler</td>
<td>Facebook Live</td>
<td>PLAYGROUNDS</td>
<td>Are there any new playgrounds or grassed public areas planned for the new areas? (Currently none south of Pine Cres.)</td>
<td>A: We are looking at the strategic placement of playgrounds in Roxby Downs and it has certainly been identified in the area south of Pine Crescent that there are currently no playground facilities.</td>
</tr>
<tr>
<td>16 April</td>
<td>3</td>
<td>Jake Stirrat</td>
<td>Facebook Live</td>
<td>PUMP TRACK</td>
<td>Pump track?</td>
<td>A: The multipurpose pump track proposed for the corner of Burgoyne St and Olympic Way on the northern end, adjacent to the police station, is well advanced. Council has an allocation of $50,000 towards this project, and we are seeking pro bono and in kind contributions from contractors to bring it to fruition.</td>
</tr>
<tr>
<td>16 April</td>
<td>4</td>
<td>Nissa Rainsford</td>
<td>Facebook Live</td>
<td>GYM</td>
<td>Is the Council still looking at changing the local gym to have 24hr access and having an upgrade?</td>
<td>A: It remains on the agenda. Need to resolve public safety and duty of care obligations to patrons, particularly for any events or incidents that may happen outside of the operating hours.</td>
</tr>
<tr>
<td>16 April</td>
<td>5</td>
<td>Joe D’Arrigo</td>
<td>Facebook Live</td>
<td>TOWN ENTRANCE STATEMENT</td>
<td>When will we get a sign significant to our town at the turn off to Roxby?</td>
<td>A: We are working with the Kokatha cooperation in relation to Indigenous land use and Aboriginal arrangements. It is an active piece of work. We are at the concept development stage and hope to have something out there fairly soon.</td>
</tr>
<tr>
<td>16 April</td>
<td>6</td>
<td>Greg Weltner</td>
<td>Facebook Live</td>
<td>OVALS AND LEISURE CENTRE MANAGEMENT</td>
<td>Are we still outsourcing the management of the leisure centre and oval?</td>
<td>A: No. Council currently operates Roxbylink and oval maintenance in house. It is performed by Council staff.</td>
</tr>
<tr>
<td>16 April</td>
<td>7</td>
<td>Davin Pedler</td>
<td>Facebook Live</td>
<td>GREEN FLAGGING</td>
<td>There’s been quite a bit of talk about the green flagging between Roxby and Woomera. Can you guys provide any insight on what it’s about and will it impact us?</td>
<td>A: I understand it is the proposed Oz Minerals powerline which is coming from Port Augusta to Olympic Dam. I believe the flags also indicate exclusion areas.</td>
</tr>
<tr>
<td>16 April</td>
<td>8</td>
<td>Melissa Spurr</td>
<td>Facebook Live</td>
<td>PLAYGROUNDS</td>
<td>Is there any plan to put a light in the toilet facility at Curdimurka Park or a sky light?</td>
<td>A: Rotary Park is being upgraded thanks to a very kind donation of a BBQ from the Rotary Club of Roxby Districts. Investigating a solar light.</td>
</tr>
<tr>
<td>16 April</td>
<td>9</td>
<td>Philip Heaslip</td>
<td>Facebook Live</td>
<td>PLAYGROUNDS</td>
<td>Is there a nature playground planned?</td>
<td>A: The site of the Hermit Street playground has been demolished and that will be the site for a nature based play space. It is currently being designed by a nature based play space specialist, and we hope to have that back out to the community pretty soon and to be that developed.</td>
</tr>
<tr>
<td>16 April</td>
<td>10</td>
<td>Nissa Rainsford</td>
<td>Facebook Live</td>
<td>RECYCLING</td>
<td>Will the Council consider placing an option for recycling within the Roxbylink facility?</td>
<td>A: The provision of recycling is a topic that certainly Roxbylink is considering. One of the issues we have had in relation to some trials that have been conducted there is cross contamination of recyclable products.</td>
</tr>
</tbody>
</table>
1. Purpose

To review the Audit Committee Terms of Reference to reflect the proposed role for an Internal Auditor.

2. Recommendation

That Council notes the changes to the Terms of Reference in relation to the role for an internal auditor and adopts the proposed amendments to the Audit Committee Terms of Reference as recommended by the Audit Committee at the meeting held 17 May 2019.

3. Background

It is proposed that Council appoint an Internal Auditor to strengthen the internal control system.

The Terms of Reference relating to the Audit Committee have been updated to reflect the role of the Internal Auditor.

4. Discussion

It is proposed that Council to establish the role of Internal Auditor. The proposed role and function for the Internal Auditor is described in Attachment 1 – Internal Auditor – Proposed Role and Function.

The following section is proposed to be added to the Term of Reference to recognise the Internal Audit role:

2.4 Internal Audit

The Committee shall:

2.4.1 monitor and review the effectiveness of Council’s internal audit function in the context of Council’s overall risk management system;

2.4.2 consider and make recommendations on the work program for the Internal Auditor;

2.4.3 monitor management’s implementation of agreed actions;

2.4.4 on an annual basis, discuss any issues arising from the internal audits with the Internal Auditor; and

2.4.5 monitor and review the selection process for the Internal Auditor.

2.4.6 meet with the Internal Auditor at least once a year, (including a segment without Council management being present) to discuss issues arising from the internal audits.
5. **Policy Implications**

5.1 **Financial/Budget**

The recruitment of an internal auditor will be subject to Council’s purchasing and procurement policies.

5.2 **Resources**

The Internal Auditor will engage and interact with Council staff.

The Internal Auditor will be provided with access to Council records and information systems.

5.3 **Legal and Risk Management**

An effective internal audit enhances accountability and governance and helps to mitigate risk.

6. **Report Consultation**

Drew Ellis – Group Manager Corporate Services
Sayying Toh – Financial Accountant

7. **Attachments**

Internal Auditor – Proposed Role and Function

8. **Report Authorisers**

Roy Blight
Chief Executive
Internal Auditor – Proposed Role and Function

Purpose

The purpose of this document is to describe how it is proposed that the Internal Auditor role would apply for the Municipal Council of Roxby Downs.

The Role

The role of the internal auditor for the Municipal Council of Roxby Downs will be to provide an independent and objective perspective to add value and improve the Council’s operations. The internal auditor will assist the Council accomplish its objectives by bringing a systematic disciplined approach to evaluate and improve the effectiveness of risk management, financial control and governance processes.

The internal auditor is responsible to the Chief Executive or the Administrator.

Required Skills and Experience

Financial, accounting and risk management
Analytical and critical thinking
Communication
Data mining and analytics
General IT knowledge
Business Acumen

Activities to be based on Annual Workplan

It is envisaged that the Internal Auditor will perform activities according to an annual work plan. The annual workplan will schedule key activities each year based around quarterly engagement with Council of an estimated 3 days duration. Some of this role will be performed onsite. The balance will be done via remote access. In this way, each quarter will see the Internal Auditor focusing on a key risk area.

The annual workplan will be presented to Audit Committee for endorsement.

The process would begin with the Internal Auditor being provided with access to Controltrack reports. The purpose of this is to enable the Internal Auditor to identify Council’s key risks, and using the Internal Auditor experience of the sector to identify areas of risk which warrant closer attention.

A discussion on the identified risks will then be held with the Council’s management to establish the potential scope of the internal audit. The Internal Auditor will then create a draft annual workplan based on these key risk areas.

Each quarterly campaign is to culminate in a report on the findings and recommendations related to the enquiries and examination by the Internal Auditor. The report will be submitted to Council’s Chief Executive or Administrator (as applicable).
Summary of Internal Auditor activities:

Annual

- Internal Auditor drafts a three year work plan which focuses on key control areas
- Chief Executive consults with the Audit Committee on the proposed workplan
- Internal Auditor available to Audit Committee for further enquiry

Quarterly

- Ongoing communication with Council Staff
- Internal Auditor conducts testing/investigation into key control areas according to workplan
- Internal Auditor reports on findings to Chief Executive or Administrator

A (broken) reporting line from the Internal Auditor through to the Audit Committee.

Internal Auditor available for meetings either remote or in person as required.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Financial Delegations

1. Purpose
To revise and update the expenditure limits of officers who have been approved to hold and exercise financial delegations.

2. Recommendation
That the amended Financial Delegations, as presented, be adopted by Council.

3. Background
Pursuant to the provisions of Section 12 of the Roxby Downs (Indenture Ratification) Act 1982 and Section 44 of the Local Government Act 1999, a council may delegate a power or function to an employee of the council. This delegation may include the expenditure of funds as per Section 137 of the Local Government Act.

4. Discussion
A financial delegation prescribes the dollar amount up to which an officer is authorised to commit and/or make expenditure in respect of an individual transaction.

Financial delegations are regularly reviewed and updated to reflect Council’s operational requirements.

The change specifically relates to the credit card limit for the Executive Support Officer. The increase in card limit will enable the officer to be more efficient in arranging corporate travel, and other purchases as required and authorised by the Chief Executive.

5. Policy Implications

5.1 Financial/Budget
Expenditure occurs within approved limits and within budget allocations.

5.2 Resources
Nil

5.3 Legal and Risk Management
Compliance with Procurement Policy

6. Attachments
Financial Delegations

7. Report Authorisers
Drew Ellis
Group Manager Corporate Support
## Financial Delegations

**Municipal Council of Roxby Downs**

**As at 29 May 2019**

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Delegation (within Budget Allocation) Per transaction ex-GST</th>
<th>Criteria for Delegation</th>
<th>Credit Card Limit Per month Inc.-GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrator</td>
<td></td>
<td></td>
<td>$4,000</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>$250,000</td>
<td>Within approved budget parameters.</td>
<td></td>
</tr>
<tr>
<td>Group Manager Corporate Services</td>
<td>$40,000</td>
<td></td>
<td>$3,000</td>
</tr>
<tr>
<td>Group Manager Governance &amp; Community</td>
<td>$25,000</td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td>Group Manager Essential Services &amp; Assets</td>
<td>$200,000</td>
<td>Monthly purchase of electricity</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$150,000</td>
<td>Monthly purchase of water</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$90,000</td>
<td>Waste management only</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$40,000</td>
<td>All other purchases</td>
<td></td>
</tr>
<tr>
<td>Group Manager Lifestyle &amp; Sport</td>
<td>$50,000</td>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td>Operations Manager Roxbylink</td>
<td>$5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent Assets Services</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council Ranger</td>
<td>$5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water &amp; Sewerage Operations Officer</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electricity Operations Officer</td>
<td>$10,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Café Team Leader</td>
<td>$3,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive Support Officer</td>
<td>$0</td>
<td>Travel &amp; Purchases</td>
<td>$5,000</td>
</tr>
<tr>
<td>Roxbylink Administration Officer</td>
<td>$500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Manager</td>
<td>$300</td>
<td>Total daily limit - Petty cash reimbursements only</td>
<td></td>
</tr>
</tbody>
</table>

**Changes in yellow**
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 May 2019

Title of Report: Updates to the Council delegations

1. Purpose

To adopt amendments to existing delegations to ensure they align with recent legislative amendments.

2. Recommendation

That Council:

2.1 Revocations

Hereby revokes its previous delegations to the Chief Executive of those powers and functions under the following Acts:

2.1.1 Local Government Act 1999
2.1.2 Supported Residential Facilities Act 1992
2.1.3 Water Industry Act 2012 and Water Industry Regulations 2012
2.1.4 Heavy Vehicle National Law (SA) Act 2013

2.2 Delegations made under the Local Government Act 1999

In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the following Acts and specified in the proposed Instruments of Delegation (attached in the Annexure) are hereby delegated this 29 day of May 2019 to the person occupying the office of Chief Executive subject to the conditions and or limitations specified in each such Instrument of Delegation.

2.2.1 Local Government Act 1999
2.2.2 Water Industry Act 2012 and Water Industry Regulations 2012
2.2.3 Gas Act 1997

Such powers and functions may be further delegated by the Chief Executive in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive sees fit, unless otherwise indicated in the Schedule of Conditions contained in the proposed Instrument of Delegation.

2.3 Delegations made under the Supported Residential Facilities Act 1992

In exercise of the power contained in Section 9 of the Supported Residential Facilities Act 1992, the powers and functions under the Supported Residential Facilities Act 1992 contained in the proposed Instrument of Delegation (attached in the Annexure) are hereby delegated this 29 day of May 2019 to the person occupying the office of Chief Executive subject to the conditions and or limitations specified in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.

Such powers and functions may be further delegated by the Chief Executive as the Chief Executive sees fit and in accordance with relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Supported Residential Facilities Act 1992.
2.4 Delegations under the Heavy Vehicle National Law (South Australia) Act 2013

In exercise of the powers contained in Section 44 of the Local Government Act 1999 and Section 22B of the Heavy Vehicle National Law (South Australia) Act 2013 (as relevant) the powers and functions under the Heavy Vehicle National Law (South Australia) Act 2013 contained in the proposed Instrument of Delegation (attached in the Annexure) are hereby delegated this 29th day of May 2019 to the person occupying the office of Chief Executive subject to the conditions and or limitations specified herein or in the Schedule of Condition contained in the proposed Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

Such powers and functions may be further delegated by the Chief Executive as the Chief Executive sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013.

3. Background

Councils delegate their powers and functions under section 44 of the Local Government Act to enable nominated positions to act on behalf of the Council on specific matters. These delegations facilitate the effective and efficient day to day operations and decision making processes of the council.

The delegations register was last reviewed in December 2018. Since the time of this review there have been amendments to the following Acts:

- Local Government Act 1999
- Supported Residential Facilities Act 1992
- Heavy Vehicle National Law (SA) Act 2013

In addition to the above listed Acts recent changes pertaining to the accessing of land and vegetation clearances have resulted in two new instruments of delegation being developed by the Local Government Association for the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations and the Gas Act 1997. Councils are required to determine where these instruments are relevant and adopt them accordingly.

4. Discussion

The Local Government Act 1999

The changes to the Local Government Act 1999 amends a small error in section 202(2) and (5).

Amendments to section 256(1) and (2) clarify the Rights of Review in relation to an order. Where previously a person could appeal against a review, they can now seek a review.

Supported Residential Facilities Act 1992

Changes has been made to licensing sections of 24(10) and 27(4) around the language used for rights of review rather than appeal. Section 32(3) and 32(4) have been simplified in regards to Review of Decisions or Order.


The amendments made to the Water Industry Act are around the inclusion of the South Australian Civil and Administrative Tribunal now being the body to appeal against Enforcement Notices and appeals.

Heavy Vehicle National Law (SA) Act 2013

Section 156A has an amendment to 156A(1) to add in the ability for the Regulator to ask Council for consent to the grant of a mass or dimensions authority. The numbering has also changed to add in section 156A(2) which was previously blank.
Gas Act 1997

This new instrument of delegation under the Gas Act 1997 provide delegations for council powers to agree to a gas entity to carry out work on public land that the council is responsible for.

Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010

A new instrument of delegation has been prepared by the Local Government Association which provides delegations for council power to agree for an electricity entity to carry out work on public land that the council is responsible for and provides for council powers relating to vegetation clearance arrangements with the electricity entity.

As Council, through Roxby Power, is the electricity entity this delegation is not applicable and no further action is required.

5. Policy Implications

5.1 Financial/Budget

Nil

5.2 Resources

Nil

5.3 Legal and Risk Management

Risk mitigation is provided through the effective management of delegations, authorisation processes and ensuring staff are aware of their responsibilities.

6. Report Consultation

Group Manager Essential Services and Assets and the Electrical Operations Officer were consulted regarding the relevance of the instruments relating to the Electricity Act 1996 and Electricity (Principles of Vegetation Clearance) Regulations 2010.

7. Attachments

Annexure – Instruments of Delegation

8. Report Authorisers

Michelle Hales
Group Manager Governance and Community
Council Meeting 29 May 2019

ANNEXURE – Instruments of Delegation

1. Local Government Act 1999
2. Water Industry Act 2012
4. Supported Residential Facilities Act 1992
ANNEXURE 1

INSTRUMENT OF DELEGATION UNDER THE

LOCAL GOVERNMENT ACT 1999

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>1. Composition and Wards</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 The power pursuant to Section 12(1) of the Local Government Act 1999 ('the Act') to, by notice in the Gazette, after complying with the requirements of Section 12 of the Act,</td>
</tr>
<tr>
<td>1.1.1 alter the composition of the Council;</td>
</tr>
<tr>
<td>1.1.2 divide, or redive, the area of the Council into wards, alter the division of the area of the Council into wards, or abolish the division of the area of the Council into wards.</td>
</tr>
<tr>
<td>1.2 The power pursuant to Section 12(2) of the Act, also by notice under Section 12 of the Act, to</td>
</tr>
<tr>
<td>1.2.1 change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</td>
</tr>
<tr>
<td>1.2.2 alter the name of:</td>
</tr>
<tr>
<td>1.2.2.1 the Council;</td>
</tr>
<tr>
<td>1.2.2.2 the area of the Council;</td>
</tr>
<tr>
<td>1.2.3 give a name to, or alter the name of, a ward, (without the need to comply with Section 13 of the Act).</td>
</tr>
<tr>
<td>1.3 The duty pursuant to Section 12(3) of the Act to, before publishing a notice, conduct and complete a review under Section 12 of the Act for the purpose of determining whether the Council’s community would benefit from an alteration to the Council’s composition or ward structure.</td>
</tr>
<tr>
<td>1.4 The power pursuant to Section 12(4) of the Act to review a specific aspect of the composition of the Council, or of the wards of the Council, or of those matters generally and the duty to ensure that all aspects of the composition of the Council, and the issue of the division, or potential division, of the area of the Council into wards, are comprehensively reviewed at least once in each relevant period that is prescribed by the regulations.</td>
</tr>
<tr>
<td>1.5 Deliberately left blank.</td>
</tr>
</tbody>
</table>
1.6 Deliberately left blank.

1.7 The duty pursuant to Section 12(5) of the Act to initiate the preparation of a representation options paper by a person who, in the opinion of the Delegate, is qualified to address the representation and governance issues that may arise with respect to the matters under review.

1.8 The duty pursuant to Section 12(7) of the Act to give public notice of the preparation of a representation options paper and notice in a newspaper circulating within the Council’s area, and to ensure that the notice contains an invitation to interested persons to make written submissions to the Council or the Delegate on the subject of the review within a period specified by the Council or the Delegate, being a period of at least six weeks.

1.9 The duty pursuant to Section 12(8) of the Act to make copies of the representation options paper available for public inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period that applies under Section 7(a)(ii).

1.10 At the conclusion of public consultation under Section 12(7)(a), the duty pursuant to Section 12(8a) of the Act to prepare a report that:

1.10.1 provides information on the public consultation process undertaken by the Council and the Council’s or the Delegate’s response to the issues arising from the submissions made as part of that process; and

1.10.2 sets out:

1.10.2.1 any proposals that the Council or the Delegate considers should be carried into effect under Section 12 of the Act; and

1.10.2.2 in respect of any such proposal - an analysis of how the proposal relates to the principles under Section 26(1)(c) of the Act and the matters referred to in Section 33 of the Act (to the extent that may be relevant); and

1.10.3 sets out the reasons for the Council’s or the Delegate’s decision insofar as a decision of the Council or the Delegate is not to adopt any change under consideration as part of the representation options paper or the public consultation process.

1.11 The duty pursuant to Section 12(9) of the Act to make copies of the report available for public inspection at the principal office of the Council and to give public notice, by way of a notice in a newspaper circulating in its area, informing the public of its preparation of the report and its availability and inviting interested persons to make written submissions on the report to the Council or the Delegate within a period specified by the Council or the Delegate, being not less than three weeks.

1.12 The duty pursuant to Section 12(10) of the Act to give any person who makes written submissions in response to an invitation under Section 12(9), an opportunity to appear personally or by representative before the Council or a Council committee or the Delegate and to be heard on those submissions.

1.13 The duty pursuant to Section 12(11) of the Act to finalise the report including recommendations with respect to such related or ancillary matters as it sees fit.

1.14 With respect to a proposal within the ambit of Section 12(11a), the power pursuant to

256275/FXD/01899133 Last amended: 31 March 2019
Section 12(11b) of the Act:

1.14.1 insofar as may be relevant in the particular circumstances, to separate a proposal (and any related proposal), from any other proposal contained in the report; and

1.14.2 to determine to conduct the relevant poll in conjunction with the next general election for the Council or at some other time.

1.15 Where a poll is required under Section 12(11a) of the Act the duty pursuant to Section 12(11c)(b) of the Act to:

1.15.1 prepare a summary of issues surrounding the proposal to assist persons who may vote at the poll; and

1.15.2 obtain a certificate from the Electoral Commissioner that he or she is satisfied that the Council or the Delegate has taken reasonable steps to ensure the summary is a fair and comprehensive overview of the arguments for and against the proposal; and

1.15.3 after obtaining the certificate of the Electoral Commissioner, ensure that copies of the summary are made available for public inspection at the principle office of the Council, and on the internet and distributed in any other manner as may be directed by the Electoral Commissioner.

1.16 The duty pursuant Section 12(12) of the Act having then taken into account the operation of Section 12(11d) of the Act to refer the report to the Electoral Commissioner.

1.17 The duty pursuant to Section 12(12a) of the Act to send with the report copies of any written submissions received by the Council or the Delegate under Section 12(9) of the Act that relate to the subject matter of the proposal.

1.18 The power pursuant to Section 12(15)(b) of the Act to provide by notice in the Gazette, for the operation of any proposal that is recommended in the report, where a certificate is given by the Electoral Commissioner.

1.19 The power and duty pursuant to Section 12(16) of the Act to take such action as is appropriate in circumstances (including the power, as the Delegate thinks fit, to alter the report) where the matter is referred back to the Council by the Electoral Commissioner and the power to then refer the report back to the Electoral Commissioner.

1.20 Where the Council or the Delegate makes an alteration to the report under Section 12(16)(a) of the Act, the duty pursuant to Section 12(17) of the Act to comply with the requirements of Sections 12(9) and (10) of the Act as if the report, as altered, constituted a new report, unless the Council or the Delegate determines the alteration is of a minor nature only.

1.21 The duty pursuant to Section 12(24) of the Act to undertake a review of ward representation within a period specified by the Electoral Commissioner, where the Electoral Commissioner notifies the Council in writing that the number of electors represented by a councillor for a ward varies from the ward quota by more than 20%.

2. Status of a Council or Change of Various Names

2.1 The power pursuant to Section 13(1) of the Act, to, by notice in the Gazette, after
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<table>
<thead>
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<tbody>
<tr>
<td><strong>INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999</strong></td>
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<tr>
<td>2.1.1</td>
<td>change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council;</td>
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<tr>
<td>2.1.2</td>
<td>alter the name of:</td>
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<tr>
<td>2.1.2.1</td>
<td>the Council;</td>
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<tr>
<td>2.1.2.2</td>
<td>the area of the Council;</td>
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<tr>
<td>2.1.3</td>
<td>alter the name of a ward.</td>
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<tr>
<td>2.2</td>
<td>The duty, pursuant to Section 13(2) of the Act, to, before publishing a notice, comply with the following requirements:</td>
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<tr>
<td>2.2.1</td>
<td>to give public notice of the proposal and invite any interested persons to make written submissions on the matter within a specified period, being no less than six weeks;</td>
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<tr>
<td>2.2.2</td>
<td>publish the notice in a newspaper circulating within the area; and</td>
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<tr>
<td>2.2.3</td>
<td>give any person who makes written submissions in response to the invitation an opportunity to appear personally or by representative before the Council, Council committee or the Delegate and be heard on those submissions.</td>
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<td>4.</td>
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<td>5.</td>
<td>Council Initiated Proposal</td>
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<td>5.2.4</td>
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<td>5.3.2</td>
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<tr>
<td>6.</td>
<td>Commission to Receive Proposals</td>
</tr>
</tbody>
</table>
6.1 The power pursuant to Section 28(1) of the Act to, subject to Section 28 of the Act, refer a proposal for the making of a proclamation under Chapter 3 of the Act to the Commission.

6.2 The power pursuant to Section 28(3) of the Act, to in relation to a proposal under Section 28 of the Act:

6.2.1 set out in general terms the nature of the proposal; and

6.2.2 comply with any requirements of the proposal guidelines.

6A Inquiries – General Proposals

6A.1 The power pursuant to Section 31(2) of the Act to make a submission to the Commission on the proposed appointments of investigators to conduct inquiries under Section 31 of the Act.

6A.2 The power pursuant to Section 31(10) of the Act to request the Minister consult with the relevant councils about the matter.

7. General Powers and Capacities

7.1 The power pursuant to Section 36(1)(a)(i) of the Act to enter into any kind of contract or arrangement where the common seal of the Council is not required.

7.2 The power pursuant to Section 36(1)(c) of the Act to do anything necessary, expedient or incidental but within any policy or budgetary constraints set by the Council to perform or discharge the Council’s functions or duties or to achieve the Council’s objectives.

7.3 The power pursuant to Section 36(2) of the Act to act outside the Council’s area:

7.3.1 to the extent considered by the Delegate to be necessary or expedient to the performance of the Council’s functions; or

7.3.2 in order to provide services to an unincorporated area of the State.

7.4 The duty pursuant to Section 36(3) of the Act to take reasonable steps to separate the Council’s regulatory activities from its other activities in the arrangement of its affairs.

8. Provision Relating to Contract and Transactions

8.1 The power pursuant to Section 37(b) of the Act to authorise another officer, employee or agent of the Council to enter into a contract, on behalf of the Council, where the common seal of the Council is not required.

9. Committees

9.1 The power pursuant to Section 41(1) and (2) of the Act to establish committees.

9.2 The power pursuant to Section 41(3) of the Act to determine the membership of a committee.

9.3 The power pursuant to Section 41(4) of the Act to appoint a person as a presiding member of a committee, or to make provision for the appointment of a presiding member.
9.4 The power pursuant to Section 41(6) of the Act to appoint the principal member of the Council as an ex officio member of a committee.

9.5 The power and duty pursuant to Section 41(8) of the Act, to, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.

10. Delegations

10.1 The duty pursuant to Section 44(6) of the Act to cause a separate record to be kept of all delegations under the Act.

10.2 The duty pursuant to Section 44(7) of the Act to make available the record of delegations for inspection (without charge) by the public at the principal office of the Council during ordinary office hours.

11. Principal Office

11.1 The duty pursuant to Section 45(1) of the Act to nominate a place as the principal office of the Council for the purposes of the Act.

11.2 The power and duty pursuant to Section 45(2) of the Act to determine the hours the principal office of the Council will be open to the public for the transaction of business and the duty to keep the principal office of Council open to the public for the transaction of business during hours determined by the Delegate or the Council.

11.3 The power pursuant to Section 45(3) of the Act to consult with the local community in accordance with Council’s public consultation policy about the manner, places and times at which the Council’s offices will be open to the public for the transaction of business and about any significant changes to those arrangements.

12. Commercial Activities

12.1 Subject to the Act, the power pursuant to Section 46(1) of the Act to, in the performance of the Council’s functions, engage in a commercial activity or enterprise (‘a commercial project’).

12.2 The power pursuant to Section 46 (2) of the Act, to, in connection with a commercial project:

12.2.1 establish a business;

12.2.2 participate in a joint venture, trust, partnership or other similar body.

13. Interests in Companies

13.1 The power pursuant to Section 47(2)(b) of the Act to participate in the formation of, or to become a member of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.

14. Prudential Requirements for Certain Activities

14.00 The power and duty pursuant to Section 48(aa1) of the Act and in accordance with Section 48(a1) of the Act, to develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the Council -
14.00.1 acts with due care, diligence and foresight; and  
14.00.2 identifies and manages risks associated with a project; and  
14.00.3 makes informed decisions; and  
14.00.4 is accountable for the use of Council and other public resources.  

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<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>14.0</td>
<td>The duty pursuant to Section 48(a1) of the Act to ensure the prudential management policies, practices and procedures developed by the Council for the purposes of Section 48(aa1) of the Act, are consistent with any regulations made for the purposes of Section 48(a1) of the Act.</td>
</tr>
<tr>
<td>14.1</td>
<td>Without limiting Section 48(aa1) of the Act, the power and duty pursuant to Section 48(1) of the Act to obtain and consider a report, that addresses the prudential issues set out at Section 48(2) of the Act, before the Council:</td>
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<td>14.1.1</td>
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| 14.1.2  | engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) -  
| 14.1.2.1 | where the expected operating expenses calculated on an accrual basis of the Council over the ensuring five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or  
| 14.1.2.2 | where the expected capital cost of the project over the ensuing five years is likely to exceed $4,000,000.00 (indexed); or  
| 14.1.2.3 | where the Council or Delegate considers that it is necessary or appropriate. |
| 14.2    | Deliberately left blank. |
| 14.3    | The power and duty pursuant to Section 48(5) of the Act to make a report under Section 48(1) of the Act available for public inspection at the principal office of the Council once the Council has made a decision on the relevant project (and the power to make the report available at an earlier time unless the Council orders that the report be kept confidential until that time). |

15. Contracts and Tenders Policies  

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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>15.0</td>
<td>The power and duty pursuant to Section 49(a1) of the Act to develop and maintain procurement policies, practices and procedures directed towards:</td>
</tr>
<tr>
<td>15.0.1</td>
<td>obtaining value in the expenditure of public money; and</td>
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<tr>
<td>15.0.2</td>
<td>providing for ethical and fair treatment of participants; and</td>
</tr>
<tr>
<td>15.0.3</td>
<td>ensuring probity, accountability and transparency in procurement operations.</td>
</tr>
<tr>
<td>15.1</td>
<td>Without limiting Section 49(a1) of the Act, the power and duty pursuant to Section</td>
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</table>
49(1) of the Act to prepare and adopt policies on contracts and tenders including policies on the following:

15.1.1 the contracting out of services; and
15.1.2 competitive tendering and the use of other measures to ensure that services are delivered cost effectively; and
15.1.3 the use of local goods and services; and
15.1.4 the sale or disposal of land or other assets.

15.2 The power and duty pursuant to Section 49(2) of the Act to ensure that any policies on contracts and tenders:

15.2.1 identify circumstances where the Council will call for tenders for the supply of goods, the provision of services or the carrying out of works, or the sale or disposal of land or other assets; and
15.2.2 provide a fair and transparent process for calling tenders and entering into contracts in those circumstances; and
15.2.3 provide for the recording of reasons for entering into contracts other than those resulting from the tender process; and
15.2.4 are consistent with any requirement prescribed by the regulations.

15.3 The power pursuant to Section 49(3) of the Act to, at any time, alter a policy under Section 49 of the Act, or substitute a new policy or policies (but not so as to affect any process that has already commenced).

15.4 The duty pursuant to Section 49(4) of the Act to make available for inspection (without charge) a policy adopted under this Section at the principal office of Council during office hours.

16. Public Consultation Policies

16.1 The power and duty pursuant to Section 50(1) and (2) of the Act to prepare and adopt a public consultation policy which sets out the steps the Council will follow:

16.1.1 in cases where the Act requires the Council to follow its public consultation policy; and
16.1.2 in other cases involving Council decision making, if relevant.

16.2 The duty pursuant to Section 50(3) of the Act to include in the steps set out in the public consultation policy reasonable opportunities for interested persons to make submissions in cases where the Act requires the Council to follow its public consultation policy and to make other arrangements appropriate to other classes of decisions, within the scope of the policy.

16.3 The duty pursuant to Section 50(4) of the Act to ensure that the public consultation policy, in cases where the Act requires the policy to be followed, provides for:

16.3.1 the publication of a notice:
<table>
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<tr>
<th>Section</th>
<th>Text</th>
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<tbody>
<tr>
<td>16.3.1.1</td>
<td>in a newspaper circulating within the area of the Council; and</td>
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<td>16.3.1.2</td>
<td>on a website determined by the Chief Executive Officer,</td>
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<tr>
<td>16.3.2</td>
<td>describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</td>
</tr>
<tr>
<td>16.4</td>
<td>The power pursuant to Section 50(5) of the Act, to, from time to time, alter the Council’s public consultation policy, or substitute a new policy.</td>
</tr>
<tr>
<td>16.5</td>
<td>Before the Council or the Delegate adopts a public consultation policy or alters, or substitutes a public consultation policy, the duty pursuant to Section 50(6) of the Act to:</td>
</tr>
<tr>
<td>16.5.1</td>
<td>prepare a document that sets out its proposal in relation to the matter; and</td>
</tr>
<tr>
<td>16.5.2</td>
<td>publish in a newspaper circulating within the area of the Council, a notice of the proposal inviting interested persons to make submissions on the proposal within a period stated in the notice, which must be at least one month;</td>
</tr>
<tr>
<td>16.5.3</td>
<td>consider any submissions made in response to an invitation made under Section 50(6)(d) of the Act.</td>
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<tr>
<td>16.6</td>
<td>The power pursuant to Section 50(7) of the Act to determine if the alteration of a public consultation policy is of minor significance that would attract little or no community interest.</td>
</tr>
<tr>
<td>16.7</td>
<td>The duty pursuant to Section 50(8) of the Act to ensure the public consultation policy is available for inspection (without charge) at the principal office of Council during ordinary office hours.</td>
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<td>17.5</td>
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<tr>
<td>18</td>
<td>Inspection of Register</td>
</tr>
<tr>
<td>18.1</td>
<td>The duty pursuant to Section 70(1) of the Act to make available for inspection (without charge) the Register of Interests at the principal office of the Council during ordinary office hours.</td>
</tr>
<tr>
<td>19</td>
<td>Reimbursement of Expenses</td>
</tr>
<tr>
<td>19.1</td>
<td>The power pursuant to Section 77(1)(b) of the Act to reimburse to members of the</td>
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</tbody>
</table>
Council expenses of a kind prescribed for the purposes of Section 77(1)(b) of the Act and approved by the Council (either specifically or under a policy established by the Council for these purposes) incurred in performing or discharging official functions and duties.

19.2 The duty pursuant to Section 77(3) of the Act to make available for inspection (without charge) any policy of Council concerning these reimbursements at the principal office of the Council during ordinary office hours.

20. Register of Allowances and Benefits

20.1 The duty pursuant to Section 79(3) of the Act to make available for inspection (without charge) the Register of Allowances and Benefits, at the principal office of the Council during ordinary office hours.

21. Insurance of members

21.1 The duty pursuant to Section 80 of the Act to take out a policy of insurance insuring every member of the Council and a spouse, domestic partner or another person who may be accompanying a member of the Council, against risks associated with the performance or discharge of official functions and duties by members.

22. Training and Development

22.1 The power and duty pursuant to Section 80A(1) of the Act to prepare and adopt a training and development policy in accordance with Section 80A(2) of the Act for the Council's members.

22.2 The duty pursuant to Section 80A(2) of the Act to ensure that the Council’s training and development policy is aimed at assisting the Council’s members in the performance and discharge of their functions and duties.

22.3 The power pursuant to Section 80A(3) of the Act to, from time to time, alter the Council’s training and development policy or substitute a new policy.

22.4 The duty pursuant to Section 80A(4) and (5) of the Act to make available the training and development policy for inspection (without charge) at the principal office of the Council during ordinary office hours and for purchase (on payment of a fee fixed by the Council).

23. Committee Meetings

23.1 The power pursuant to Section 87(1) of the Act and in accordance with Section 87(2) of the Act to determine the times and places of ordinary meetings of Council committees.

23.2 The duty pursuant to Section 87(2) of the Act in appointing a time for the holding of an ordinary meeting of a Council committee to take into account:

23.2.1 the availability and convenience of members of the committee; and

23.2.2 the nature and purpose of the committee.

24. Meetings To Be Held in Public Except in Special Circumstances

24.1 The duty pursuant to Section 90(7) of the Act to make a note in the minutes of the making of an order under Section 90(2) of the Act and the grounds on which it was
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>24.2</td>
<td>The power pursuant to Section 90(8a)(a) of the Act to adopt a policy on the holding of informal gatherings or discussions subject to Section 90(8b) of the Act.</td>
</tr>
<tr>
<td>24.3</td>
<td>The power pursuant to Section 90(8c) of the Act, to, from time to time, alter the Council’s policy or substitute a new policy.</td>
</tr>
<tr>
<td>25.1</td>
<td>The duty pursuant to Section 91(3) to supply each member of the Council with a copy of all minutes of the proceedings of the Council or Council committee meeting, within 5 days after that meeting.</td>
</tr>
<tr>
<td>25.2</td>
<td>Subject to Section 91(7), the duty pursuant to Section 91(4) of the Act to place a copy of the minutes of a meeting of the Council on public display in the principal office of the Council within 5 days after the meeting and to keep those minutes on display for a period of 1 month.</td>
</tr>
<tr>
<td>25.3</td>
<td>Subject to Section 91(7) of the Act, the duty pursuant to Section 91(5) of the Act to make available for inspection, without payment of a fee, at the principal office of the Council:</td>
</tr>
<tr>
<td>25.3.1</td>
<td>minutes of the Council and Council committee meetings; and</td>
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<tr>
<td>25.3.2</td>
<td>reports to the Council or to a Council committee received at a meeting of the Council or Council committee; and</td>
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<tr>
<td>25.3.3</td>
<td>recommendations presented to the Council in writing and adopted by resolution of the Council; and</td>
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<tr>
<td>25.3.4</td>
<td>budgetary or other financial statements adopted by the Council.</td>
</tr>
<tr>
<td>26.1</td>
<td>The power and duty pursuant to Section 92(1) of the Act, and subject to Section 92(4) of the Act, to prepare and adopt a Code of Practice relating to the principles, policies, procedures and practices that the Council will apply for the purposes of the operation of Parts 3 and 4 of Chapter 6 of the Act.</td>
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<tr>
<td>26.2</td>
<td>The power and duty pursuant to Section 92(2) of the Act to review the operation of the Council’s Code of Practice within 12 months after the conclusion of each periodic election.</td>
</tr>
<tr>
<td>26.3</td>
<td>The power pursuant to Section 92(3) of the Act, to, at any time, alter the Council’s code of practice or substitute a new code of practice.</td>
</tr>
<tr>
<td>26.4</td>
<td>The duty pursuant to Section 92(5) of the Act to ensure that before the Council or the Delegate adopts, alters or substitutes a code of practice that:</td>
</tr>
<tr>
<td>26.4.1</td>
<td>copies of the proposed code, alterations or substitute code (as the case may be) are made available for inspection or purchase at the Council’s principal office and available for inspection on a website determined by the Chief Executive Officer; and</td>
</tr>
<tr>
<td>26.4.2</td>
<td>the relevant steps set out in the Council’s Public Consultation Policy are</td>
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</table>
26.5 The duty pursuant to Section 92(6) and (7) of the Act to ensure that the Code of Practice is available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of Council during ordinary office hours.

27. Meetings of Electors

27.1 The power pursuant to Section 93(1) of the Act to convene a meeting of electors of the area or part of the area of the Council.

27.2 The duty pursuant to Section 93(11) of the Act to provide each member of the Council with a copy of the minutes of any meeting of electors within 5 days of that meeting.

27.3 The power pursuant to Section 93(14) of the Act to determine the procedure for the purposes of making a nomination under Sections 93(3)(a)(ii) or 93(3)(b)(ii).

28. Obstructing of Meetings

28.1 The power pursuant to Section 95 of the Act to take proceedings under the Act against a person who intentionally obstructs or hinders proceedings at a meeting of the Council or a Council committee or at a meeting of electors.

29. Register of Remuneration Salaries and Benefits

29.1 The duty pursuant to Section 105(3) of the Act to make available the Register of Salaries of employees of the Council for inspection by the public at the principal office of the Council during ordinary office hours.

30. Certain Periods Of Service To Be Regarded As Continuous

30.1 The duty pursuant to Sections 106(2) and 106(2a) of the Act to ensure any other council receives within one month of the Council having received written notice requiring payment, the appropriate contribution to an employee’s service benefits.

30.2 The duty pursuant to Section 106(4) of the Act to supply to any other council, at its request, details of the service of an employee or former employee of the Council.

30.3 The duty pursuant to Section 106(5) of the Act to hold and apply a payment or contribution received by the Council under Section 106 in accordance with the Regulations.

31. Deliberately left blank
32. Application of Division

32.1 The power pursuant to Section 111(b) of the Act to declare any other officer, or any other officer of a class, to be subject to the operation of Chapter 7, Part 4, Division 1 of the Act.

33. Certain Aspects of Strategic Management Plans

33.1 The duty pursuant to Section 122(6) of the Act to develop a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the Council’s development and review of its strategic management plans.

33.2 The duty pursuant to Section 122(7) of the Act to ensure that copies of the Council’s strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

34. Annual Business Plans and Budgets

34.1 Before the Council adopts an annual business plan, the duty pursuant to Section 123(3) of the Act to, -

34.1.1 prepare a draft annual business plan; and

34.1.2 follow the relevant steps set out in the Council’s public consultation policy, taking into account and complying with the requirements of Section 123(4) of the Act.

34.2 The duty pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available at the meeting arranged pursuant to and in accordance with Section 123(4)(a)(i) and (4)(b) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council and on the website at least 21 days before the date of that meeting.

34.3 The duty pursuant to Section 123(5a) of the Act to ensure that provision is made for:

34.3.1 a facility for asking and answering questions; and

34.3.2 the receipt of submissions,

on the Council’s website during the public consultation period.

34.4 After the Council has adopted an annual business plan and a budget, the duty, pursuant to Section 123(9) of the Act, to:

34.4.1 ensure:

34.4.1.1 that a summary of the annual business plan is prepared in accordance with the requirements set out at Sections 123(10), (11) and (12) of the Act, so as to assist in promoting public awareness of the nature of the Council’s services and the Council’s rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and

34.4.1.2 that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the
declaration of the Council’s rates for the financial year; and

| 34.4.2 | ensure:
| 34.4.2.1 | that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the Council); and
| 34.4.2.2 | that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the Council; and
| 34.4.3 | ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the Chief Executive Officer.

### 35. Accounting Records to be Kept

35.1 The duty pursuant to Section 124(1) of the Act to:

| 35.1.1 | keep such accounting records as correctly and adequately record and explain the revenues, expenses, assets and liabilities of the Council;
| 35.1.2 | keep the Council’s accounting records in such manner as will enable:
| 35.1.2.1 | the preparation and provision of statements that fairly present financial and other information; and
| 35.1.2.2 | the financial statements of the Council to be conveniently and properly audited.

35.2 The power pursuant to Section 124(2) to determine the form or forms and the place or places (within the state) to keep the accounting records of the Council.

### 36. Internal Control Policies

36.1 The duty pursuant to Section 125 of the Act to ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner, to achieve its objectives, to ensure adherence to management policies, to safeguard the Council’s assets, and to secure (as far as possible) the accuracy and reliability of the Council’s records.

### 37. Audit Committee

37.1 The power and duty pursuant to Section 126(1) of the Act to appoint an audit committee in accordance with Section 126(2) of the Act.

37.2 If an audit committee is appointed by the Delegate or the Council, the power to determine the membership of any audit committee in accordance with Section 126(2) of the Act.

### 38. Financial Statements

38.1 The duty pursuant to Section 127(1) of the Act to prepare for each financial year:
38.1.1 financial statements and notes in accordance with standards prescribed by the regulations; and

38.1.2 other statements and documentation referring to the financial affairs of the Council required by the Regulations.

38.2 The duty pursuant to Section 127(2) of the Act to ensure that the financial statements prepared for the Council pursuant to Section 127(1) of the Act:

38.2.1 are prepared as soon as is reasonably practicable after the end of the relevant financial year and in any event before the day prescribed by the Regulations; and

38.2.2 comply with standards and principles prescribed by the Regulations; and

38.2.3 include the information required by the Regulations.

38.3 The duty pursuant to Section 127(3) of the Act to submit for auditing by the Council’s auditor the statements prepared for each financial year.

38.4 The duty pursuant to Section 127(4) of the Act to submit a copy of the auditor’s statements to the persons or bodies prescribed by the Regulations on or before the day prescribed by the Regulations.

38.5 The duty pursuant to Section 127(5) of the Act to ensure that copies of the Council’s audited statements are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

39. The Auditor

39.1 The power and duty pursuant to and in accordance with Section 128(2), (3), (4), (4a), (5), (6), (7) and (8) of the Act to appoint an auditor on the recommendation of the Council’s audit committee.

39.2 The duty pursuant to Section 128(8) of the Act to comply with any requirements prescribed by the Regulations with respect to providing for the independence of the auditor.

39.3 The duty pursuant to Section 128(9) of the Act to ensure that the following information is included in the Council’s annual report:

39.3.1 information on the remuneration payable to the Council’s auditor for work performed during the relevant financial year, distinguishing between:

39.3.1.1 remuneration payable for the annual audit of the Council’s financial statements; and

39.3.1.2 other remuneration;

39.3.2 if a person ceases to be the auditor of the Council during the relevant financial year, other than by virtue of the expiration of his or her term of appointment and is not being reappointed to the office - the reason or reasons why the appointment of the Council’s auditor came to an end.

40. Conduct of Audit
### 40. Other Investigations

40.1 The duty pursuant to Section 129(9) of the Act to ensure the opinions under Section 129(3) of the Act provided to Council under Section 129 of the Act accompany the financial statements of the Council.

### 41. Annual Report to be Prepared and Adopted

41.1 The power, pursuant to and in accordance with Sections 130A(1) and (2) of the Act, as the Delegate thinks fit, to request the Council’s auditor, or some other person determined by the Delegate to be suitably qualified in the circumstances, to examine and report on any matter relating to financial management, or the efficiency and economy with which the Council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit under Division 4 of Chapter 8 of the Act and that is considered by the Delegate to be of such significance as to justify an examination under this Section.

41.2 Unless Section 130A(7) of the Act applies, the duty pursuant to Section 130A(6) of the Act to place the report prepared pursuant to Section 130A(1) of the Act on the agenda for consideration:

41.2.1 unless Section 130A(6)(b) of the Act applies – at the next ordinary meeting of the Council in accordance with Section 130A(6)(a), of the Act;

41.2.2 if the agenda for the next ordinary meeting of the Council has already been sent to members of the Council at the time that the report is provided to the principal member of the Council – at the ordinary meeting of the Council next following the meeting for which the agenda has already been sent unless the principal member of the Council determines, after consultation with the Chief Executive Officer, that the report should be considered at the next meeting of the Council as a late item on the agenda in accordance with Section 130A(6)(b) of the Act.

### 42. Annual Report to be Prepared and Adopted

42.1 The duty pursuant to Section 131(1) of the Act and in accordance with Sections 131(2) and (3) of the Act, to prepare and adopt on or before 30 November each year, an annual report relating to the operations of the Council for the financial year ending on the preceding 30 June.

42.2 The duty pursuant to Section 131(2) and (3) of the Act to include in that report the material, and include specific reports on the matters, specified in Schedule 4 as amended from time to time by regulation.

42.3 The duty pursuant to Section 131(4) of the Act to provide a copy of the annual report to each member of the Council.

42.4 The duty pursuant to Section 131(5) of the Act to submit a copy of the annual report to:

42.4.1 the Presiding Member of both Houses of Parliament; and

42.4.2 to the persons or body prescribed by the Regulations, on or before the date determined under the Regulations.

42.5 The power pursuant to Section 131(7) of the Act to provide to the electors for the area an abridged or summary version of the annual report.
### INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.6</td>
<td>The duty pursuant to Section 131(8) of the Act to ensure that copies of Council’s annual report are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</td>
</tr>
</tbody>
</table>

#### 43. Access to Documents

<table>
<thead>
<tr>
<th>Subsection</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>43.1</td>
<td>The duty pursuant to Section 132(1) of the Act to ensure a member of the public is able:</td>
</tr>
<tr>
<td>43.1.1</td>
<td>to inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and</td>
</tr>
<tr>
<td>43.1.2</td>
<td>to purchase a document referred to in Schedule 5 to the Act at the principal office of the Council during ordinary office hours for a fee fixed by the Council.</td>
</tr>
<tr>
<td>43.2</td>
<td>The power pursuant to Section 132(2) of the Act to make a document available in electronic form for the purposes of Section 132(1)(a).</td>
</tr>
<tr>
<td>43.3</td>
<td>The power and duty, pursuant to and in accordance with Section 132 (3) of the Act, to make the following documents available for inspection on a website determined by the Chief Executive Officer within a reasonable time after they are available at the principal office of the Council:</td>
</tr>
<tr>
<td>43.3.1</td>
<td>agendas for meetings of the Council or Council committees;</td>
</tr>
<tr>
<td>43.3.2</td>
<td>minutes of meetings of the Council or Council committees;</td>
</tr>
<tr>
<td>43.3.3</td>
<td>codes of conduct or codes of practice adopted by the Council under this Act or the Local Government (Elections) Act 1999;</td>
</tr>
<tr>
<td>43.3.4</td>
<td>the Council’s contract and tenders policies, public consultation policy and order-making policies;</td>
</tr>
<tr>
<td>43.3.5</td>
<td>the Council’s draft annual business plan, annual business plan (as adopted by the council) and the summary of the annual business plan required under Part 2 of this Chapter;</td>
</tr>
<tr>
<td>43.3.6</td>
<td>the Council’s budget (as adopted by the Council for a particular year);</td>
</tr>
<tr>
<td>43.3.7</td>
<td>a list of fees and charges imposed by the Council under this Act;</td>
</tr>
<tr>
<td>43.3.8</td>
<td>by-laws made by the Council and any determination in respect of a by-law made under Section 246(3)(e) of the Act;</td>
</tr>
<tr>
<td>43.3.9</td>
<td>procedures for the review of decisions established by the Council under Part 2 of Chapter 13;</td>
</tr>
<tr>
<td>43.3.10</td>
<td>the audited financial statements of the Council;</td>
</tr>
<tr>
<td>43.3.11</td>
<td>the annual report of the Council;</td>
</tr>
<tr>
<td>43.3.12</td>
<td>the Council’s most recent information statement under the Freedom of Information Act 1991, unless the Council provides it as part of the annual report of the Council.</td>
</tr>
</tbody>
</table>
44. Related Administrative Standards

44.1 The power and duty pursuant to Section 132A of the Act to ensure that appropriate policies, practices and procedures are implemented and maintained in order:

44.1.2 to ensure compliance with any statutory requirements; and

44.1.2 to achieve and maintain standards of good public administration.

45. Sources of Funds

45.1 Subject to the Act, the power pursuant to Section 133 of the Act to obtain funds as permitted under the Act or another Act and as may otherwise be appropriate in order to carry out the Council’s functions under the Act or another Act.

46. Ability of a Council to Give Security

46.1 The power pursuant to Section 135(1) of the Act and subject to Section 135(2) of the Act to provide various forms of security, including:

46.1.1 guarantees (including guarantees relating to the liability of a subsidiary of the Council);

46.1.2 debentures charged on the general revenue of the Council (including to support a guarantee provided under Section 135(1) of the Act);

46.1.3 bills of sale, mortgages or other charges (including to support a guarantee provided under Section 135(1)(a) of the Act.

46.2 The power and duty pursuant to Section 135(2) of the Act, if the Council or the Delegate proposes to issue debentures on the general revenue of the Council to:

46.2.1 assign a distinguishing classification to the debentures to be included in the issue so as to distinguish them from those included or to be included in previous or subsequent issues; and

46.2.2 if the debentures are being offered generally to members of the public, appoint a trustee for the debenture holders.

47. Expenditure of Funds

47.1 Subject to the Act or another Act, the power pursuant to Section 137 of the Act to expend the Council’s approved budgeted funds in the exercise, performance or discharge of the Council’s powers, functions or duties under the Act or other Acts.

48. Investment Powers

48.1 The power pursuant to Section 139(1) of the Act to invest money under the Council’s control.

48.2 The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:

48.2.1 exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
48.2.2 avoid investments that are speculative or hazardous in nature.

48.3 The duty pursuant to Section 139(3) of the Act to take into account when exercising the power of investment, so far as is appropriate in the circumstances and without limiting the matters which may be taken into account, the following matters:

- 48.3.1 the purposes of the investment;
- 48.3.2 the desirability of diversifying Council investments;
- 48.3.3 the nature of and risk associated with existing Council investments;
- 48.3.4 the desirability of maintaining the real value of the capital and income of the investment;
- 48.3.5 the risk of capital or income loss or depreciation;
- 48.3.6 the potential for capital appreciation;
- 48.3.7 the likely income return and the timing of income return;
- 48.3.8 the length of the term of a proposed investment;
- 48.3.9 the period for which the investment is likely to be required;
- 48.3.10 the liquidity and marketability of a proposed investment during, and on determination of, the term of the investment;
- 48.3.11 the aggregate value of the assets of the Council;
- 48.3.12 the likelihood of inflation affecting the value of a proposed investment;
- 48.3.13 the costs of making a proposed investment;
- 48.3.14 the results of any review of existing Council investments.

48.4 Subject to the matters specified in Section 139(3) of the Act, the power pursuant to Section 139(4) of the Act, so far as may be appropriate in the circumstances, to have regard to:

- 48.4.1 the anticipated community benefit from an investment; and
- 48.4.2 the desirability of attracting additional resources into the local community.

48.5 The power pursuant to Section 139(5) of the Act to obtain and consider independent and impartial advice about the investment of funds or the management of the Council’s investments from the person whom the Delegate reasonably believes to be competent to give the advice.

49. Review of Investment

49.1 The duty pursuant to Section 140 of the Act to review the performance (individually and as a whole) of the Council’s investments, at least once in each year.

50. Gifts to a Council
50.1 Within the confines of Section 44(3) of the Act:

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.1.1</td>
<td>the power pursuant to Section 141(1) of the Act to accept a gift made to the Council;</td>
</tr>
<tr>
<td>50.1.2</td>
<td>the power pursuant to Section 141(2) of the Act to carry out the terms of any trust (if any) that affects a gift to Council;</td>
</tr>
<tr>
<td>50.1.3</td>
<td>the power pursuant to Section 141(3) of the Act to apply to the Supreme Court for an order varying the terms of a trust for which the Council has been constituted a trustee;</td>
</tr>
<tr>
<td>50.1.4</td>
<td>where a variation is sought in the terms of a trust, the duty pursuant to Section 141(4) of the Act to give notice describing the nature of the variation by public notice and in any other such manner as may be directed by the Supreme Court; and</td>
</tr>
<tr>
<td>50.1.5</td>
<td>the duty pursuant to Section 141(6) of the Act to publish a copy of any order of the Supreme Court to vary the terms of the trust, in the <em>Gazette</em>, within 28 days after that order is made.</td>
</tr>
</tbody>
</table>

51. Duty to Insure Against Liability

51.1 The duty pursuant to Section 142 of the Act to take out and maintain insurance to cover the Council’s civil liabilities at least to the extent prescribed by the Regulations.

52. Writing off Bad Debts

52.1 The power pursuant to Section 143(1) of the Act to write off any debts owed to the Council:

<table>
<thead>
<tr>
<th>Sub-Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.1.1</td>
<td>if the Council has no reasonable prospect of recovering the debts; or</td>
</tr>
<tr>
<td>52.1.2</td>
<td>if the costs of recovery are likely to equal or exceed the amount to be recovered, up to and including an amount of $5,000.00 in respect of any one debt.</td>
</tr>
<tr>
<td>52.2</td>
<td>The duty pursuant to Section 143(2) of the Act to ensure that no debt is written off unless the Chief Executive Officer has certified:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sub-Sub-Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.2.1</td>
<td>reasonable attempts have been made to recover the debt; or</td>
</tr>
<tr>
<td>52.2.2</td>
<td>the costs of recovery are likely to equal or exceed the amount to be recovered.</td>
</tr>
</tbody>
</table>

53. Recovery of Amounts due to Council

53.1 The power pursuant to Section 144(1) of the Act to recover as a debt, by action in a Court of competent jurisdiction, any fee, charge, expense or other amount recoverable from a person or payable by a person under this or another Act.

53.2 The power pursuant to Section 144(2), (3) and (4) of the Act to recover any fee, charge, expense or other amount as if it were a rate declared on the property, after giving at least 14 days notice requiring payment, where the fee, charge, expense or other amount payable to the Council relates to something done in respect of rateable property.
### INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<table>
<thead>
<tr>
<th>54. Land Against Which Rates May be Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>54.1 The power and duty pursuant to Section 148(2) of the Act to make decisions about the division of land and the aggregation of land for the purposes of Section 148(1) of the Act fairly and in accordance with principles and practices that apply on a uniform basis across the area of the Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>55. Basis of Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>55.1 Before the Council:</td>
</tr>
<tr>
<td>55.1.1 changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or</td>
</tr>
<tr>
<td>55.1.2 changes the basis on which land is valued for the purposes of rating; or</td>
</tr>
<tr>
<td>55.1.3 changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land;</td>
</tr>
<tr>
<td>the power and duty pursuant to Section 151(5)(d) and (e) of the Act to:</td>
</tr>
<tr>
<td>55.1.4 prepare a report on the proposed change in accordance with Section 151(6) of the Act; and</td>
</tr>
<tr>
<td>55.1.5 follow the relevant steps set out in its public consultation policy in accordance with Section 151(7) of the Act.</td>
</tr>
<tr>
<td>55.2 The duty pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) of the Act are available at the meeting held under Section 151(7)(a)(i) of the Act, and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>56. General Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>56.1 The power pursuant to Section 152(2)(d) and (3) of the Act to determine, on application, if two or more pieces of rateable land within the area of the Council constitute a single farm enterprise.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>57. Service Rates and Service Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>57.1 The duty pursuant to Section 155(6) of the Act, subject to Section 155(7) of the Act, to apply any amounts held in a reserve established in connection with the operation of Section 155(5) of the Act for purposes associated with improving or replacing Council assets for the purposes of the relevant prescribed service.</td>
</tr>
<tr>
<td>57.2 The power pursuant to Section 155(7) of the Act, if a prescribed service under Section 155(6) of the Act is, or is to be, discontinued, to apply any excess funds held by the Council for the purposes of the service (after taking into account any expenses incurred or to be incurred in connection with the prescribed service) for another purpose specifically identified in the Council’s annual business plan as being the purpose for which the funds will now be applied.</td>
</tr>
</tbody>
</table>
58. **Basis of Differential Rates**

**58.1** The power pursuant to Section 156(3), (9), (10), (11) of the Act to attribute the use of the land for any basis for a differential rate and to decide objections to any of those attributions.

**58.2** The power and duty pursuant to Section 156(14a) of the Act, before the Council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraphs (a), (b) or (c) of Section 156(1) of the Act to a differentiating factor under another of those paragraphs, to -

- **58.2.1** prepare a report on the proposed change in accordance with Section 156(14b) of the Act; and
- **58.2.2** follow the relevant steps set out in its public consultation policy in accordance with Section 156(14d) of the Act.

**58.3** The duty pursuant to Section 156(14e) of the Act to ensure that copies of the report required under Section 156(14a)(a) of the Act are available at the meeting held under Section 156(14d)(a)(i); and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.

59. **Notice of Differentiating Factors**

**59.1** If the Council declares differential rates, the duty pursuant to Section 157 of the Act in each rates notice, to specify the differentiating factor or combination of factors that governs the calculation of rates on the land to which the account relates.

60. **Preliminary**

**60.1** The power pursuant to Section 159(1) of the Act to determine the manner and form and such information as the Delegate may reasonably require, for a person or body to apply to the Council to determine if grounds exist for the person or body to receive a rebate of rates.

**60.2** The power pursuant to Section 159(3) to grant a rebate of rates if satisfied that it is appropriate to do so (whether on application or on the Delegate’s own initiative).

**60.3** The power pursuant to Section 159(4) of the Act to increase the rebate on the Delegate’s initiative, if a rebate specifically fixed by Division 5 Chapter 10 of the Act is less than 100%.

**60.4** The power pursuant to Section 159(10) of the Act to determine, for proper cause, that an entitlement to a rebate of rates in pursuance of Division 5 no longer applies.

61. **Rebate of Rates - Community Services**

**61.1** The power pursuant to Section 161(1) and (3) of the Act to grant a rebate of more than 75% of the rates on land being predominantly used for service delivery or administration (or both) by a community service organisation, where that organisation:

- **61.1.1** is incorporated on a not-for-profit basis for the benefit of the public; and
- **61.1.27** provides community services without charge or for charge that is below the cost to the body of providing their services; and
61.3 does not restrict its services to persons who are members of the body.

### 62. Rebate of Rates - Educational Purposes

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>62.1</td>
</tr>
<tr>
<td>The power pursuant to Section 165(1) and (2) of the Act to grant a rebate of rates at more than 75% on land:</td>
</tr>
<tr>
<td>62.1.1</td>
</tr>
<tr>
<td>occupied by a Government school under a lease or license and being used for educational purposes; or</td>
</tr>
<tr>
<td>62.1.2</td>
</tr>
<tr>
<td>occupied by non-Government school registered under the Education and Early Childhood Services (Registration and Standards) Act 2011 and being used for educational purposes; or</td>
</tr>
<tr>
<td>62.1.3</td>
</tr>
<tr>
<td>land being used by University or University College to provide accommodation and other forms of support for students on a not-for-profit basis.</td>
</tr>
</tbody>
</table>

### 63. Discretionary Rebates of Rates

<table>
<thead>
<tr>
<th>Section</th>
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<tbody>
<tr>
<td>63.1</td>
</tr>
<tr>
<td>The duty pursuant to Section 166(1a) of the Act to take into account, in deciding an application for a rebate under Section 166(1)(d), (e), (f), (g), (h), (i) or (j):</td>
</tr>
<tr>
<td>63.1.1</td>
</tr>
<tr>
<td>the nature and extent of the Council’s services provided in respect of the land for which the rebate is sought in comparison to similar services provided elsewhere in its area; and</td>
</tr>
<tr>
<td>63.1.2</td>
</tr>
<tr>
<td>the community need that is being met by activities being carried out on the land for which the rebate is sought; and</td>
</tr>
<tr>
<td>63.1.3</td>
</tr>
<tr>
<td>the extent to which activities carried out on the land for which the rebate is sought provides assistance or relief to disadvantaged persons;</td>
</tr>
<tr>
<td>63.1.4</td>
</tr>
<tr>
<td>any other matter considered relevant by the Council or the Delegate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>63.2</td>
</tr>
<tr>
<td>The power pursuant to Section 166(1), (2) and (4) of the Act and taking into account Section 166(1a) of the Act and in accordance with Section 166(3b) of the Act to grant a rebate of rates or service charges on such conditions as the Delegate sees fit and such rebate may be up to and including 100% of the relevant rates or service charge, in the following cases:</td>
</tr>
<tr>
<td>63.2.1</td>
</tr>
<tr>
<td>where the rebate is desirable for the purpose of securing the proper development of the area or part of the area;</td>
</tr>
<tr>
<td>63.2.2</td>
</tr>
<tr>
<td>where the rebate is desirable for the purpose of assisting or supporting a business in the area;</td>
</tr>
<tr>
<td>63.2.3</td>
</tr>
<tr>
<td>where the rebate will be conducive to the preservation of buildings or places of historic significance;</td>
</tr>
<tr>
<td>63.2.4</td>
</tr>
<tr>
<td>where the land is being used for educational purposes;</td>
</tr>
<tr>
<td>63.2.5</td>
</tr>
<tr>
<td>where the land is being used for agricultural, horticultural or floricultural exhibitions;</td>
</tr>
<tr>
<td>63.2.6</td>
</tr>
<tr>
<td>where the land is being used for a hospital or health centre;</td>
</tr>
</tbody>
</table>
63.2.7 where the land is being used to provide facilities or services for children or young persons;

63.2.8 where the land is being used to provide accommodation for the aged or disabled;

63.2.9 where the land is being used for a residential aged care facility that is approved for Commonwealth funding under the Aged Care Act 1997 (Commonwealth) or a day therapy centre;

63.2.10 where the land is being used by an organisation which, in the opinion of the Delegate, provides a benefit or a service to the local community;

63.2.11 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment;

63.2.12 where the rebate is considered by the Delegate to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to:

63.2.12.1 redistribution of the rates burden within the community arising from a change to the basis or structure of the Council’s rates; or

63.2.12.2 change to the basis on which land is valued for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

63.2.13 where the rebate is considered by the Delegate to be appropriate to provide relief in order to avoid what would otherwise constitute:

63.2.13.1 liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the Council in its annual business plan; or

63.2.13.2 liability that is unfair or unreasonable;

63.2.14 where the rebate is to give effect to a review of a decision of the Council under Chapter 13 Part 2; or

63.2.15 where the rebate is contemplated under another provision of the Act.

63.3 The power pursuant to Section 166(3) of the Act to grant a rebate of rates or charges for a period exceeding 1 year but not exceeding 10 years in the following cases:

63.3.1 where the rebate is desirable for the purpose of securing a proper development of the area or part of the area; or

63.3.2 where the rebate is desirable for the purpose of assisting or supporting a business in the area; or

63.3.3 where the rebate relates to common property or land vested in a community corporation under the Community Titles Act 1996 over which the public has a free and unrestricted right of access and enjoyment.

63.4 The power pursuant to Section 166(3a) of the Act to grant a rebate of rates or charges under Section 166(1)(l) of the Act for a period exceeding 1 year but not
### 64. Valuation of Land for the Purposes of Rating

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>64.1</td>
<td>The power pursuant to Section 167(1) of the Act to adopt valuations that are to apply to land within the Council’s area, for rating purposes for a particular financial year.</td>
</tr>
<tr>
<td>64.2</td>
<td>For the purpose of adopting a valuation of land for rating, the duty pursuant to Section 167(2) of the Act and in accordance with Section 167(3), (4) and (5) of the Act, to adopt:</td>
</tr>
<tr>
<td>64.2.1</td>
<td>valuations made, or caused to be made, by the Valuer-General; or</td>
</tr>
<tr>
<td>64.2.2</td>
<td>valuations made by a valuer employed or engaged by the Council, or by a firm or consortium of valuers engaged by the Council;</td>
</tr>
<tr>
<td></td>
<td>or a combination of both.</td>
</tr>
<tr>
<td>64.3</td>
<td>The duty pursuant to Section 167(6) of the Act to publish a notice of the adoption of valuations in the Gazette, within 21 days after the date of the adoption.</td>
</tr>
</tbody>
</table>

### 65. Valuation of Land

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>65.1</td>
<td>The power pursuant to Section 168(1) of the Act to request the Valuer-General to value any land within the Council’s area (being land that is capable of being separately rated).</td>
</tr>
<tr>
<td>65.2</td>
<td>The duty pursuant to Section 168(2) of the Act to furnish to the Valuer-General any information requested by the Valuer General for the purposes of valuing land within the area of the Council.</td>
</tr>
<tr>
<td>65.3</td>
<td>The power and duty pursuant to Section 168(3)(b) and (c) of the Act to enter a valuation in the assessment record, as soon as practicable after the valuation has been made and to give notice of the valuation to the principal ratepayer in accordance with the Regulations.</td>
</tr>
</tbody>
</table>

### 66. Objections to Valuations Made by Council

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>66.1</td>
<td>The duty pursuant to Section 169(1), (2), (3), (4) and (5) of the Act to refer an objection to a valuation of land to the valuer who made the valuation and to request the valuer to reconsider the valuation, where:</td>
</tr>
<tr>
<td>66.1.1</td>
<td>the objection does not involve a question of law; and</td>
</tr>
<tr>
<td>66.1.2</td>
<td>the objection is made in writing (setting out a full and detailed statement of the grounds on which the objection is based); and</td>
</tr>
<tr>
<td>66.1.3</td>
<td>is made within 60 days after the date of service of the notice of the valuation to which the objection relates (unless the Delegate, in his/her discretion, allows an extension of time for making the objection).</td>
</tr>
<tr>
<td>66.2</td>
<td>The power pursuant to Section 169(3)(b) of the Act to grant an extension of time for making an objection to a valuation of land.</td>
</tr>
<tr>
<td>66.3</td>
<td>The duty pursuant to Section 169(7) of the Act to give the objector written notice of the outcome of the reconsideration of the objection.</td>
</tr>
</tbody>
</table>
### 66. Duty pursuant to Section 169(8) and (9) of the Act to refer the valuation to the Valuer-General for further review

- **66.4.1** in the prescribed manner and form;
- **66.4.2** made within 21 days after the objector receives notice of the outcome of his or her initial objection; and
- **66.4.3** accompanied by the prescribed fee.

### 66.5 Power pursuant to Section 169(15)(b) of the Act to apply to SACAT for a review of the decision of a valuer after a further review on a request under Section 169(8) of the Act, in accordance with Section 169(15a) of the Act.

### 67. Notice of Declaration of Rates

- **67.1** The duty pursuant to Section 170 of the Act to ensure the notice of declaration of a rate or service charge is published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.

### 68. Alterations to Assessment Record

- **68.1** The power pursuant to Section 173(3) and (5) of the Act to determine the procedure for a review of a decision by the Chief Executive Officer on an application for alteration of the assessment record.
- **68.2** The duty pursuant to Section 173(6) of the Act to give a person written notice of Council’s decision on a review of a decision of the Chief Executive Officer concerning alteration of the assessment record.

### 69. Inspection of Assessment Record

- **69.1** The duty pursuant to Section 174(1) and (2) of the Act to ensure that the assessment record is available for inspection and purchase of an entry (on payment of a fee fixed by the Council), by the public at the principal office of the Council during ordinary office hours.

### 70. Liability for Rates

- **70.1** The power pursuant to Section 178(3) of the Act and subject to Section 178(9) of the Act to recover rates as a debt from:
  - **70.1.1** the principal ratepayer; or
  - **70.1.2** any other person (not being a principal ratepayer) who is an owner or occupier of the land; or
  - **70.1.3** any other person who was at the time of the declaration of the rates an owner or occupier of the land.
- **70.2** The power pursuant to Section 178(4) of the Act by written notice to a lessee or a licensee of land in respect of which rates have fallen due, to require him or her to pay to the Council rent or other consideration payable under the lease or a licence in satisfaction of any liability for rates.
70.3 Where a notice under Section 178(4) of the Act is given to a lessee or a licensee of land, the power pursuant to Section 178(5) of the Act to make and give notice of an additional charge of 5% of the amount in arrears, as payable and recoverable as part of the debt for unpaid rates.

70.4 The power pursuant to Section 178(6) of the Act to remit the charge of 5% of the amount in arrears payable under the Act in whole or in part.

71. Liability for Rates if Land is Not Rateable for the Whole of the Financial Year

71.1 The power pursuant to Section 179(2) of the Act to adopt a valuation of land that has become rateable after the adoption of valuations by the Council for the relevant financial year.

71.2 The duty pursuant to Section 179(5) of the Act to refund to the principal ratepayer an amount proportionate to the remaining part of the financial year, if land ceases to be rateable during the course of a financial year and the rates have been paid.

72. Service of Rate Notice

72.1 The duty pursuant to Section 180(1) of the Act and in accordance with Section 180(2) of the Act to send to the principal ratepayer or, in the case of a service charge, the owner or occupier of the relevant land, a rates notice, as soon as practicable after:

72.1.1 the declaration of a rate; or

72.1.2 the imposition of a service charge; or

72.1.3 a change in the rates liability of land.

73. Payment of Rates – General Principles

73.1 The power pursuant to Section 181(2) of the Act to determine the day on which each instalment of rates falls due in the months of September, December, March and June of the financial year for which the rates are declared.

73.2 If the Council declares a general rate for a particular financial year after 31 August in that financial year, the power, pursuant to Section 181(3) of the Act, to adjust the months in which instalments would otherwise be payable under Section 181(1) (taking into account what is reasonable in the circumstances).

73.3 The power pursuant to Section 181(4)(b) of the Act to agree with the principal ratepayer that rates will be payable in such instalments falling due on such days as may be specified in the agreement and in that event, the ratepayer’s rates will then be payable accordingly.

73.4 The duty pursuant to Section 181(5) of the Act in relation to each instalment of rates to send a rates notice to the principal ratepayer shown in the assessment record in respect of the land setting out in accordance with Sections 181(6) and (7) of the Act:

73.4.1 the amount of the instalment; and

73.4.2 the date on which the instalment falls due, or in the case where payment is to be postponed under another provision of the Act, the information prescribed by the Regulations.
73.5 The power pursuant to Section 181(7a) of the Act where the Council has entered into an agreement with a principal rate payer under Section 181(4)(b) of the Act, as part of the agreement, to vary the periods for the provision of a notice under Section 181(7) of the Act.

73.6 The power pursuant to Section 181(9) of the Act to remit any amount payable under Section 181(8) of the Act in whole or in part.

73.7 The power pursuant to Section 181(11) of the Act to grant discounts or other incentives in order to encourage:

73.7.1 the payment of instalments of rates in advance; or

73.7.2 prompt payment of rates.

73.8 The power pursuant to Section 181(12)(b) of the Act to impose a surcharge or administrative levy not exceeding 1% of the rates payable in a particular financial year with respect to the payment of rates by instalments under Section 181(4)(b) of the Act.

73.9 The power pursuant to Section 181(13) and subject to Section 44(3)(b) of the Act in relation to the payment of separate rates or service rates, by written notice incorporated in a notice for the payment of those rates sent to the principal ratepayer shown in the assessment record in respect of the land at the address shown in the assessment record, at least 30 days before an amount is payable in respect of the rates for a particular financial year, to impose a requirement that differs from the requirements of Section 181 of the Act.

73.10 The power pursuant to Section 181(15) of the Act to decide that rates of a particular kind will be payable in more than 4 instalments in a particular financial year and in such case:

73.10.1 the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year depending on when the rates are declared; and

73.10.2 the Delegate must give at least 30 days notice before an instalment falls due.

74. Remission and Postponement of Payment

74.1 The power pursuant to Section 182(1) of the Act to decide on the application of a ratepayer that payment of rates in accordance with the Act would cause hardship and, if so, to:

74.1.1 postpone payment in whole or in part for such period as the Delegate thinks fit; or

74.1.2 remit the rates in whole or in part.

74.2 The power pursuant to Section 182(2) of the Act on a postponement of rates:

74.2.1 to grant the postponement on condition that the ratepayer pay interest on the amount affected by the postponement at a rate fixed by the Delegate (but not exceeding the cash advance debenture rate);
### 74.2.2

to grant the postponement on other conditions determined by the Delegate; and

### 74.2.3

to revoke the postponement, at the Delegate’s discretion (in which case the Delegate must give the ratepayer at least 30 days written notice of the revocation before taking action to recover rates affected by the postponement).

### 74.3

The power pursuant to Section 182(3) of the Act to grant other or additional postponements of rates:

#### 74.3.1

to assist or support a business in the Council’s area; or

#### 74.3.2

to alleviate the affects of anomalies that have occurred in valuations under the Act.

### 74.4

The power pursuant to Section 182(4) of the Act to grant other or additional remissions of rates on the same basis as applies under the Rates and Land Tax Remission Act 1986, (such remissions will be in addition to the remissions that are available under that Act).

### 74.5

The power pursuant to Section 182(5) of the Act to require a ratepayer who claims to be entitled to a remission of rates by virtue of a determination under Section 182(4) of the Act to provide evidence to the satisfaction of the Delegate verifying that entitlement.

### 74.6

The power pursuant to Section 182(6) of the Act to revoke a determination under Section 182(4) of the Act at any time (but the revocation will not affect an entitlement to remission in relation to rates declared before the revocation takes effect).

### 75. Postponement of Rates - Seniors

#### 75.1

The power pursuant to Section 182A(2) of the Act to require that an application pursuant to Section 182A(1) of the Act be accompanied by such information as the Delegate may reasonably require.

#### 75.2

The power pursuant to Section 182A(3) of the Act, on an application for a postponement of the payment of the prescribed proportion of rates for the current or future financial made in accordance with Sections 182A(1) and (2) of the Act to:

- **75.2.1** reject an application for the postponement of rates; or
- **75.2.2** impose conditions on the postponement of rates but only in accordance with the Regulations.

### 76. Application of money in respect of rates

#### 76.1

The power and the duty to apply monies received or recovered in respect of rates pursuant to and in accordance with Section 183 of the Act.

### 77. Sale of Land for Non-Payment of Rates

#### 77.1

The power pursuant to Section 184(1) of the Act to sell land, if an amount payable by way of rates in respect of the land, has been in arrears for 3 years or more.
77.2 The duty pursuant to Section 184(2) of the Act before selling land for non-payment of rates, to send a notice to the principal ratepayer at the address appearing in the assessment record:

- stating the period for which the rates have been in arrears; and

- stating the amount of the total liability for rates presently outstanding in relation to the land; and

- stating that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the Delegate may allow), the Council intends to sell the land for non-payment of rates.

77.3 The duty pursuant to Section 184(3) of the Act to send a copy of a notice sent to a principal ratepayer under Section 184(2) of the Act:

- to any owner of the land who is not the principal ratepayer; and

- to any registered mortgagee of the land; and

- if the land is held from the Crown under a lease, licence or agreement to purchase, to the Minister who is responsible for the administration of the Crown Lands Act 1929.

77.4 If:

- the Delegate cannot, after making reasonable enquiries, ascertain the name and address of a person to whom a notice is to be sent under Section 184(2) or (3) of the Act; or

- the Delegate considers that it is unlikely that a notice sent under Section 184(2) or (3) of the Act would come to the attention of the person to whom it is to be sent,

the power pursuant to Section 184(4) of the Act to effect service of the notice by:

- placing a copy of the notice in a newspaper circulating throughout the State; and

- leaving a copy of the notice in a conspicuous place on the land.

77.5 The power pursuant to Section 184(5) of the Act to proceed to have the land sold, if the outstanding amount of rates is not paid in full within the time allowed in the notice given to the ratepayer under Section 184(2) of the Act.

77.6 The duty pursuant to Section 184(6) and (7) of the Act to conduct the sale of land for non-payment of rates by public auction and the power to set the reserve price for the purposes of the auction, except in the case of land held from the Crown under a lease, licence or agreement to purchase, unless the Minister responsible for the administration of the Crown Lands Act 1929 grants consent to sale by public auction.

77.7 The duty pursuant to Section 184(8) of the Act to advertise the auction of land under Section 184 of the Act on at least 2 separate occasions in a newspaper circulating throughout the State.

77.8 The duty pursuant to Section 184(9) of the Act to call off the auction, if before the date...
of such an auction, the outstanding amount and the costs incurred by the Council in proceeding under this Section are paid to the Council.

<table>
<thead>
<tr>
<th>77.9</th>
<th>The power pursuant to Section 184(10) of the Act to sell the land by private contract for the best price that can be reasonably obtained, if an auction fails or an auction is not held because the land is held from the Crown under a lease, licence or agreement to purchase.</th>
</tr>
</thead>
<tbody>
<tr>
<td>77.10</td>
<td>The power and duty to apply monies received by the Council in respect of the sale of land for non-payment of rates pursuant to and in accordance with Section 184(11) of the Act.</td>
</tr>
<tr>
<td>77.11</td>
<td>The duty pursuant to Section 184(12) of the Act to make reasonable enquiries to find the owner of land to be sold for non-payment of rates and where the owner cannot be found, the power to deal with the amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1981.</td>
</tr>
</tbody>
</table>

**78. Objection, Review or Appeal**

<table>
<thead>
<tr>
<th>78.1</th>
<th>If an objection, review or appeal in respect of a valuation of land results in the alteration of a valuation or of a decision to attribute a particular land use to land, and a due adjustment is made, the power pursuant to Section 186(2) of the Act and subject to Section 186(3), (4) and (5) of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>78.1.1</td>
<td>to refund or credit the overpaid amount against future liabilities for rates on the land subject to the rates; or</td>
</tr>
<tr>
<td>78.1.2</td>
<td>to recover an additional amount payable on account of an alteration of the value as arrears after at least 30 days have expired from the date on which notification of the alteration is given to the person who initiated the objection, review or appeal.</td>
</tr>
</tbody>
</table>

**79. Certificate of Liabilities**

<table>
<thead>
<tr>
<th>79.1</th>
<th>The power pursuant to Section 187(1) of the Act to issue a certificate, on application by or on behalf of a person who has an interest in land within the area, stating that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>79.1.1</td>
<td>the amount of any liability for rates or charges on the land imposed under Part 1 of Chapter 10 or Schedule 1B of the Act (including rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act that have not yet fallen due for payment, and outstanding interest or fines payable in respect of rates and charges under Part 1 of Chapter 10 or Schedule 1B of the Act); and</td>
</tr>
<tr>
<td>79.1.2</td>
<td>any amount received on account of rates or charges on the land imposed under this part, that is held in credit against future liabilities for rates or charges in relation to the land.</td>
</tr>
</tbody>
</table>

**80. Investigation by Ombudsman**

<table>
<thead>
<tr>
<th>80.1</th>
<th>The duty pursuant to Section 187B(6) of the Act if the Ombudsman's report prepared pursuant to Section 187B(3) of the Act makes any recommendations as to action that should be taken by the Council, to within 2 months after receipt of that report, provide a written response to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>80.1.1</td>
<td>the Ombudsman; and</td>
</tr>
</tbody>
</table>
### 80. Fees and Charges

80.1 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.

80.2 The power pursuant to Section 187B(7) of the Act to grant a rebate or remission of any rate or service charge, or of any charge, fine or interest under Part 1 of Chapter 10 of the Act, if the Ombudsman recommends that the Council do so on the ground of special circumstances pertaining to a particular ratepayer.

<table>
<thead>
<tr>
<th>80.1.2</th>
<th>if relevant, the person who made the complaint.</th>
</tr>
</thead>
</table>

### 81. Fees and Charges

81.1 The power pursuant to Section 188(1) and (2) of the Act to impose fees and charges:

81.1.1 for the use of any property or facility owned, controlled, managed or maintained by the Council;

81.1.2 for services supplied to a person at his or her request;

81.1.3 for carrying out work at a person’s request;

81.2 The power pursuant to Section 188(3) of the Act to provide for:

81.2.1 specific fees and charges;

81.2.2 maximum fees and charges and minimum fees and charges;

81.2.3 annual fees and charges;

81.2.4 the imposition of fees or charges according to specified factors;

81.2.5 the variation of fees or charges according to specified factors in respect of fees and charges set under Section 188(1)(a) – (c) of the Act inclusive; and

81.2.6 the reduction, waiver or refund, in whole or in part, of any fees and charges.

81.3 The power pursuant to Section 188(5) of the Act to fix, vary or revoke those fees and charges set under Section 188(1)(a), (b) and (c) of the Act.

81.4 The duty pursuant to Section 188(6) of the Act to keep a list of fees and charges imposed under this Section on public display during ordinary office hours at the principal office of the Council.

81.5 The duty pursuant to Section 188(7) of the Act to, if the Council fixes or varies a fee imposed under this Section, up-date the list referred to in Section 188(6) of the Act and take reasonable steps to bring the fee or charge, or variation of the fee or charge, to the notice of persons who may be affected.

### 82. Acquisition of Land by Agreement

82.1 The power pursuant to Section 190 of the Act to acquire land by agreement.

### 83. Compulsory Acquisition of Land

83.1 The power pursuant to Section 191(1) of the Act to acquire land compulsorily, in circumstances which require the Minister's written approval, after the Council has obtained the Minister's approval.

83.2 The power pursuant to Section 191(2) of the Act to acquire land compulsorily for a
### 84. Assumption of Care, Control and Management of Land

84.1 The power pursuant to Section 192(1) of the Act to assume the care, control and management of land in the Council area that has been set aside for the use or enjoyment of the public or a section of the public under the circumstances specified in Section 192(1)(a) and (b) of the Act.

84.2 The duty pursuant to Section 192(4) of the Act to immediately cause a copy of a resolution under Section 192(1) of the Act to assume the care, control and management of land to be published in the Gazette.

### 85. Classification

85.1 The duty pursuant to Section 193(6) of the Act to give notice in the Gazette of a resolution:

85.1.1 to exclude land from classification as community land under Section 193(4) of the Act; or

85.1.2 to classify as community land, land that had previously been excluded from classification as such under Section 193(5) of the Act.

### 86. Revocation of Classification of Land as Community Land

86.1 The duty pursuant to Section 194(2) of the Act before the Council revokes the classification of land as community land to:

86.1.1 prepare and make publicly available a report on the proposal containing:

86.1.1.1 a summary of reasons for the proposal; and

86.1.1.2 a statement of any dedication, reservation or trust to which the land is subject; and

86.1.1.3 a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and the statement of how the Council proposes to use the proceeds; and

86.1.1.4 an assessment of how implementation of the proposal would affect the area and the local community; and

86.1.1.5 if the Council is not the owner of the land, a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and

86.1.2 follow the relevant steps set out in the Council’s public consultation policy.

86.2 After complying with the requirements of Section 194(2) of the Act, the duty pursuant to Section 194(3) of the Act to prepare a report on all submissions made on it as part of the public consultation process.

86.3 The power pursuant to Section 194(4) of the Act to consult with the Minister in relation
87. **Effect of Revocation of Classification**

87.1 If it appears from the Register Book that the land is subject to a dedication, reservation or trust, other than a dedication, reservation or trust under the Crown Lands Act 1929, the duty pursuant to Section 195(2) of the Act immediately after the revocation of the classification of the land as community land, to give notice of the revocation to the Registrar-General in the manner and form approved by the Registrar-General.

88. **Management Plans**

88.1 The power and duty pursuant to and in accordance with Section 196(1), (2), (3) and (7) of the Act to prepare and adopt management plan or management plans for the Council’s community land, for which a management plan must be prepared, that:

- 88.1.1 identifies the land to which it applies; and
- 88.1.2 states the purpose for which the land is held by the Council; and
- 88.1.3 states the Council’s objectives, policies (if any) and proposals for the management of the land; and
- 88.1.4 states performance targets and how the Council proposes to measure its performance against its objectives and performance targets.

88.2 If a management plan relates to land that is not in the Council’s ownership, the power and duty pursuant to Section 196(4) of the Act to consult with the owner of the land at an appropriate stage during the preparation of the plan and the plan must:

- 88.2.1 identify the owner of the land; and
- 88.2.2 state the nature of any trust, dedication or restriction to which the land is subject apart from the Act; and
- 88.2.3 contain any provisions that the owner reasonably requires and identify those provisions as provisions required by the owner.

88.3 The duty pursuant to Section 196(5) of the Act to ensure (as far as practicable) that the management plan is consistent with other relevant official plans and policies about conservation, development and use of the land and contains any special provisions required under the Regulations.

89. **Public Consultation on Proposed Management Plan**

89.1 Before the Council adopts a management plan for community land, the duty to pursuant to Section 197(1) of the Act and subject to Section 197(2) of the Act:

- 89.1.1 make copies of the proposed plan available for inspection or purchase at the Council’s principal office; and
- 89.1.2 follow the relevant steps set out in Council’s public consultation policy.

89.2 The duty pursuant to Section 197(3) of the Act to give public notice of the adoption of a management plan.
### 90. Amendment or Revocation of Management Plan

| 90.1 | The power pursuant to Section 198(1) of the Act and in accordance with Section 198(2) and (3) of the Act to amend or revoke a management plan by the adoption of a proposal for its amendment or revocation. |
| 90.2 | The power pursuant to Section 198(2) and (3) of the Act to conduct public consultation prior to the Council or the Delegate adopting a proposal for amendment to or revocation of a management plan, unless in the opinion of the Delegate the amendment has no impact or no significant impact on the interests of the community. |
| 90.3 | The duty pursuant to Section 198(4) of the Act to give public notice of Council’s or the Delegate’s adoption of a proposal for the amendment or revocation of a management plan. |

### 91. Effect of Management Plan

| 91.1 | The duty pursuant to Section 199 of the Act to manage community land in accordance with any management plan for the relevant land. |

### 92. Use of Community Land for Business Purposes

| 92.1 | The power pursuant to Section 200(1), (2) and (3) of the Act to approve a person’s use of community land for a business purpose, consistent with provisions of the management plan and on any conditions the Delegate considers appropriate. |

### 93. Sale or Disposal of Local Government Land

| 93.1 | The power pursuant to Section 201(1) of the Act to sell or otherwise dispose of an interest in land: |
| 93.1.1 | vested in the Council in fee simple; or |
| 93.1.2 | vested in the Council as lessee. |
| 93.2 | The power pursuant to Section 201(2) of the Act to: |
| 93.2.1 | grant an easement (including a right of way) over community land; and |
| 93.2.2 | grant an easement (excluding a right of way) over a road or part of a road. |

### 94. Alienation of Community Land by Lease or Licence

<p>| 94.1 | The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for: |
| 94.1.1 | the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence; |
| 94.1.2 | the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act); |</p>
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>94.1.3</td>
<td>any other matter relevant to the use or maintenance of the land.</td>
</tr>
<tr>
<td>94.2</td>
<td>The duty pursuant to Section 202(2) and (3) of the Act and subject to Section 202(7) of the Act before granting a lease or licence relating to community land to follow the relevant steps set out in Council’s public consultation policy, unless:</td>
</tr>
<tr>
<td>94.2.1</td>
<td>the grant of the lease or the licence is authorised in an approved management plan for the land and the term of the proposed lease or licence is 5 years or less; or</td>
</tr>
<tr>
<td>94.2.2</td>
<td>the Regulations provide, in the circumstances of the case, for an exemption from compliance with the public consultation policy.</td>
</tr>
<tr>
<td>94.3</td>
<td>The power and duty pursuant to Section 202(4) of the Act and subject to Section 202(4a) and Section 202(7) of the Act to grant or renew a lease or a licence for a term (not exceeding 42 years) and to extend the term of the lease or licence but not so that the term extends beyond a total of 42 years.</td>
</tr>
<tr>
<td>94.4</td>
<td>The duty pursuant to Section 202(6) of the Act and subject to Section 202(7) of the Act to ensure that a lease or licence relating to community land is consistent with any relevant management plan.</td>
</tr>
<tr>
<td>95.1</td>
<td>The duty pursuant to Section 207(1) of the Act to keep a register of all community land in Council’s area.</td>
</tr>
<tr>
<td>95.2</td>
<td>The duty pursuant to Section 207(2)(a) and (b) of the Act to ensure that the register:</td>
</tr>
<tr>
<td>95.2.1</td>
<td>contains the information required by the Regulations; and</td>
</tr>
<tr>
<td>95.2.2</td>
<td>contains copies of current management plans.</td>
</tr>
<tr>
<td>95.3</td>
<td>The power pursuant to Section 207(2)(c) of the Act to include in the register (if the Delegate so decides) a computer record of the relevant information.</td>
</tr>
<tr>
<td>95.4</td>
<td>The duty pursuant to Section 207(3) and (4) of the Act to make available the register of all community land in the Council’s area for inspection (without charge) or purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.</td>
</tr>
<tr>
<td>96.1</td>
<td>The duty pursuant to Section 208(4) of the Act to cause a copy of a resolution declaring a road or land to be a public road, or preserving an easement under Section 208(3), to be published in the Gazette.</td>
</tr>
<tr>
<td>97.1</td>
<td>The power pursuant to Section 209(3) of the Act to enter into an agreement with the provider of public infrastructure or the holder of an authorisation or permit under Section 209(1) and (2) of the Act which provides for the vesting of property in fixtures and equipment in the Council.</td>
</tr>
<tr>
<td>98.</td>
<td>Conversion of Private Road to Public Road</td>
</tr>
</tbody>
</table>
98.1 The duty pursuant to Section 210(1)(b) of the Act to make reasonable enquiries to find the owner of a private road which the Council is seeking to declare be a public road.

98.2 The duty pursuant to Section 210(2) of the Act at least 3 months before the Council makes a declaration under Section 210 of the Act to:

98.2.1 if the identity and whereabouts of the owner of the road are known to the Council, give written notice to the owner of land subject to the proposed declaration; and

98.2.2 if a person has some other form of registered legal interest over the road and the identity and whereabouts of that person are known to the Council – give written notice to the person of the proposed declaration; and

98.2.3 give public notice of the proposed declaration.

98.3 The duty pursuant to Section 210(5) to publish in the Gazette a declaration of the Council made in accordance with Section 210(1) of the Act.

98.4 The duty pursuant to Section 210(7) of the Act to furnish to the Registrar-General a copy of any declaration under Section 210 of the Act in a manner and form approved by the Registrar-General immediately after it is made.

99. Highways

99.1 The power pursuant to Section 211(1)(a) of the Act to enter into an agreement with the Commissioner of Highways in order for the Council to exercise its powers under Part 2 of Chapter 11 of the Act in relation to a highway.

100. Power to Carry Out Roadwork

100.1 The power pursuant to Section 212(1) of the Act to have road works carried out in the Council’s area or, by agreement with another Council, in the area of another Council.

100.2 The power pursuant to Section 212(3) of the Act to do anything reasonably necessary for, or incidental, to roadwork pursuant to Section 212(2) of the Act, providing that:

100.2.1 the roadwork is carried out in compliance with any relevant requirement under the Road Traffic Act 1961; and

100.2.2 before carrying out roadwork in relation to a road that runs into or intersects with a highway (and that may have an effect on the users of that highway), consult with the Commissioner of Highways; and

100.2.3 the roadwork in relation to a private road is only carried out if:

100.2.3.1 the owner agrees; or

100.2.3.2 the Council has given the owner reasonable notice of the proposed roadwork and a reasonable opportunity to make representations and has considered any representations made in response to the notice; or

100.2.3.3 the identity or whereabouts of the owner is unknown; and
100.2.4 the roadwork on other private land is carried out with the agreement of the owner (unless otherwise provided in the Act).

### 101. Recovery of Cost of Roadwork

101.1 Where roadwork has been carried by agreement, the power pursuant to Section 213(1) of the Act to recover the whole of the cost or an agreed contribution determined by the Delegate under the terms of the agreement.

101.2 Where roadwork has been carried out to repair damage to a road, the power pursuant to Section 213(2) of the Act to recover the cost of carrying out the work, as a debt, from:

- 101.2.1 the person who caused the damage; or
- 101.2.2 in the case of damage caused by the bursting, explosion or fusion of any pipe, wire, cable, fitting or other object – the person who is the owner, or who has control of that infrastructure.

101.3 If the Council carries out roadwork on a private road, the power pursuant to Section 213(3) of the Act to recover the cost of the work or a contribution towards the cost of the work determined by the Delegate as a debt from the owner of the private road.

### 102. Contribution Between Councils where Road is on Boundary Between Council Areas

102.1 Where roadwork is carried out on a road on the boundary between 2 Council areas, the power pursuant to Section 214(1) and (2) of the Act to recover a reasonable contribution from the other Council towards the cost of the work, being an amount agreed between the Councils or, in the absence of an agreement, an amount determined by the Court in which the action for contribution is bought.

### 103. Special Provisions for Certain Kinds of Roadwork

103.1 If the Council changes the level of a road, the duty pursuant to Section 215(1) of the Act to:

- 103.1.1 ensure that adjoining properties have adequate access to the road; and
- 103.1.2 construct any retaining walls, embankments or other structures necessary to provide protection required in consequence of the change of level.

103.2 The power pursuant to Section 215(2) of the Act to carry out road work to allow water from a road to drain into adjoining property if, in the Delegate’s opinion:

- 103.2.1 there is no significant risk of damage to the adjoining property; or
- 103.2.2 the road work does not significantly increase the risk of damage to adjoining property.

103.3 The duty pursuant to Section 215(4) of the Act to give reasonable notice of proposed action to drain water into land under Section 215(2) of the Act to the owner of the land, except in a case of urgency.

### 104. Power to Order Owner of Private Road to Carry out Specific Roadwork

104.1 The power pursuant to Section 216(1) of the Act to, by order in writing in accordance
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<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>104.2</td>
<td>The duty pursuant to Section 216(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</td>
</tr>
<tr>
<td>104.2.1</td>
<td>any proposal to make an order; and</td>
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<tr>
<td>104.2.2</td>
<td>if an order is made, any order,</td>
</tr>
<tr>
<td></td>
<td>under Section 216(1) of the Act.</td>
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<tr>
<td>105.</td>
<td>Power to Order Owner of Infrastructure on Road to Carry Out Specified Maintenance or Repair Work.</td>
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<tr>
<td>105.1</td>
<td>The power pursuant to Section 217(1) of the Act by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, to require the owner:</td>
</tr>
<tr>
<td>105.1.1</td>
<td>to carry out specified work by way of maintenance or repair; or</td>
</tr>
<tr>
<td>105.1.2</td>
<td>to move the structure or equipment in order to allow the Council to carry out roadwork.</td>
</tr>
<tr>
<td>105.2</td>
<td>Where the order made pursuant to Section 217(1) of the Act is not complied with within a reasonable time fixed in the order, the power pursuant to Section 217(2)(a) of the Act to take action required by the order and to recover the cost of doing so as a debt from the owner.</td>
</tr>
<tr>
<td>106.</td>
<td>Power to Require Owner of Adjoining Land to Carry Out Specific Work</td>
</tr>
<tr>
<td>106.1</td>
<td>The power pursuant to Section 218(1) of the Act to, by order in writing in accordance with Section 218(2) of the Act to the owner of land adjoining the road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.</td>
</tr>
<tr>
<td>106.2</td>
<td>The duty pursuant to Section 218(2) of the Act to apply Divisions 2 and 3 of Part 2 of Chapter 12 of the Act with respect to:</td>
</tr>
<tr>
<td>106.2.1</td>
<td>any proposal to make an order; and</td>
</tr>
<tr>
<td>106.2.2</td>
<td>if an order is made, any order</td>
</tr>
<tr>
<td></td>
<td>under Section 218(1) of the Act.</td>
</tr>
<tr>
<td>107.</td>
<td>Power to Assign a Name, or Change the Name, of a Road or Public Place</td>
</tr>
<tr>
<td>107.1</td>
<td>The power pursuant to Section 219(1) of the Act to assign a name to a public or private road, or to a public place, or change the name of a public or private road, or of a public place.</td>
</tr>
<tr>
<td>107.2</td>
<td>The duty pursuant to Section 219(1a) of the Act to assign a name to a public road created after the commencement of Section 219(1a) of the Act by land division.</td>
</tr>
</tbody>
</table>
| 107.3   | Where it is proposed to change the name of a public road that runs into the area of an adjoining council, the duty pursuant to Section 219(2) of the Act to:
107.3.1 give the adjoining council at least 2 months notice of the proposed change; and

107.3.2 consider any representations made by the adjoining council in response to that notice.

107.4 The duty pursuant to Section 219(3) of the Act to:

107.4.1 immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the assignment of a name, or the change of a name, under Section 219 of the Act; and

107.4.2 on request by the Registrar-General, the Surveyor-General or the Valuer-General, provide information about the names of roads or public places in the Council’s area.

107.5 The duty pursuant to Section 219(4) of the Act to give public notice of the assigning or changing of a name under Section 219(1) of the Act.

107.6 The power pursuant to Section 219(5) of the Act to prepare and adopt a policy relating to the assigning of names under Section 219 of the Act.

107.7 The power pursuant to Section 219(6) of the Act to, at any time, alter a policy or substitute a new policy.

107.8 The duty pursuant to Section 219(7) of the Act to publish notice of the adopting or altering of a policy under Section 219 of the Act:

107.8.1 in the Gazette; and

107.8.2 in a newspaper circulating in the area of the council; and

107.8.3 on a website determined by the Chief Executive Officer.

108. Numbering of Premises and Allotments

108.1 The power pursuant to Section 220(1) of the Act to adopt a numbering system for buildings and allotments adjoining a road.

108.2 The duty pursuant to Section 220(1a) of the Act to assign a number (as part of its primary street address) to all buildings or allotments adjoining a public road created after the commencement of Section 220(1a) of the Act by land division.

108.3 The duty pursuant to Section 220(1b) of the Act to ensure that an assignment under Section 220(1a) of the Act occurs within 30 days after the issue of certificate of title in relation to the relevant land division in accordance with any requirements prescribed by regulations made for the purposes of Section 220(1b) of the Act.

108.4 The power pursuant to Section 220(2) of the Act to, from time to time, alter a numbering system, or substitute a new numbering system, under Section 220 of the Act.

108.5 The duty pursuant to Section 220(3) of the Act to give public notice of the adopting, altering or substituting of a numbering system for a particular road.

108.6 The duty pursuant to Section 220(4) of the Act to notify the Valuer-General of the
decision to adopt, alter or substitute a numbering system.

108.7 The power pursuant to Section 220(6) of the Act to request an owner of land to ensure that the appropriate number for the owner’s building or allotment is displayed in a form directed or approved by the Delegate.

### 109. Alteration of Road

109.1 The power pursuant to Section 221(1) and (2) of the Act to authorise a person (other than the Council or a person acting under some other statutory authority) to make an alteration to a public road, such as:

- altering the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
- erecting or installing a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or
- changing or interfering with the construction, arrangement or materials of the road; or
- changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings and other objects) associated with the road; or
- planting a tree or other vegetation on the road, interfering with vegetation on the road or removing vegetation from the road.

109.2 Before authorising the erection or installation of a structure under Section 221(2)(b) of the Act the duty pursuant to Section 221(4) of the Act to give consideration as to whether the structure will:

- unduly obstruct the use of the road; or
- unduly interfere with the construction of the road; or
- have an adverse effect on road safety.

109.3 The power pursuant to Section 221(6) of the Act to grant an authorisation under Section 221 of the Act:

- for a particular act or occasion; or
- for a term which is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of the term, the power to renew the term for a further term (not exceeding 42 years) fixed by the Delegate at the time of the renewal.

### 110. Permits for Business Purposes

110.1 The power pursuant to Section 222(1) of the Act to authorise a person to use a public road for business purposes and to give a permit to do so.

110.2 Subject to the Act, the power pursuant to Section 222(2) of the Act to issue a permit that grants rights of exclusive occupation in relation to part of a public road.

110.3 The power pursuant to Section 222(3) of the Act to issue a permit to use a public road.
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for a particular occasion or for a term stated in the permit.

<table>
<thead>
<tr>
<th>111. Public Consultation</th>
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</thead>
<tbody>
<tr>
<td>111.1 The duty pursuant to Section 223(1) of the Act before granting the authorisation to alter a public road or the permit to use a public road for business purposes, to follow the relevant steps set out in Council’s public consultation policy, if the Delegate proposes to grant an authorisation or permit:</td>
</tr>
<tr>
<td>111.1.1 that confers a right of exclusive occupation; or</td>
</tr>
<tr>
<td>111.1.2 that would have the effect of restricting access to a road; or</td>
</tr>
<tr>
<td>111.1.3 in relation to a use or activity for which public consultation is required under the Regulations.</td>
</tr>
<tr>
<td>111.2 The duty pursuant to Section 223(2) of the Act to give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal to grant an authorisation to alter a public road or to permit the use of a public road for business purposes.</td>
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<tr>
<th>112. Conditions of Authorisation or Permit</th>
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<tbody>
<tr>
<td>112.1 The power pursuant to Section 224 of the Act subject to Sections 224(2) and (4) of the Act to grant an authorisation or permit under Division 6 of Part 2, Chapter 11 on conditions the Delegate considers appropriate.</td>
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</tbody>
</table>

<table>
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<tr>
<th>113. Cancellation of Authorisation or Permit</th>
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</thead>
<tbody>
<tr>
<td>113.1 The power pursuant to Section 225(1) of the Act by notice in writing to the holder of an authorisation or permit:</td>
</tr>
<tr>
<td>113.1.1 in the case of a permit for the purposes of a mobile food vending business under Section 222 of the Act – cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or</td>
</tr>
<tr>
<td>113.1.2 in the any other case - cancel the authorisation or permit for breach of a condition.</td>
</tr>
<tr>
<td>113.2 The duty pursuant to Section 225(2) of the Act before cancelling an authorisation or permit, to:</td>
</tr>
<tr>
<td>113.2.1 give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the Delegate proposes to act and allowing the holder a reasonable period to make written representations to the Delegate on the proposed cancellation; and</td>
</tr>
<tr>
<td>113.2.2 consider any representations made in response to the notice.</td>
</tr>
<tr>
<td>113.3 The power pursuant to Section 225(3) of the Act to determine if a shorter period of notice should apply under Section 225(2)(a) of the Act, to protect the health or safety of the public, or otherwise to protect the public interest.</td>
</tr>
</tbody>
</table>
| 113.4 The power pursuant to Section 225(4) of the Act if the Council cancels a permit under Section 225(1)(a) of the Act, to specify at the time of cancellation a period (not exceeding six months) that an application for a permit for the purposes of a mobile food vending business under Section 222 of the Act must not be made by or on behalf
of the person who, before the cancellation, held the permit.

### 113A Location Rules – General

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<tbody>
<tr>
<td>113A.1</td>
<td>The power pursuant to Section 225A(1) of the Act and subject to Section 225A(2) of the Act, to prepare and adopt rules (location rules) that set out locations within the Council area in which mobile food vending businesses may operate.</td>
</tr>
<tr>
<td>113A.2</td>
<td>The power pursuant to Section 225A(4) of the Act to:</td>
</tr>
<tr>
<td>113A.2.1</td>
<td>from time to time amend the Council’s location rules;</td>
</tr>
<tr>
<td>113A.2.2</td>
<td>amend its location rules in order that the rules comply with:</td>
</tr>
<tr>
<td>113A.2.2.1</td>
<td>any requirement specified by the Minister under Section 225A(2)(b) of the Act; or</td>
</tr>
<tr>
<td>113A.2.2.2</td>
<td>any direction given by the Small Business Commissioner under Section 225A(7) of the Act.</td>
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### 114. Register

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<tbody>
<tr>
<td>114.1</td>
<td>The power and duty pursuant to Section 231(1) and (2) of the Act to keep a register of public roads in the Council’s area, which:</td>
</tr>
<tr>
<td>114.1.1</td>
<td>includes the information required by regulation; and</td>
</tr>
<tr>
<td>114.1.2</td>
<td>may consist (if the Delegate so decides) of a computer record of the relevant information.</td>
</tr>
<tr>
<td>114.2</td>
<td>The duty pursuant to Section 231(3) and (4) of the Act to make the register available for public inspection (without charge) and purchase of extracts (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</td>
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### 115. Trees

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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>115.1</td>
<td>The power pursuant to Section 232 of the Act to plant vegetation or authorise or permit the planting of vegetation, on a road, only after complying with the following matters (in addition to complying with any other statutory requirement):</td>
</tr>
<tr>
<td>115.1.1</td>
<td>giving consideration to whether the vegetation is, on balance, appropriate to the proposed site taking into account -</td>
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<tr>
<td>115.1.2</td>
<td>environmental and aesthetic issues; and</td>
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<tr>
<td>115.1.3</td>
<td>the use and construction of the road (including the potential for interference with the construction of the road or with structures (including pipes, wires, cables, fixtures, fittings or other objects) in the road); and</td>
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<tr>
<td>115.1.4</td>
<td>road safety matters; and</td>
</tr>
<tr>
<td>115.1.4</td>
<td>other matters (if any) considered relevant by the Delegate; and</td>
</tr>
</tbody>
</table>
| 115.2  | where the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, to follow the relevant steps set out in its
public consultation policy.

116. **Damage**

116.1 The power pursuant to Section 233(1) and (2) of the Act to recover damages, in the same way as damages for a tort, where a person, without the Council’s permission, intentionally or negligently damages a road or a structure (including pipes, wires, cables, fixtures, fittings and other objects) belonging to the Council associated with the road.

117. **Council’s Power to Remove Objects etc from Roads**

117.1 The power pursuant to Section 234(1) of the Act to remove and dispose of any structure, object or substance from a road if:

117.1.1 it has been erected, placed or deposited on the road without the authorisation or permit required under Part 2 of Chapter 11 of the Act; or

117.1.2 an authorisation or permit has been granted but has later expired or been cancelled.

117.2 The power pursuant to Section 234(2) of the Act to recover the cost of acting under Section 234 of the Act as a debt from the person who erected, placed or deposited the structure, object or substance on the road.

117.3 Where, as a result of an accident involving a vehicle or vehicles, any wreckage, objects or materials are left on a road, the power pursuant to Section 234(3) of the Act to clear the area and to recover the cost from the driver of the vehicle or, if more than one vehicle was involved, the driver of any one of the vehicles.

118. Deliberately left blank

119. **Abandonment of Vehicles and Farm Implements**

119.1 The power pursuant to Section 236(2) of the Act to seek an order from the court by which a person is convicted of an offence against Section 236(1) of the Act, that the convicted person pay to the Council any costs incurred by the Council in removing or disposing of a vehicle abandoned on a public road or public place.

120. **Removal of Vehicles**

120.1 The duty pursuant to Section 237(4) of the Act to ensure that the owner of the vehicle is notified of the removal of the vehicle:

120.1.1 by written notice in the prescribed form:

120.1.1.1 served on the owner personally; or

120.1.1.2 served on the owner by the use of person-to-person registered post,

as soon as practicable after the removal of the vehicle; or

120.1.2 if the owner is unknown or cannot be found – by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
120.2 If the owner of a removed vehicle does not, within 1 month after service or publication of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle, and of serving, publishing or posting the notice, and take possession of the vehicle, the power and duty pursuant to Section 237(5) of the Act to, subject to Section 237(6)(b) of the Act, offer the vehicle for sale by public auction or public tender.

120.3 The power pursuant to Section 237(6) of the Act to dispose of the vehicle in such manner as the Delegate thinks fit if:

120.3.1 the vehicle is offered for sale but not sold; or

120.3.2 the Delegate reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle or the costs incidental to removing or holding the vehicle, or those costs combined.

120.4 The duty pursuant to Section 237(7) of the Act, where the vehicle is sold, to apply the proceeds of sale as follows:

120.4.1 firstly, in payment of the costs of and incidental to the sale;

120.4.2 secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under Section 237 of the Act;

120.4.3 thirdly, in payment of the balance to the owner of the vehicle.

120.5 The duty pursuant to Section 237(8) of the Act to make reasonable inquiry to find the owner of the vehicle following sale and, if after that reasonable inquiry, the owner cannot be found, the duty to pay the balance of the proceeds of sale to the Council.

120.6 The duty pursuant to Section 237(9) of the Act to take reasonable steps to return property found in the vehicle, and where the property cannot be returned, the duty to deal with the property as unclaimed goods under the Unclaimed Goods Act 1987 as if the Council were the bailee of those goods.

121. Time Limits for Dealing with Certain Applications

121.1 Where the power to decide upon certain applications to which the Section applies has been delegated, the duty pursuant to Section 242(1) and (2) of the Act within two months after the relevant date, to make a decision in respect of the application and, if not so decided, it is taken to have been refused.

121.2 The duty pursuant to Section 242(3) of the Act to notify the applicant in writing as soon as practicable of a decision or presumptive decision on an application to which Section 242 of the Act applies.

122. Registrar-General to Issue Certificate of Title

122.1 The duty pursuant to Section 243(1) of the Act to apply to the Registrar-General for the issue of a Certificate of Title for the land under the Real Property Act 1896, where land vests for an estate in fee simple in the Council under this Act.

122.2 The duty pursuant to Section 243(2) of the Act to make such application to the Registrar-General for the issue of a Certificate of Title as follows:
122.2.1 in a manner and form approved by the Registrar-General; and

122.2.2 accompanied by:

122.2.2.1 Deliberately left blank

122.2.2.2 any surveys of the land and other materials that the Registrar-General may reasonably require; and

122.2.2.3 a fee fixed by the Registrar-General.

123. Liability for Injury, Damage or Loss Caused by Certain Trees

123.1 The power and duty pursuant to Section 245 of the Act to take reasonable action in response to a written request by an owner or occupier of property adjacent to a road for the Council to take reasonable action to avert a risk of damage to property of the owner or occupier from a tree growing in the road (whether planted by the Council or not).

124. Council May Require Bond or Other Security in Certain Circumstances

124.1 Subject to Section 245A of the Act, if,

124.1.1 a person has approval to carry out development under the Development Act 1993; and

124.1.2 the delegate has reason to believe that the performance of work in connection with the development could cause damage to any local government land (including a road) within the vicinity of the site of the development,

the power, pursuant to Section 245A of the Act, to, by notice in writing serve on the person who has the benefit of the approval, require the person to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

124.2 The power pursuant to Sections 37(b) and 245A of the Act, where a person has approval to carry out development under the Development Act 1993 and a notice in writing has been served pursuant to Section 245A of the Act on the person who has the benefit of the approval, to enter into an agreement that complies with any requirements prescribed by the regulations so as to ensure that money is available to address the cost of any damage that may be caused.

125. Power to Make By-Laws

125.1 The duty pursuant to Section 246(4a) of the Act, if the Council makes a determination under Section 246(3)(e) of the Act, to ensure that notice of the determination is published in the Gazette and in a newspaper circulating in the area of the Council.
### 126. Passing By-Laws

126.1 If it is proposed that the Council make a by-law, then at least 21 days before the Council resolves to make the by-law, the duty pursuant to Section 249(1) of the Act to:

126.1.1 make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection, without charge and during ordinary office hours, at the principal office of the Council, and so far as is reasonable practicable on the Internet; and

126.1.2 by notice in a newspaper circulating in the area of the Council:

126.1.2.1 inform the public of the availability of the proposed by-law; and

126.1.2.2 set out the terms of the by-law, or describe in general terms the by-law's nature and effect.

126.2 Before the Council makes a by-law, the duty pursuant to Section 249(4) of the Act to obtain a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner:

126.2.1 the Council has power to make the by-law by virtue of a statutory power specified in the certificate; and

126.2.2 the by-law is not in conflict with the Act.

126.3 The duty pursuant to Section 249(5) of the Act to publish a by-law in the Gazette.

126.4 The duty pursuant to Section 249(7) of the Act to publish a notice of the making of a by-law under Section 249 of the Act in a newspaper circulating in the area of the Council.

### 127. Model By-Laws

127.1 The duty pursuant to Section 250(5) of the Act to publish the resolution adopting a model by-law or alteration made under Section 250 of the Act in the Gazette.

127.2 The duty pursuant to Section 250(7) of the Act to publish a notice of the adoption of a model by-law or alteration made under Section 250 of the Act in a newspaper circulating in the area of the Council.

### 128. Register of By-Laws and Certified Copies

128.1 The duty pursuant to Section 252(1) and (2) to cause a separate register to be kept of all by-laws made or adopted by the Council; such register to include a copy of any code, standard or other document referred to or incorporated in a by-law.

128.2 The duty pursuant to Section 252(3) and (4) of the Act to make available the register of by-laws for inspection or purchase an extract from the register (on payment of a fee fixed by the Council) by the public at the principal office of the Council during ordinary office hours.

128.4 The duty pursuant to Section 252(5) of the Act to make available, on payment of a fee fixed by the Council, a certified copy of a by-law of the Council in force at the
### 129. Power to Make Orders

129.1 The power pursuant to Section 254 of the Act to order a person to do or to refrain from doing a thing specified in Column 1 of the Table in Part 2 of Chapter 12, if in the opinion of the Delegate, the circumstances specified in Column 2 of the Table exist and the person is within the description in Column 3 of the Table.

### 130. Procedures to be Followed

130.1 The duty pursuant to Section 255(1) of the Act before taking action to make an order under Part 2 of Chapter 12 (but subject to this Section), to give the person to whom it is proposed that the order be directed a notice in writing:

130.1.1 stating the proposed action, including the terms of the proposed order and the period within which compliance with the order will be required; and

130.1.2 stating the reasons for the proposed action; and

130.1.3 inviting the person to show, within a specified time (being a reasonable period), why the proposed action should not be taken (by making representations to the Delegate).

130.2 If a notice of intention to make an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(2) of the Act to take reasonable steps to serve a copy of the notice on the owner.

130.3 The power pursuant to Section 255(3) of the Act after considering representations made within the time specified under Section 255(1) of the Act:

130.3.1 to make an order in accordance with the terms of the original proposal; or

130.3.2 to make an order with modifications from the terms of the original proposal; or

130.3.3 to determine not to proceed with an order.

130.4 The power pursuant to Section 255(5) of the Act to:

130.4.1 include two or more orders in the same instrument;

130.4.2 direct two or more persons to do something specified in the order jointly.

130.5 The duty pursuant to Section 255(6) of the Act to ensure that the order:

130.5.1 subject to Section 255 of the Act, specifies a reasonable period within which compliance with the order is required; and

130.5.2 states the reasons for the order.

130.6 The duty pursuant to Section 255(7) of the Act to serve an order in accordance with Part 2 of Chapter 14 of the Act on the person to whom it is addressed.

130.7 If an order is directed to a person who is not the owner of the relevant land, the duty pursuant to Section 255(8) of the Act to take reasonable steps to serve a copy of the
### 130. Rights of Review

130.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to seek a review of the order under the Act, and to include the information specified by the Regulations to the Act.

### 131. Action on Non-Compliance

131.1 The power pursuant to Section 257(1) of the Act, where the requirements of an order are not complied with within the time fixed for compliance, or if there is an application for review, within 14 days after the determination of the review, to (subject to the outcome of any review) take the action required by the order.

131.2 The power pursuant to Section 257(2) of the Act to authorise an employee or another person to take action under Section 257(1) of the Act.

131.3 The power pursuant to Section 257(3) of the Act to take action to recover the reasonable costs and expenses incurred by the Council in taking action for the non-compliance with an order, as a debt from the person who failed to comply with the requirements of the order.

131.4 The power pursuant to Section 257(5) of the Act where an amount is recoverable from a person by the Council for action of non-compliance with an order, by notice in writing to the person, to fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period:

- 131.4.1 the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

- 131.4.2 if the person is the owner of the land to which the order relates – the power, in accordance with Schedule 6, to impose a charge over the land for the unpaid amount, together with interest.
### 133. Councils to Develop Policies

<table>
<thead>
<tr>
<th>133.1</th>
<th>The power and duty pursuant to Section 259(1) of the Act to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>133.2</td>
<td>The power and duty pursuant to Section 259(2) of the Act to:</td>
</tr>
<tr>
<td></td>
<td>133.2.1 prepare a draft of a Policy; and</td>
</tr>
<tr>
<td></td>
<td>133.2.2 by notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council or the Delegate (being at least four weeks).</td>
</tr>
<tr>
<td>133.3</td>
<td>The duty pursuant to Section 259(3) of the Act to consider any submission made on a proposed policy in response to an invitation under Section 259(2) of the Act.</td>
</tr>
<tr>
<td>133.4</td>
<td>The power pursuant to Section 259(4) of the Act to amend a policy at any time.</td>
</tr>
<tr>
<td>133.5</td>
<td>The duty pursuant to Section 259(5) of the Act before adopting an amendment to a policy, to take the steps specified in Section 259(2) and (3) (as if the amendment were a new policy), unless the Council or the Delegate determines the amendment is only of minor significance.</td>
</tr>
<tr>
<td>133.6</td>
<td>The duty pursuant to Sections 259(6) and (7) of the Act to make a policy available for inspection (without charge) and purchase (upon payment of a fee fixed by the Council) at the principal office of the Council during ordinary office hours.</td>
</tr>
<tr>
<td>133.7</td>
<td>The duty pursuant to Section 259(8) of the Act in considering whether to make an order under Part 2 of Chapter 12 of the Act, to deal with the particular case on its merits and the duty to take into account any relevant policy under Division 3 of Part 2, Chapter 12 of the Act.</td>
</tr>
</tbody>
</table>

### 134. Appointment of Authorised Persons

<table>
<thead>
<tr>
<th>134.1</th>
<th>The power, pursuant to Section 260(1) of the Act by instrument in writing, to appoint a person (other than a member of the Council) to be an authorised person.</th>
</tr>
</thead>
<tbody>
<tr>
<td>134.2</td>
<td>The power pursuant to Section 260(2) of the Act to make an appointment of an authorised person subject to such conditions or limitations as the Delegate determines and specified in the instrument of appointment.</td>
</tr>
<tr>
<td>134.3</td>
<td>The power and duty pursuant to Section 260(3) of the Act to issue to an authorised person an identity card:</td>
</tr>
<tr>
<td></td>
<td>134.3.1 containing a photograph of the authorised person; and</td>
</tr>
<tr>
<td></td>
<td>134.3.2 identifying any conditions or limitations imposed under Section 260(2) of the Act.</td>
</tr>
<tr>
<td>134.4</td>
<td>The power pursuant to Section 260(5) of the Act to at any time revoke an appointment under Section 260 of the Act, or to vary or revoke a condition or limitation, or impose a further condition or limitation on the appointment.</td>
</tr>
</tbody>
</table>
### 135. Procedures for Review of Decisions and Requests for Services

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>135.00</td>
<td>The power and duty pursuant to Section 270(a1) of the Act and in accordance with Sections 270(a2) and (4a) of the Act, to develop and maintain policies, practices and procedures for dealing with:</td>
</tr>
<tr>
<td>135.00.1</td>
<td>any reasonable request for the provision of a service by the Council or for the improvement of a service provided by the Council; and</td>
</tr>
<tr>
<td>135.00.2</td>
<td>complaints about the actions of the Council, employees of the Council, or other persons acting on behalf of the Council.</td>
</tr>
<tr>
<td>135.0</td>
<td>The power and duty pursuant to Section 270(a2) of the Act to ensure the policies, practices and procedures required under Section 270(a1) of the Act, are directed towards:</td>
</tr>
<tr>
<td>135.0.1</td>
<td>dealing with the relevant requests or complaints in a timely, effective and fair way; and</td>
</tr>
<tr>
<td>135.0.2</td>
<td>using information gained from the Council’s community to improve its services and operations.</td>
</tr>
<tr>
<td>135.1</td>
<td>Without limiting Sections 270(a1) and (a2) of the Act, the power and duty pursuant to Section 270(1) of the Act and in accordance with Sections 270(2) and (4a) of the Act, to establish procedures for the review of decisions of:</td>
</tr>
<tr>
<td>135.1.1</td>
<td>the Council;</td>
</tr>
<tr>
<td>135.1.2</td>
<td>employees of the Council;</td>
</tr>
<tr>
<td>135.1.3</td>
<td>other persons acting on behalf of the Council,</td>
</tr>
<tr>
<td>135.2</td>
<td>The duty pursuant to Section 270(2) of the Act to ensure that the procedures established under Section 270(1) of the Act address the following matters (and any other matters which the Delegate or the Council determines to be relevant):</td>
</tr>
<tr>
<td>135.2.1</td>
<td>the manner in which an application for review may be made;</td>
</tr>
<tr>
<td>135.2.2</td>
<td>the assignment of a suitable person to reconsider a decision under review;</td>
</tr>
<tr>
<td>135.2.3</td>
<td>the matters that must be referred to the Council itself for consideration or further consideration;</td>
</tr>
<tr>
<td>135.2.3A</td>
<td>in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers – the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under the Act;</td>
</tr>
<tr>
<td>135.2.4</td>
<td>the notification of the progress and outcome of an application for review;</td>
</tr>
<tr>
<td>135.2.5</td>
<td>the timeframes within which notifications will be made and procedures on a review will be completed.</td>
</tr>
<tr>
<td>135.3</td>
<td>The power pursuant to Section 270(4) of the Act to refuse to consider an application for review of a decision under Section 270 of the Act, if:</td>
</tr>
</tbody>
</table>
135.3.1 the application was made by an employee of the Council and relates to an issue concerning his or her employment; or

135.3.2 it appears that the application is frivolous or vexatious; or

135.3.3 the applicant does not have a sufficient interest in the matter.

135.4 The power and duty pursuant to Section 270(5) of the Act to ensure that copies of a document concerning the policies, practices and procedures that apply under Section 270 of the Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.

135.5 The power pursuant to Section 270(6) of the Act to, from time to time, amend the policies, practices and procedures established under Section 270 of the Act.

135.6 The power and duty pursuant to Section 270(8) of the Act to, on an annual basis, initiate and consider a report that relates to:

135.6.1 the number of applications for review made under Section 270; and

135.6.2 the kinds of matters to which the applications relate; and

135.6.3 the outcome of applications under this Section; and

135.6.4 such other matters as may be prescribed by the Regulations.

135.7 The power pursuant to Section 270(9) of the Act on an application for the provision of some form of relief or concession with respect to the payment of those rates, to, if appropriate, in view of the outcome of the application, refund the whole or a part of any amount that has been paid.

136. Mediation, Conciliation and Neutral Evaluation

136.1 The power pursuant to Section 271(1) of the Act as part of, or in addition to, the procedures established under Section 270 of the Act, to make provision for disputes between a person and the Council to be dealt with under a scheme involving mediation, conciliation or neutral evaluation.

136.2 The duty pursuant to Section 271(2) of the Act to provide for the constitution of panels of persons who are available to act as mediators, conciliators and evaluators, and for the selection of an appropriate mediator, conciliator or evaluator, if a dispute is to be dealt with under a Scheme established under Section 271(1) of the Act.

136A. Provision of Information to Minister

136A.1 The power and duty, pursuant to Section 271A of the Act, to, at the request of the Minister, provide to the Minister specified information, or information of a specified kind, relating to the affairs or operations of the Council.

136A.2 The power pursuant to Section 271A(3) of the Act to, provide information in accordance with a request under Section 271A(1) of the Act, even if:

136AA.2.1 the information was given to the Council in confidence; or

136AA.2.2 is held on a confidential basis under Chapter 6 Part 4.
### 136B. Minister May Refer Investigation of Council to Ombudsman

136B.1 The power pursuant to Section 272(3) of the Act, to, before the Minister refers a matter, explain the Council’s actions and make submissions to the Minister.

136B.2 The power pursuant to Section 272(5) of the Act, to make submissions to the Minister in relation to the matter.

### 136C. Action on a Report

136C.1 The power pursuant to Section 273(3) of the Act to make submissions to the Minister on the report on which the action is based.

### 136D. Deliberately left blank

### 136E. Action on a Report

136E.1 The power pursuant to Section 275(2) of the Act to make submissions to the Minister.

### 137. Special Jurisdiction

137.1 The power pursuant to Section 276(1) and (2) of the Act to commence, defend or participate in the following proceedings before the District Court, on behalf of the Council:

137.1.1 proceedings to try the title of a member to an office;

137.1.2 proceedings to try the right of a person to be admitted or restored to an office;

137.1.3 proceedings to compel restoration or admission;

137.1.4 proceedings to compel the Council to proceed to an election, poll or appointment;

137.1.5 proceedings to try the validity of a rate or service charge;

137.1.6 proceedings to try the validity of a by-law;

137.1.7 proceedings to compel the production or delivery of any books, voting papers, or other documents or papers to the production or possession of which the Council or person is entitled under this Act.

### 138. Service of Documents by Councils etc

138.1 Where a document is required or authorised to be served on or given to a person by the Council, the power and duty to effect service in accordance with and pursuant to Section 279 of the Act.

### 139. Service of Documents on Councils

139.1 The power pursuant to Section 280(1)(c) and (d) of the Act to determine the means available for service of documents on the Council and the power to accept or authorise a person to accept documents on Council’s behalf.
### 140. Recovery of Amounts from Lessees or Licensees

140.1 Where an owner of land is liable to pay an amount to the Council, the power pursuant to Section 281(1) of the Act by written notice to a lessee or licensee of the land, to require him or her to pay to the Council rent or other consideration payable under the lease or license in satisfaction of the liability to the Council.

### 141. Ability of Occupiers to Carry out Works

141.1 Where an owner of land fails to carry out work that the Council has required the owner to carry out under an Act, the power pursuant to Section 282(1) of the Act to give approval to the occupier of the land to cause the work to be carried out.

### 142. Power to Enter and Occupy Land in Connection with an Activity

142.1 The duty pursuant to Section 294(1a) of the Act and subject to Section 294(1b) of the Act, to give an owner or occupier of land at least 48 hours notice in writing of an intention to exercise a power under Section 294(1)(b) or (c) of the Act.

142.2 The duty pursuant to Section 294(3) of the Act:

142.2.1 to pay to the owner or occupier of the land rent on a quarterly or half-yearly basis, at a rate to be determined by agreement between the Council and the owner or occupier or, in default of agreement, by the Land and Valuation Court; and

142.2.2 to pay to the owner or occupier of the land within 1 month after occupying the land - reasonable compensation for damage caused to any crops on the land; and

142.2.3 within 6 months of ceasing to occupy the land:

142.2.3.1 remedy damage to land caused by the Council while in occupation of the land (to such extent as this may be reasonably practicable); and

142.2.3.2 to pay to the owner or occupier of the land reasonable compensation for any other loss or damage caused by the Council, including the full value of any earth, minerals or resources taken from the land;

142.3 The duty pursuant to Section 294(5) of the Act, at the request of an owner of occupier of the land entered and occupied by Council, to erect a fence of reasonable quality and design between the occupied land and the adjoining land.

### 143. Reclamation of Land

143.1 Where the Council raises, fills in, improves, drains, levels or reclaims land in the area of the Council, the power pursuant to Section 296(1) of the Act to recover the whole or a proportion of the cost of the work from the owners of adjacent or adjoining rateable land improved by the performance of the work in proportion to additional value the work has added to the land.

143.2 The power pursuant to Section 296(2) of the Act to appoint a valuer to determine the additional value added to the land by Council’s activities, under Section 296(1) of the Act.
143.3 The duty pursuant to Section 296(3) of the Act to give notice of a valuation to the relevant owner under this Section of the Act.

143.4 The duty pursuant to Section 296(5) of the Act to conduct an objection or review in the same manner as an objection to or appeal against a valuation under Division 6 of Part 1, Chapter 10 of the Act.

144. Property in Rubbish

144.1 The power pursuant to Section 297 of the Act to sell or dispose of any rubbish that the Council collects within its area, as the Delegate thinks appropriate.

145. Power of Council to Act in Emergency

145.1 Where flooding in the area of the Council has occurred or is imminent and the Delegate is of the opinion that a situation of emergency has arisen in which there is danger to life or property, the power pursuant to Section 298(1) of the Act to order that action be taken as the Delegate thinks fit to avert or reduce the danger.

146. Deliberately left blank

146.1 Deliberately left blank.

146.2 Deliberately left blank.

147. Costs of Advertisements

147.1 The duty pursuant to Section 300(1) of the Act to pay the cost of an advertisement required by the Act, or where the Council or an employee of the Council takes any action that immediately necessitates the advertisement.

148. Whistleblowing

148.1 The duty pursuant to Section 302B of the Act to ensure that a member of staff of the Council who has the qualifications prescribed by the Local Government (General) Regulations 2013 is designated as the responsible officer for the Council for the purposes of the Whistleblowers Protection Act 1993.

148A Use of Facilities

148A.1 The power pursuant to Clause 13 of Schedule 1A of the Act to arrange with the Authority for the Authority to make use of the services of the staff, equipment or facilities of the Council.

149. Deliberately left blank

150. Deliberately left blank

151. Deliberately left blank

151A Preparation of Stormwater Management Plans by Councils

151A.1 The power pursuant to Clause 17(1) of Schedule 1A of the Act to prepare a stormwater management plan which:

(a) complies with the guidelines issued by the Authority; and
(b) is prepared in consultation with the relevant regional NRM board or boards; and

(c) is prepared in accordance with any other procedures or requirements prescribed by the Regulations.

### 151B Authority May Issue Order

#### 151B.1 The power pursuant to Clause 20(5) of Schedule 1A of the Act, before the Authority takes any action under Clause 20(4) of Schedule 1A of the Act, to make submissions to the Authority in relation to the matter.

#### 151B.2 The power pursuant to Clause 20(6) of Schedule 1A of the Act, if costs and expenses are to be recovered from the Council as a debt, to enter into an agreement with the Authority for the debt to be repaid over a period of time, subject to the payment by the Council of interest on the debt (and the power to agree the rate with the Authority).

### 152 Deliberately left blank

### 153 Deliberately left blank

### 154 Special Powers in Relation to Land

#### 154.1 The power pursuant to Clause 24(1) of Schedule 1A of the Act and in accordance with Clause 24(2) of Schedule 1A of the Act, for the purpose of taking action consistent with the provisions of an approved stormwater management plan or a condition imposed on approval of a stormwater management plan or action required by an order under Clause 20 of Schedule 1 of the Act, to:

- (a) enter and occupy any land; and
- (b) construct, maintain or remove any infrastructure; and
- (c) excavate any land; and
- (d) inspect, examine or survey any land and for that purpose:
  - (i) fix posts, stakes or other markers on the land; and
  - (ii) dig trenches or sink test holes in the land to determine the nature of the top soil and underlying strata; and
  - (iii) remove samples for analysis.
- (e) alter water table levels, stop or reduce the flow of water in a watercourse, divert water flowing in a watercourse to another watercourse or to a lake or control the flow of water in any other manner; and
- (f) hold any water in a watercourse or lake or by any other means; and
- (g) divert water to an underground aquifer, dispose of water to a lake, underground aquifer or the sea, or deal with water in any other manner; and
- (h) deepen, widen or change the course of a watercourse, deepen or widen a lake or take action to remove any obstruction to the flow of water; and
(i) undertake any other form of work (including work undertaken for the purposes of stormwater management or flood mitigation); and
(j) undertake any testing, monitoring or evaluation; and
(k) undertake any other activity of a prescribed kind.

154.2 The power pursuant to Clauses 24(2)(b) and 25 of Schedule 1A of the Act to acquire an easement or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969 and any other applicable laws.

155. Entry and Occupation of Land Other Than Council Land

155.1 The power pursuant to Clause 25(2) of Schedule 1A of the Act, subject to Clause 25(3) of Schedule 1A of the Act, to give reasonable notice of an intention to enter, or to enter and occupy, land in accordance with Clause 24 of Schedule 1A of the Act to the occupier of the land.

155.2 The power pursuant to Clause 25(3)(b) of Schedule 1A of the Act to, in an emergency, give such notice (if any) as the delegate considers is reasonable in the circumstances.

156. Vesting of Infrastructure, etc

156.1 The power pursuant to Clause 26(3) of Schedule 1A of the Act to, before the Minister publishes a notice vesting the care, control and management of infrastructure or land in the Council under Clauses 26(1) or (2) of Schedule 1A of the Act make submissions to the Minister in relation to the proposed notice.

157. Building Upgrade Agreement (May only be delegated to CEO)

157.1 The power pursuant to Clause 2(1) of Schedule 1B of the Act, subject to Clause 2 of Schedule 1B of the Act, to, in relation to a building situated on land within the area of the Council, enter into an agreement (a building upgrade agreement) under which:

157.1.1 the building owner agrees to undertake upgrade works in respect of the building; and

157.1.2 a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and

157.1.3 the Council agrees:

157.1.3.1 to levy a charge on the relevant land (a building upgrade charge), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and

157.1.3.2 to pay to the finance provider any money paid to the Council by way of the building upgrade charge (other than any service fee or late payment fee that the Council is permitted by the agreement to deduct and retain).

157.2 The power pursuant to Clause 2(3) of Schedule 1B of the Act to include in a building
upgrade agreement, payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, at such rate as determined in accordance with the regulations, and, if the regulations do not provide for the determination of the rate at such rate as determined in accordance with the agreement.

157.3 The power pursuant to Clause 2(4) of Schedule 1B of the Act to agree that a building upgrade agreement may be entered into by any other persons that the delegate considers should be parties to the agreement.

158. Variation or Termination of Agreement (May only be delegated to CEO)

158.1 The power pursuant to Clause 4 of Schedule 1B of the Act to vary or terminate a building upgrade agreement by further agreement between the primary parties.

159. Contents of Agreement (May only be delegated to CEO)

159.1 The power pursuant to Clause 5(1) of Schedule 1B of the Act to make a building upgrade agreement in writing and specify:

159.1.1 the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and

159.1.2 the amount of money to be advanced by the finance provider under the agreement; and

159.1.3 the amount of the building upgrade charge to be levied by the Council under the agreement; and

159.1.4 the schedule for the payment, by the building owner, of a building upgrade charge to the Council; and

159.1.5 the amount of, or a method for calculating the amount of, any service fee or late payment fee that the Council may deduct and retain; and

159.1.6 any prescribed matters.

159.2 The power pursuant to Clause 5(2) of Schedule 1B of the Act to, in a building upgrade agreement:

159.2.1 provide for the early repayment of any amount payable under the agreement; and

159.2.2 include and agree to other provisions.

160. Declaration of Building Upgrade Charge (May only be delegated to CEO)

160.1 The power pursuant to Clause 6(1) of Schedule 1B of the Act, after the Council enters into a building upgrade agreement, to, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).

160.2 The power pursuant to Clause 6(2) of Schedule 1B of the Act, if the Council or delegate declares a building upgrade charge, to, within 28 days after the declaration give the building owner written notice in accordance with Clauses 6(3) and (4) of Schedule 1B of the Act specifying:
160.2.1 the name and address of the building owner; and

160.2.2 a description of the relevant land in respect of which the building upgrade charge is being levied; and

160.2.3 the building upgrade agreement under which the building upgrade charge is being levied; and

160.2.4 the amount for which the building owner is liable; and

160.2.5 the manner of payment of the amount; and

160.2.6 the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the Council (specified in the building upgrade agreement); and

160.2.7 the amount of, or method of calculating, any service fee of the Council authorised by the building upgrade agreement and any late payment fee that may be imposed by the Council if the building owner fails to pay an amount for which the building owner is liable by the due date; and

160.2.8 any prescribed matters.

160.3 The power pursuant to Clause 6(4) of Schedule 1B of the Act, to, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under Clause 6(2) of Schedule 1B of the Act to the building owner at least 28 days before the date for payment specified in the notice.

161. Payment of Building Upgrade Charge

161.1 The power pursuant to Clause 7(2) of Schedule 1B of the Act, on payment of money in respect of a building upgrade charge to the Council, to deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.

161.2 The power pursuant to Clause 7(3) of Schedule 1B of the Act in relation to money paid to the Council in respect of a building upgrade charge, to, other than any service fee and late payment fee retained by the Council,

161.2.1 hold that money on behalf of the finance provider pending payment to the finance provider; and

161.2.2 pay that money to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.

162. Sale of Land for Non-payment of Building Upgrade Charge

162.1 The power pursuant to Clause 9(1) of Schedule 1B of the Act, subject to clause 9 of Schedule 1B of the Act to, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, sell the relevant land in accordance with the regulations.

162.2 The power pursuant to Clause 9(2) of Schedule 1B of the Act to, apply any money received by the Council in respect of the sale of land under Clause 9 of Schedule 1B of the Act as follows:

162.2.1 firstly – in paying the costs of the sale and any other costs incurred in
INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

<table>
<thead>
<tr>
<th>Proceeding under Clause 9 of Schedule 1B of the Act;</th>
</tr>
</thead>
<tbody>
<tr>
<td>162.2.2 secondly – in discharging any liabilities to the Council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);</td>
</tr>
<tr>
<td>162.2.3 thirdly – in discharging any liability to the Council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;</td>
</tr>
<tr>
<td>162.2.4 fourthly – in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;</td>
</tr>
<tr>
<td>162.2.5 fifthly – in discharging any liabilities secured by registered mortgages, encumbrances or charges;</td>
</tr>
<tr>
<td>162.2.6 sixthly – in discharging any other mortgages, encumbrances or charges of which the Council has notice;</td>
</tr>
<tr>
<td>162.2.7 seventhly – in payment to the owner of the land.</td>
</tr>
</tbody>
</table>

162.3 The power pursuant to Clause 9(3) of Schedule 1B of the Act, if the owner cannot be found after making reasonable inquiries as to his or her whereabouts, to deal with an amount payable to the owner as unclaimed money under the Unclaimed Moneys Act 1891.

163. Repayment of Advances to Finance Provider

163.1 The power pursuant to Clause 10(2) of Schedule 1B of the Act, if a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, to:

163.1.1 adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and

163.1.2 give the building owner written notice of the adjustment.

163.2 The power pursuant to Clause 10(3) of Schedule 1B of the Act, if, as a result of an adjustment being made to a building upgrade charge under clause 10 of Schedule 1B of the Act:

163.2.1 the building owner has made payment in respect of the charge in excess of the adjusted amount; and

163.2.2 the excess amount has been paid by the Council to the finance provider,

to refund the building owner the excess amount paid.

164. Register of Building Upgrade Agreements

164.1 The power pursuant to Clause 13(1) of Schedule 1B of the Act to keep a register of building upgrade agreements in accordance with Clause 13(2) of Schedule 1B of the Act.

164.2 The power pursuant to Clause 13(3) of Schedule 1B of the Act to make available the register for inspection (without charge) by a member of the public at the principal office of the Council during ordinary office hours and to provide a person with an
extract from the register (without charge).
## Conditions or Limitations Applicable to Delegations Contained in This Instrument

<table>
<thead>
<tr>
<th>Paragraph(s) in instrument to which conditions/limitations apply</th>
<th>Conditions / Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>157</td>
<td>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive.</td>
</tr>
<tr>
<td>158</td>
<td>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive.</td>
</tr>
<tr>
<td>159</td>
<td>The power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Council may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive.</td>
</tr>
<tr>
<td>160</td>
<td>The power to declare and levy a building upgrade charge under a building upgrade agreement may not, despite Section 44(4)(b) of the Local Government Act 1999, be subdelegated by the Chief Executive.</td>
</tr>
</tbody>
</table>
### ANNEXURE 2

**INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012**

#### NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

#### POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>1. Water Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1</strong> The power pursuant to Section 6(6) of the <em>Water Industry Act 2012</em> (<em>the Act</em>), in relation to a proposal:</td>
</tr>
<tr>
<td><strong>1.1.1</strong> to create the <em>State Water Demand and Supply Statement</em>; or</td>
</tr>
<tr>
<td><strong>1.1.2</strong> to undertake a comprehensive review of the <em>State Water Demand and Supply Statement</em>,</td>
</tr>
<tr>
<td>to make written representations on the proposal to the Minister.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Application for Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>The power pursuant to Section 19(1) of the Act and in accordance with Sections 19(2), (3) and (4) of the Act, to apply to the Commission in a form approved by the Commission.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Licence fees and returns</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.1</strong> The power pursuant to Section 24(2) of the Act, where the Council is the holder of a licence issued for a term of 2 years or more, to:</td>
</tr>
<tr>
<td><strong>3.1.1</strong> in each year lodge with the Commission, before the date prescribed for that purpose, an annual return containing the information required by the Commission by condition of the licence or by written notice; and</td>
</tr>
<tr>
<td><strong>3.1.2</strong> in each year (other than a year in which the licence is due to expire) pay to the Commission, before the date prescribed for that purpose, the relevant annual licence fee, or the first instalment of the relevant annual licence fee, as the case may require.</td>
</tr>
</tbody>
</table>

| 4. Variation of Licence |
4.1 The power pursuant to Section 28(2) of the Act to:

4.1.1 make application to the Commission to vary the terms or conditions of the Council’s licence;

4.1.2 agree to the variation of the terms or conditions of the Council’s licence;

4.1.3 make representations to the Commission about the proposed variation.

5. **Transfer of Licence**

5.1 The power pursuant to Section 29(1) of the Act, and in accordance with Sections 29(4), (5) and (6) of the Act, to transfer a licence with the Commission’s agreement.

5.2 The power pursuant to Section 29(4) of the Act to consent to the transfer of a licence to the Council.

6. **Surrender of Licence**

6.1 The power pursuant to Section 32(1) of the Act and in accordance with Section 32(2) of the Act to, by written notice given to the Commission, surrender the Council’s licence.

6.2 The power pursuant to Section 32(3) of the Act to agree with the Commission that the required period of notice be shortened.

7. **Suspension or cancellation of Licences**

The power pursuant to Section 33(3)(b) of the Act to make submissions to the Commission in relation to the Commission’s proposed action under Section 33 of the Act.

8. **Standard terms and conditions for retail services**

8.1 The power pursuant to Section 36(1) of the Act and in accordance with Section 36(4) of the Act to, from time to time, fix standard terms and conditions governing the provision of services by the Council to customers of a designated class.

8.2 The power pursuant to Section 36(2) of the Act to publish in the Gazette a notice setting out any standard terms and conditions fixed by the Council.

8.3 The power pursuant to Section 36(3) of the Act, when the Council publishes a notice in the Gazette under Section 36(2) of the Act, to also publish a notice in a newspaper circulating generally in the State describing the general nature of the standard terms and conditions and advising where a person may read or obtain a copy of the standard terms and conditions.

8.4 The power pursuant to Section 36(5) of the Act, subject to the conditions of a licence, to modify or exclude a standard term or condition fixed under Section 36 of the Act by
express agreement with a customer of the Council.

9. Customer hardship policies

9.1 The power pursuant to Section 37(3) of the Act to:

9.1.1 adopt a customer hardship policy published by the Minister under Section 37 of the Act; or

9.1.2 with the written approval of the Commission, adopt such a policy with modifications.

10. Power to take over operations

10.1 The power pursuant to Section 38(2) of the Act, before a proclamation is made under Section 38 of the Act, to make written representations giving reasons why the proclamation should not be made.

11. Appointment of operator

The power pursuant to Section 39(3) of the Act to facilitate the takeover of the relevant operations by the operator.

12. Appointment of water industry officer

12.1 The power pursuant to Section 41(1) of the Act, subject to conditions or limitations determined by the Minister, to appoint a person to be a water industry officer for the Council.

12.2 The power pursuant to Section 41(2) of the Act, to give directions to a water industry officer appointed by the Council.

13. Conditions of appointment

13.1 The power pursuant to Section 42(1) of the Act to appoint a water industry officer for a stated term or for an indefinite term that continues while the officer holds a stated office or position.

13.2 The power pursuant to Section 42(2) of the Act to remove a water industry officer from office.

14. Identity cards

The power pursuant to Section 43(1) of the Act and in accordance with Section 43(2) of the Act, to give each water industry officer for the Council an identity card.
15. **Power to enter land to conduct investigations**

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>15.1</td>
<td>The power pursuant to Section 44(1) of the Act and subject to Section 44(3) of the Act to, by agreement with the occupier of land or on the authorisation of the Minister, enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure.</td>
</tr>
<tr>
<td>15.2</td>
<td>The power pursuant to Section 44(3) of the Act, if the Council enters land under the authorisation of the Minister, to:</td>
</tr>
<tr>
<td>15.2.1</td>
<td>give reasonable notice of the proposed entry on land under Section 44 of the Act to the occupier; and</td>
</tr>
<tr>
<td>15.2.2</td>
<td>minimise the impact of work carried out by the Council on activities of others on the land; and</td>
</tr>
<tr>
<td>15.2.3</td>
<td>comply with the conditions of the authorisation.</td>
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16. **Power to carry out work on land**

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<thead>
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<tbody>
<tr>
<td>16.1</td>
<td>The power pursuant to Section 45(1) of the Act and in accordance with Sections 45(3), (11), (12), (13), (16), (17) and (20) of the Act:</td>
</tr>
<tr>
<td>16.1.1</td>
<td>to construct, install, improve or add to any water/sewerage infrastructure; or</td>
</tr>
<tr>
<td>16.1.2</td>
<td>to inspect, operate, maintain, test, repair, alter, remove or replace any water/sewerage infrastructure or equipment; or</td>
</tr>
<tr>
<td>16.1.3</td>
<td>to lay pipes and install, operate or inspect pumps and other equipment; or</td>
</tr>
<tr>
<td>16.1.4</td>
<td>to carry out other work in connection with the establishment or operation of any water/sewerage infrastructure or otherwise connected with any water service or sewerage service; or</td>
</tr>
<tr>
<td>16.1.5</td>
<td>to obtain or enlarge a supply of water; or</td>
</tr>
<tr>
<td>16.1.6</td>
<td>to protect, improve or restore the quality of water; or</td>
</tr>
<tr>
<td>16.1.7</td>
<td>to protect any infrastructure or equipment connected with any water service or sewerage service; or</td>
</tr>
<tr>
<td>16.1.8</td>
<td>to perform any other function brought within the ambit of Section 45 of the Act by the regulations.</td>
</tr>
<tr>
<td>16.2</td>
<td>The power pursuant to Section 45(3) of the Act, subject to Section 45 of the Act, if the</td>
</tr>
</tbody>
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256275/FXD02365012 Last amended: 31 December 2018
Council seeks to enter public land under Section 45 of the Act, to:

| 16.2.1 | give the authority responsible for the management of public land not less than 12 hours notice of the Council’s intention to carry out work on the land; and |
| 16.2.2 | secure the authority's agreement to the carrying out of the work; |

16.3 The power pursuant to Section 45(3)(b) of the Act, if an authorised entity seeks to enter public land under Section 45 of the Act and the Council is responsible for the management of the public land, to agree to the carrying out of the work.

16.4 The power pursuant to Section 45(5) of the Act to include in an agreement under Section 45(3) of the Act conditions the delegate considers appropriate in the public interest.

16.5 The power pursuant to Section 45(7) of the Act and subject to Section 45(8) of the Act if a dispute arises between the Council and the authority responsible for managing public land or an authorised entity and the Council about whether work should be permitted under Section 45 of the Act on the land or about the conditions on which work should be permitted on public land, to refer the dispute to the Minister.

16.6 The power pursuant to Section 45(9) of the Act, if a dispute is referred to the Minister under Section 45 of the Act, to make representations to the Minister on the questions at issue in the dispute.

16.7 The power pursuant to Section 45(11) of the Act and subject to Section 45(3) of the Act, if the Council seeks to enter land other than public land for the first time, to give prior written notice to the occupier of the land stating the reason and the date and time of the proposed entry.

16.8 The power pursuant to Section 45(12) of the Act and subject to Section 45(13) of the Act, to give notice to the occupier of land in other circumstances prescribed by the regulations.

16.9 The power pursuant to Section 45(14) of the Act to use reasonable force to enter any land under Section 45 of the Act.

16.10 The power pursuant to Section 45(16) of the Act, at the reasonable request of an owner or occupier of land used for any purpose under Section 45 of the Act, to separate the land being used for the other part or parts of the land by a fence of reasonable construction and design (with such gates as may be necessary for the convenient use of any land) and, in the case of a dispute as to the fence to be constructed under Section 45 of the Act, to refer the matter to the Magistrates Court for resolution.

16.11 The power pursuant to Section 45(17) of the Act to make good any damage caused by the exercise of powers under Section 45 of the Act as soon as practicable (including so as to reinstate any road or other place) or pay reasonable compensation for the damage.

16.12 The power pursuant to Section 45(19) of the Act, in an emergency, to exercise a power...
17. **Acquisition of land**

The power pursuant to Section 46(1) of the Act and in accordance with Section 46(2) of the Act, to acquire land in accordance with the *Land Acquisition Act 1969*.

18. **Requirement to connect to infrastructure**

*Section 48 applies to a water industry entity involved (or proposing to be involved) in the sale and supply of sewerage services for the removal of sewage (and the infrastructure to be used for the purposes of those services will be referred to as prescribed infrastructure under this section).*

18.1 The power pursuant to Section 45(2) of the Act to apply to the Minister for the approval of a scheme under Section 48 of the Act.

18.2 The power pursuant to Section 48(6) of the Act, if the Minister approves a scheme, to by notice that complies with any requirements prescribed by the regulations and served on any owner of land adjacent to land where the designated part of the prescribed infrastructure is situated, require the owner to connect drains, equipment or works to the prescribed infrastructure in order to provide for the discharge of sewage into the infrastructure.

18.3 The power pursuant to Section 48(9) of the Act, if the requirements of a notice under Section 48 of the Act are not complied with, to take any action required by the notice.

18.4 The power pursuant to Section 48(10) of the Act, to authorise a person to take action on behalf of the Council under Section 45(9) of the Act.

18.5 The power pursuant to Section 48(12) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 45(9) or (10) as a debt from the person who failed to comply with the requirements of the notice.

18.6 The power pursuant to Section 48(13) of the Act to, from time to time, with the approval of the Minister, vary a scheme under Section 48 of the Act.

19. **Encroachments**

19.1 The power pursuant to Section 49(1) of the Act to consent to a person:

19.1.1 constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure); or

19.1.2 creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service; or
19.1.3 obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or

19.1.4 excavating or altering any land or structure supporting any water/sewerage infrastructure.

19.2 The power pursuant to Section 49(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 49(1) of the Act, to:

19.2.1 at any reasonable time, enter land and carry out an inspection of any place; and

19.2.2 as the delegate thinks fit (whether or not an inspection has taken place), by notice that complies with any requirements prescribed by the regulations and served on the person, require the person to take such action as may be specified in the notice to remedy any contravention of Section 49(1) of the Act.

19.3 The power pursuant to Section 49(3) of the Act if any entry under Section 49(2)(a) of the Act is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.

19.4 The power pursuant to Section 49(4) of the Act if the requirements of a notice under Section 49(2)(b) of the Act are not complied with, to take any action required by the notice.

19.5 The power pursuant to Section 49(6) of the Act to recover the reasonable costs and expenses incurred by the Council in taking action under Section 49(4) or (5) as a debt from the person who failed to comply with the requirements of the notice.

19.6 The power pursuant to Section 49(7) of the Act to authorise a person to take action on the Council’s behalf under Section 49 of the Act.

20. Protection of infrastructure and equipment

20.1 The power pursuant to Section 50(2) of the Act, if the delegate believes on reasonable grounds that a person has acted in contravention of Section 50(1), to:

20.1.1 at any reasonable time, enter any land and carry out an inspection of any place; and

20.1.2 as the delegate thinks fit (whether or not an inspection has taken place), after complying with any requirements prescribed by the regulations, disconnect, close, turn off or remove anything that has, in the opinion of the delegate been attached or used in connection with the contravention.

20.2 The power pursuant to Section 50(3) of the Act, if any entry under Section 50(2)(a) is refused or obstructed, to obtain a warrant under Part 10 of the Act to enter the land.
20.3 The power pursuant to Section 50(4) of the Act to authorise a person to take action on the Council’s behalf under Section 50 of the Act.

20.4 The power pursuant to Section 50(7) of the Act, if the Council suffers loss as a result of a contravention of Section 50 of the Act, to recover compensation for the loss from a person guilty of the contravention:

20.4.1 on application to a court convicting the person of an offence against Section 50 of the Act; or

20.4.2 by action in a court of competent jurisdiction.

21. Notice of work that may affect water/sewerage infrastructure

21.1 The power pursuant to Section 51(4) of the Act, if the Council suffers loss as a result of a contravention of Section 51 of the Act, to recover compensation for the loss from a person guilty of the contravention:

21.1.1 on application to a court convicting the person of an offence against Section 51 of the Act; or

21.1.2 by action in a court of competent jurisdiction.

22. Duty to give notice before paving a road etc

22.1 The power pursuant to Section 52(1) of the Act, before the Council begins:

22.1.1 to first lay the pavement or hard surface in any road; or

22.1.2 to relay the pavement or hard surface in any road; or

22.1.3 to widen or extend the pavement or hard surface in any road; or

22.1.4 to alter the level of any road; or

22.1.5 to construct or alter any footpaths, gutters, kerbing or water tables in any road; or

22.1.6 to construct or alter any drainage work in any road,

in which there is any water/sewerage infrastructure, to give the relevant water industry entity at least 14 days notice of the proposed work (being a notice that includes details of the nature and thickness of the pavement or hard surface proposed to be made or laid in any such work, and of any other work that is proposed to be undertaken).

22.2 The power pursuant to Section 52(2) of the Act, to within 14 days after receiving a notice, advise the person who gave the notice of any new water/sewerage
22.3 The power pursuant to Section 52(3) of the Act, if any work referred to Section 52(1) would involve any alteration to any water/sewerage infrastructure that is owned or operated by a water industry entity, to subject to Section 52(5) of the Act, pay to the entity:

| Clause 22.3.1 | unless Section 52(3)(b) applies – half of the actual cost of the alteration or any damage caused by the work; |
| Clause 22.3.2 | in prescribed circumstances – an amount determined under the regulations. |

22.4 The power pursuant to Section 52(6) of the Act, to under an agreement between the Council and a person otherwise required to give notice under Section 52 of the Act, waive the requirement to give such notice in relation to specified classes of work.

23. **Unlawful abstraction, removal or diversion of water or sewage**

| Clause 23.1 | The power pursuant to Section 53(2) of the Act, to grant approval to a person to install or maintain a pipe capable of conveying water beyond the boundaries of a site occupied by that person where the Council supplies water to the site. |
| Clause 23.2 | The power pursuant to Section 53(3) of the Act, if the Council suffers loss as a result of a contravention of Section 53, to recover compensation for the loss from a person guilty of the contravention: |

| Clause 23.2.1 | on application to a court convicting the person of an offence against this Section; or |
| Clause 23.2.2 | by action in a court of competent jurisdiction. |

24. **Water meters**

| Clause 24.1 | The power pursuant to Section 54(1) of the Act to, require a person who is supplied with water by the Council, to |
| Clause 24.1.1 | allow a person authorised by the Council to enter land and fix a meter supplied by the Council; |
| Clause 24.1.2 | ensure that a meter of a kind specified by the Council is fixed and used for purposes of measuring water supplied to the person. |
| Clause 24.2 | The power pursuant to Section 54(1) of the Act, to authorise a person to enter land and fix a meter supplied by the Council. |
| Clause 24.3 | The power pursuant to Section 54(3) of the Act, with the approval of the Commission or in prescribed circumstances, to include in a requirement under Section 54(1) of the Act |
24.4 The power pursuant to Section 54(10) of the Act, if a person fails to comply with Section 54(9) of the Act, to serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.

24.5 The power pursuant to Section 54(11) of the Act, if a person on whom notice has been served under Section 54(10) of the Act fails to comply with the notice within 1 month to enter the land and take such action (including altering the position of the meter or fitting) as the delegate thinks fit to provide access to the meter or fitting.

24.6 The power pursuant to Section 54(11) of the Act, if a person on whom a notice has been served under Section 54(10) of the Act fails to comply with the notice within one month, to authorise a person to enter land and take such action (including altering the position of the meter or fitting) as the person thinks fit to provide access to the meter or fitting.

24.7 The power pursuant to Section 54(12) of the Act, if the Council suffers loss as a result of a contravention of Section 54 of the Act, to recover compensation for the loss from a person found guilty of the contravention:

24.7.1 on application to a court convicting the person of an offence against this section; or

24.7.2 by action in a court of competent jurisdiction.

24.8 The power pursuant to Section 54(13) of the Act, if the Council incurs costs as a result of taking action under Section 54(11), to recover those costs as a debt by action in a court of competent jurisdiction.

25. Discharge of unauthorised material into water infrastructure

25.1 The power pursuant to Section 55(3) of the Act, if the Council suffers loss as a result of a contravention of Section 55, to recover compensation for the loss from a person found guilty of the contravention:

25.1.1 on application to a court convicting the person of an offence against this Section; or

25.1.2 by action in a court of competent jurisdiction.

26. Discharge of unauthorised material into sewerage infrastructure

26.1 The power pursuant to Section 56(3) of the Act, to, in relation to any sewerage infrastructure operated by the Council:

26.1.1 on application by any person, authorise the person to discharge waste material referred to in the authorisation into the infrastructure; or
26.1.2 as part of a contract in relation to the provision of a sewerage service, authorised a person to discharge waste material referred to in the contract into the infrastructure.

26.2 The power pursuant to Section 56(4) of the Act, to grant an authorisation to a person to discharge any solid, liquid or gaseous material, or any other item or thing, prescribed by the regulations.

26.3 The power pursuant to Section 56(5) of the Act, to grant an authorisation to a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure.

26.4 The power pursuant to Section 56(7) of the Act, to attach such conditions to an authorisation under Section 56 of the Act as the delegate thinks fit and vary or revoke the authorisation at any time.

26.5 The power pursuant to Section 56(9) of the Act, to recover the reasonable costs and expenses incurred by the Council in addressing any damage or loss caused as a result of, or in remedying circumstances caused by, a contravention of Section 56 as a debt from the person in contravention of Section 56 of the Act.

27. **Work to be carried out by owner at requirement of water industry entity with respect to sewerage infrastructure**

27.1 The power pursuant to Section 57(1) of the Act, and in accordance with Section 57(2) of the Act, to, in order:

27.1.1 to provide for the proper treatment (including the deodorising) of waste material before it is discharged from land into a drain connected to any sewerage infrastructure; or

27.1.2 to prevent the discharge of rainwater, stormwater or surface water into any sewerage infrastructure or to prevent the discharge into any sewerage infrastructure of waste material that has been prescribed as water material that may not be discharged into any sewerage infrastructure or that is, in the opinion of the delegate, likely to damage or be detrimental to any sewerage infrastructure,

by notice in writing served on the owner or occupier of the land, require the owner or occupier, within the time stated in the notice, to carry out work specified in the notice.

27.2 The power pursuant to Section 57(1) of the Act, to, by notice referred to in Section 57(1) of the Act require the person on whom it is served to:

27.2.1 install or construct in such locations as are specified in the notice;

27.2.2 connect to the infrastructure;
27.2.3 alter or replace;
27.2.4 maintain, repair or cleanse;
27.2.5 remove, block or disconnect,

such drains, equipment or works as are specified in the notice in the manner specified in the notice or take other action specified in the notice.

27.3 The power pursuant to Section 57(3) of the Act, to vary or revoke a notice referred to in Section 57(1) of the Act by a subsequent notice in writing served on the owner or occupier of the land.

27.4 The power pursuant to Section 57(5) of the Act, if the requirements of a notice under Section 57 of the Act are not complied with, to take any action required by the notice.

27.5 The power pursuant to Section 57(6) of the Act, to authorise a person to take action under Section 52(5) of the Act on the Council’s behalf.

27.6 The power pursuant to Section 57(8) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 57(6) or (7) as a debt from the person who failed to comply with the requirements of the notice.

28. **Power to disconnect drains to restrict services**

28.1 The power pursuant to Section 58(1) of the Act, if the Council has grounds to believe that material:

28.1.1 is being discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act; or

28.1.2 has been discharged from land into sewerage infrastructure in contravention of Division 1 Part 6 of the Act and that it is likely that a similar contravention will occur in the future,

to, after complying with any requirement prescribed by the regulations, close off or disconnect from the sewerage infrastructure 1 or more drains on the land that are connected to the infrastructure or restrict the provision of any sewerage service to the land.

28.2 The power pursuant to Section 58(2) of the Act, before reopening or reconnecting a drain closed off or disconnected under Section 58 of the Act, to require the owner or occupier of the relevant land to pay the prescribed fee.

29. **Power to restrict or discontinue water supply**

29.1 The power pursuant to Section 59(1) of the Act, if the delegate believes on reasonable
INSTRUMENT OF DELEGATION UNDER THE  
WATER INDUSTRY ACT 2012 AND WATER INDUSTRY REGULATIONS 2012

<table>
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<th>grounds:</th>
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<td>29.1.1</td>
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| 29.1.1.1 | that the quantity of water available for supply by the Council is, or is likely to be, insufficient to meet the demands of the persons to whom it is required to supply water (either because of a reduction in the quantity of water available or an increase in demand); or |
| 29.1.1.2 | that the quantity or quality of water available for supply by the Council is, or is likely to be, below a standard set or adopted by the Council for the purposes of Section 59 of the Act, or prescribed by the regulations; or |
| 29.1.1.3 | that the capacity of any water infrastructure is, or is likely to be, insufficient to cope with existing or anticipated demand; and |

| 29.1.2 | that action under Section 59(1) of the Act is justified in the circumstances, to, after complying with any requirements prescribed by the regulations, exercise 1 or more of the powers specified under Section 59(3) of the Act. |

| 29.2 | The power pursuant to Section 59(1) and (3) of the Act and subject to Section 59(5) of the Act to: |
| 29.2.1 | lessen the supply of water through any infrastructure (to such extent and in such manner as the delegate thinks fit); |
| 29.2.2 | prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used; |
| 29.2.3 | prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used; |
| 29.2.4 | prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used; |
| 29.2.5 | for such time or times as the delegate thinks proper, discontinue the supply of water. |

| 29.3 | The power pursuant to Section 59(3) of the Act, to provide in a requirement under Section 59(3) of the Act that a specified activity involving the use of water cannot occur without the authority of a permit issued by the Council in accordance with the regulations. |

| 29.4 | The power pursuant to Section 59(4) of the Act, to: |
29.4.1 impose a prohibition or notice under Section 59(3) of the Act by a notice published or served in accordance with any requirements prescribed by the regulations; and

29.4.2 vary or revoke a prohibition or notice under Section 59(3) of the Act in accordance with any requirements prescribed by the regulations.

30. **Power to require the use of devices to reduce flow**

30.1 The power pursuant to Section 60(1) of the Act and in accordance with Section 60(2) of the Act, if the delegate believes on reasonable grounds that action under Section 60 is justified in the circumstances to supply water during periods of high demand, to serve notice under Section 60(3) of the Act on the owner or occupier of land that is connected to water infrastructure operated by the Council.

30.2 The power pursuant to Section 60(2) of the Act and subject to Section 60(3) of the Act, to, in the notice direct the owner or occupier:

30.2.1 to install (at his or her expense) a flow reducing device of the kind specified in the notice at the point specified in the notice (including at a point on the customer's side of any connection point) to enable the flow in the pipes on the land that are connected to the infrastructure to be reduced; and

30.2.2 to use the device to reduce flow in those pipes during the periods specified in the notice.

30.3 The power pursuant to Section 60(5) of the Act, if the requirements of a notice under Section 60 of the Act are not complied with, to install a flow reducing device to reduce the flow in the pipes on the relevant land notwithstanding that this reduction in flow will operate continuously instead of during the periods specified in the notice.

30.4 The power pursuant to Section 60(6) of the Act, to recover the reasonable costs and expenses incurred by the Council in taking action under Section 60(5) of the Act as a debt from the person who failed to comply with the requirements of the notice.

31. **Disconnection in an emergency**

The power pursuant to Section 64 of the Act, to, without incurring any liability, cut off the supply of water to any region, area, land or place if it is, in the delegate’s opinion, necessary to do so to avert danger to any person or property.

32. **Responsibilities of water industry entity**

32.1 The power pursuant to Section 68(1) of the Act, to, where the Technical Regulator so requires of the Council:

32.1.1 prepare and periodically revise a safety, reliability, maintenance and technical management plan dealing with matters prescribed by regulation in
32. obtain the approval of the Technical Regulator to the plan and any revision; and

32.1.2 comply with the plan as approved from time to time; and

32.1.3 audit from time to time the Council’s compliance with the plans and report the results of those audits to the Technical Regulator.

33. Responsibilities of Customers

The power pursuant to Section 69(3) of the Act, if a person fails to comply with Section 69(1) of the Act to, where the Council is providing the service, disconnect the supply of water to the place, or the collection of sewerage from the place, or restrict the supply of services to that place.

34. Enforcement notices

The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice under the provisions of the Act and the South Australian Civil and Administrative Tribunal Act 2013.

35. Warning notices and assurances

35.1 The power pursuant to Section 82(1)(b)(ii) of the Act and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Commission to the Council give the Commission an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.

35.2 The power pursuant to Section 82(2)(b)(ii) of the Act, and in accordance with Section 82(3) of the Act, to, in relation to a warning notice issued by the Technical Regulator to the Council give the Technical Regulator an assurance, in the terms specified in the notice, and within the period specified in the notice, that the Council will avoid a future contravention.

36. Injunctions

36.1 The power pursuant to Section 83(1) of the Act, to apply to the District Court for an injunction on the grounds that a person has engaged or proposes to engage in conduct that constitutes or would constitute a contravention of the Act.

36.2 The power pursuant to Section 83(8) of the Act, to consent to a final injunction being granted without proof that proper grounds for the injunction exist.

37. Review of decisions by Commission or Technical Regulator

37.1 The power pursuant to Section 84(1) of the Act and subject to and in accordance with
Section 84 of the Act to make an application to:

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<td>37.1.1</td>
<td>the Commission for the issue or variation of the terms or conditions of a licence under Part 4 of the Act, or for agreement to the transfer of such a licence, for review of a decision of the Commission to refuse the application; or</td>
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<tr>
<td>37.1.2</td>
<td>the Commissioner for review of a decision of the Commission under Part 4 of the Act to suspend or cancel the Council’s licence or to vary the terms or conditions of the Council’s licence; or</td>
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<tr>
<td>37.1.3</td>
<td>the Technical Regulator where the Council has been given a direction under the Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or</td>
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<tr>
<td>37.1.4</td>
<td>the Technical Regulator where the Council is a person affected by the decision for review of a decision of an authorised officer or a water industry officer to disconnect or restrict a supply of water to a place, or the collection of sewage from a place, or to restrict the provision of a service.</td>
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38. Appeals

38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an application to the Tribunal:

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<td>38.1.1</td>
<td>in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator;</td>
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<tr>
<td>38.1.2</td>
<td>in relation to an enforcement notice issued under Part 8 Division 4 of the Act.</td>
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Third Party Access Regime

Sections 86A – 86ZR apply in relation to operators of water infrastructure or sewerage infrastructure, and infrastructure services, to the extent that it is declared by proclamation to apply.

38A. Information brochure

38A.1 The power pursuant to Section 86F(1) of the Act to determine:

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<td>38A.1.1</td>
<td>the terms and conditions on which the Council is prepared to make the Council’s regulated infrastructure available for use by others; and</td>
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<tr>
<td>38A.1.2</td>
<td>the procedures that the Council will apply in determining a proposal for access to any regulated infrastructure and infrastructure services; and</td>
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<tr>
<td>38A.1.3</td>
<td>the prices and costs associated with gaining access to (and using) regulated infrastructure and infrastructure services; and</td>
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</table>
38A.1.4 the standard access arrangement used by the Council.

### 38B. Specific information to assist proponent to formulate proposal

38B.1 The power pursuant to Section 86G(1)(c) of the Act, on the application of a person with a proper interest in making an access proposal to the Council, agree or refuse to provide access to regulated infrastructure and infrastructure services of a specified description and determine the general terms and conditions (including the likely price) on which the Council would be prepared to provide access.

38B.2 The power pursuant to Section 86G(2) of the Act to make a reasonable charge (to be determined after taking into account any provision made by the regulations for the purposes of Section 86G(2) of the Act for providing information under Section 86G(2) of the Act.

### 38C. Access proposal

38C.1 The power pursuant to Section 86I(3) of the Act to require a proponent to provide further information about the proponent’s proposal that the delegate reasonably requires in order to assess and respond to the proposal.

38C.2 The power pursuant to Section 86I(4)(b) of the Act to, within 1 month after the relevant day determine, and give the proponent a preliminary indication about,

| 38C.2.1 | whether the Council is prepared to provide access to the regulated infrastructure and infrastructure services and, if so, on what terms and conditions; and |
| 38C.2.2 | if some alteration of, or addition to, existing infrastructure would be necessary to provide for access, whether the Council would agree to the alteration or addition and, if so, on what terms. |

38C.3 The power pursuant to Section 86I(6) of the Act to give notice of an access proposal to affected third parties by publishing a notice in a newspaper circulating generally in the State stating:

| 38C.3.1 | the name of the proponent and an address at which the proponent may be contacted; and |
| 38C.3.2 | the name of the operator and an address at which the regulated operator may be contacted; and |
| 38C.3.3 | the general nature of the access proposal. |

38C.4 The power pursuant to Section 86I(7) of the Act to recover the reasonable costs of giving notice under Section 86I of the Act, as a debt, from the proponent.

### 38D. Duty to negotiate in good faith
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<tr>
<td><strong>38D.1</strong></td>
<td>The power pursuant to Section 86J(1) of the Act to negotiate in good faith with the proponent with a view to reaching agreement on whether the proponent’s requirements as set out in the access proposal (or some agreed modification of the requirements) could reasonably be met, and, if so, the terms and conditions for the provision of access for the proponent.</td>
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<td><strong>38E.</strong></td>
<td><strong>Existence of Dispute</strong></td>
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<tr>
<td><strong>38E.1</strong></td>
<td>The power pursuant to Section 86K(2) of the Act to refer a dispute to the regulator.</td>
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<tr>
<td><strong>38F.</strong></td>
<td><strong>Power to refer dispute to arbitration</strong></td>
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<tr>
<td><strong>38F.1</strong></td>
<td>The power pursuant to Section 86N(3) of the Act to make submissions to the regulator about the selection of the arbitrator.</td>
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<td><strong>38G.</strong></td>
<td><strong>Confidentiality of information</strong></td>
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<tr>
<td><strong>38G.1</strong></td>
<td>The power pursuant to Section 86Z(2) of the Act to make representations to the arbitrator regarding access to, or disclosure of, information or documentary material.</td>
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<td><strong>38H.</strong></td>
<td><strong>Formal requirements related to awards</strong></td>
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<tr>
<td><strong>38H.1</strong></td>
<td>The power pursuant to Section 86ZD(1) of the Act to make representations to the arbitrator on the proposed award.</td>
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<tr>
<td><strong>38I.</strong></td>
<td><strong>Consent awards</strong></td>
</tr>
<tr>
<td><strong>38I.1</strong></td>
<td>The power pursuant to Section 86ZE of the Act to consent to a proposed award.</td>
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<tr>
<td><strong>38J.</strong></td>
<td><strong>Termination of variation of award</strong></td>
</tr>
<tr>
<td><strong>38J.1</strong></td>
<td>The power pursuant to Section 86ZG(1) of the Act to agree to terminate or vary an award.</td>
</tr>
<tr>
<td><strong>38J.2</strong></td>
<td>The power pursuant to Section 86ZG(3) of the Act, if a material change in circumstances occurs, to propose termination or variation of the award.</td>
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<td><strong>38K.</strong></td>
<td><strong>Appeal on question of law</strong></td>
</tr>
<tr>
<td><strong>38K.1</strong></td>
<td>The power pursuant to Section 86ZJ of the Act to appeal to the Supreme Court from an award, or a decision not to make an award, on a question of law.</td>
</tr>
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</table>
### 38L. Injunctive remedies

38L.1 The power pursuant to Section 86ZK(5) of the Act to apply for an injunction under Section 38ZK of the Act.

38L.2 The power pursuant to Section 86ZK(6) of the Act to consent to an injunction.

38L.3 The power pursuant to Section 86ZK(8) of the Act to apply to the Court to discharge or vary an injunction.

### 38M. Compensation

38M.1 The power pursuant to Section 86ZL(1) of the Act, if a person contravenes an award, to apply to the Supreme Court for compensation for loss or damage suffered as a result of the contravention.

### 38N. Confidential information

38N.1 The power pursuant to Section 86ZM(7) of the Act to, in connection with the operation of Section 86ZM of the Act, develop and maintain a policy to ensure that confidential information obtained by the Council is not disclosed or used except as authorised by Section 86ZM of the Act.

### 38O. Access by agreement

38O.1 The power pursuant to Section 86ZN of the Act to enter into an access contract with another person on terms and conditions agreed between the parties.

### 38P. Review of Part

38P.1 The power pursuant to Section 86ZR(2) of the Act to make written submissions to the regulator on the matters under review.

### 39. Water conservation measures

The power pursuant to Section 92(5) of the Act, to consult with the Minister before a regulation is made under Section 92(2) of the Act.

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**WATER INDUSTRY REGULATIONS 2012**

### 40. Information as to amounts already paid for retail services etc

40.1 The power pursuant to Regulation 11(1) of the Water Industry Regulations 2012 (the Regulations) to, on application by a person who has paid an amount to the Council for the provision of retail services, provide the person with a statement of the amount paid.
40.2 The power pursuant to Regulation 11(2) of the Regulations to, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the Council to the consumer in a financial year.

40.3 The power pursuant to Regulation 11(3) of the Regulations to, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in Regulation 11(1) or (2) of the Regulations.

41. Certificate as to encumbrance

41.1 The power pursuant to Regulation 12(1) of the Regulations to, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994 and the regulations under that Act and that are in favour of the Council.

42. Protection of infrastructure – planting of trees etc on public land

42.1 The power pursuant to Regulation 13(9) of the Regulations to grant written approval for trees and shrubs (except those listed in Schedule 2 and Schedule 3) to be planted on public land owned by the Council or where the Council operates sewerage infrastructure that may be affected by the planting.

42.2 The power pursuant to Regulation 13(b) of the Regulations to grant written approval for trees and shrubs to be planted on a road closer than 1 metre to any water infrastructure where the Council owns or operates the infrastructure.

43. Protection of infrastructure – action in relation to trees and shrubs

43.1 The power pursuant to Regulation 14(1) of the Regulations, if:

43.1.1 a tree or shrub has been planted in contravention of Regulation 13; or

43.1.2 the delegate is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,

to, by written notice served on the Council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.

43.2 The power pursuant to Regulation 14(2) of the Regulations to, if a person on whom a notice has been served fails to comply with the notice, enter the land and take the specified action.

43.3 The power pursuant to Regulation 14(3) of the Regulations to, recover its costs of
taking the specified action as a debt from the person on whom the notice was served.

## 44. Protection of infrastructure – damage caused by trees or shrubs

### 44.1 The power pursuant to Regulation 15 of the Regulations to, if a tree or shrub has been planted in contravention of Regulation 13 of the Regulations, recover the Council's costs of taking action under Regulation 14 as a debt from:

- **44.1.1** the owner for the time being of the land on which the tree or shrub is, or was, situated; or
- **44.1.2** in the case of land under the care, control or management of a Council – that Council.

## 45. Access to sewerage infrastructure

The power pursuant to Regulation 16(2) of the Regulations to recover the Council's costs of repairing any damage caused to infrastructure owned or operated by the Council by a person using an inspection point under Regulation 16(1) of the Regulations as a debt due by that person to the Council.

## 46. Power to restrict or discontinue water supply

### 46.1 The power pursuant to Regulation 17(1) of the Regulations to, if the Council proposes to exercise a power under Section 59(3)(a) to (e) (inclusive) of the Act in relation to water that may be used for human consumption, to:

- **46.1.1** obtain the approval of the prescribed authority before acting; and
- **46.1.2** notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised):
  - **46.1.2.1** if the Council proposes to exercise a power under Section 59(3)(b), (c) or (d) – in the Gazette; and
  - **46.1.2.2** in all cases:
    - **(a)** on a website determined by the delegate and in accordance with Regulation 17(2) of the Regulations; and
    - **(b)** in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
    - **(c)** in any other manner considered appropriate by the delegate for the purpose of notifying the persons affected by the exercise of the power.
47. **Notices under Section 59 – Permits**

The power pursuant to Regulation 18(1) of the Regulations, for the purposes of Section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, to issue such a permit to a person in accordance with Regulation 18 of the Regulations.

48. **Fittings etc to be flush with road surface**

48.1 The power pursuant to Regulation 23(2)(a) of the Regulations to, if the surface height of a road, footpath or easement is altered and the Council has made the alteration, to give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration.

48.2 The power pursuant to Regulation 23(2)(b) of the Regulations, if the surface height of a road, footpath or easement is altered, to at the cost of the Council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.

48.3 The power pursuant to Regulation 23(3) of the Regulations, to recover the Council’s costs as a debt from the Council, other authority or person.

49. **Pipes must not lie across allotment boundaries**

49.1 The power pursuant to Regulation 34(1) of the Regulations, if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, to direct the owner or occupier of each allotment under Regulation 34 of the Regulations to disconnect the pipe from the water/sewerage infrastructure.

49.2 The power pursuant to Regulation 34(4) of the Regulations, if a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), to give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.

49.3 The power pursuant to Regulation 34(7) of the Regulations, if a person to whom notice has been given fails to comply with the notice, to enter either allotment or any adjoining land and carry out the necessary work.

50. **Water meters – estimates**

50.1 The power pursuant to Regulation 36 of the Regulations if:

50.1.1 the Council is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the Council; and
### 50.1.2
A code or rules made under the *Essential Services Commission Act 2002* relating to the provision of retail services to customers does not apply to that supply of water,

| 50.1.2 | to, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and take that quantity to be the quantity of water supplied for the purpose of any amount payable for the supply of the water. |

### 51. Charge where land not connected or service to land reduced or discontinued

#### 51.1
The power pursuant to Regulation 38 of the Regulations to, for the purposes of Section 115(2)(c) of the Act, impose a charge in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that:

| 51.1.1 | the land is not connected to infrastructure by which a retail service is provided by the Council; or |
| 51.1.2 | the provision of a retail service to the land by the Council has been reduced or discontinued. |
## SCHEDULE OF CONDITIONS

### CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>Section(s) in Act to which conditions/limitations apply</th>
<th>Conditions / Limitations</th>
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ANNEXURE 3

INSTRUMENT OF DELEGATION UNDER THE
GAS ACT 1997

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>1. Power to Carry Out Work on Public Land</th>
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<tbody>
<tr>
<td>1.1 The power pursuant to Section 47(3)(b) of the Gas Act 1997 <em>(the Act)</em> to agree with a gas entity to the entity carrying out work on public land that the Council is responsible for the management of.</td>
</tr>
<tr>
<td>1.2 The power pursuant to Section 47(4) of the Act to include in an agreement under Section 47 of the Act such conditions the delegate considers appropriate in the public interest.</td>
</tr>
<tr>
<td>1.3 The power pursuant to Section 47(7) of the Act, if a dispute arises between a gas entity and the Council about whether work should be permitted under Section 47 of the Act on the land or about the condition on which work should be permitted on public land, to refer the dispute to the Minister.</td>
</tr>
<tr>
<td>1.4 The power pursuant to Section 47(9) of the Act, if a dispute is referred to the Minister under Section 47 of the Act:</td>
</tr>
<tr>
<td>1.4.1 to make representations to the Minister on the questions at issue in the dispute; and</td>
</tr>
<tr>
<td>1.4.2 to make a reasonable attempt to agree to settlement of the dispute on agreed terms.</td>
</tr>
</tbody>
</table>
### SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

<table>
<thead>
<tr>
<th>Paragraph(s) in instrument to which conditions/limitations apply</th>
<th>Conditions / Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>Nil</td>
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</tbody>
</table>

...
ANNEXURE 4

INSTRUMENT OF DELEGATION UNDER THE
SUPPORTED RESIDENTIAL FACILITIES ACT 1992

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

<table>
<thead>
<tr>
<th>1. Appointment of Authorised Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 The power pursuant to Section 21(1) of the Supported Residential Facilities Act 1992 (“the Act”) to appoint a person to be an authorised officer under the Act;</td>
</tr>
<tr>
<td>1.2 The duty pursuant to Section 21(2) of the Act to issue to an authorised officer an identity card; and</td>
</tr>
<tr>
<td>1.3 The power pursuant to Section 21(4) of the Act by notice in writing served on an authorised officer, to revoke the appointment as an authorised officer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Application for a Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 The power pursuant to Section 24(3) of the Act by notice in writing not later than two months after a licence application has been made, to require the applicant to furnish specified information;</td>
</tr>
<tr>
<td>2.2 The power pursuant to Section 24(5) of the Act to require any information included in an application or required by a notice to be verified by statutory declaration;</td>
</tr>
<tr>
<td>2.3 The power pursuant to Section 24(9) of the Act subject to such conditions as the Delegate thinks fit, to conditionally approve the issue of a licence in respect of proposed premises and the duty where satisfied that the premises have been established in substantial compliance with those conditions (and within such a period, if any as the Delegate may have determined), to grant a licence; and</td>
</tr>
<tr>
<td>2.4 Where an application for a licence is refused, the duty pursuant to Section 24(10) of the Act notify the applicant in writing of the refusal, the reasons for the refusal, and any rights of review that the applicant has under the Act.</td>
</tr>
<tr>
<td>2.5 The duty, pursuant to Section 25(1) of the Act in considering an application for a licence in respect of the use of premises as a supported residential facility, to take into account those matters specified in this Section and such other matters as the Delegate thinks fit;</td>
</tr>
<tr>
<td>2.6 The duty pursuant to Section 25(2) of the Act in determining whether or not an applicant is suitable to be granted a licence, to have regard to those matters specified in this Section and to such other matters as the Delegate thinks fit;</td>
</tr>
<tr>
<td>Section</td>
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<tr>
<td>5.1</td>
</tr>
<tr>
<td>6.1</td>
</tr>
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</table>
| 6.2     | The duty pursuant to Section 31(2) of the Act before acting under this Section, to notify the holder of the licence in writing of the proposed cancellation of the licence and allow
the holder of the licence at least 28 days within which to make submissions in relation to the proposed action;

6.3 The power pursuant to Section 31(3) of the Act pending the cancellation (or possible cancellation) of a licence under this Section, to impose conditions to protect the interests of the residents of the facility; and

6.4 The power pursuant to Section 31(4) of the Act, to appoint an administrator of the facility and to take such other steps as may be reasonable to secure the proper care of the residents of the facility.

7. Review of Decision or Order

7.1 The power pursuant to Section 32(3) of the Act, if an application for review is in respect of an application for renewal of a licence, to order that the licence remain in force until the determination of the review.

7.2 The power pursuant to Section 32(4) of the Act to:

7.2.1 make an order under Section 32(3) of the Act subject to such conditions as determined by the Delegate and specified in the order; and

7.2.2 vary or revoke an order made by the Council under Section 32(3) of the Act by further order.

7.3 The duty pursuant to Section 33(1) of the Act, and subject to Section 33(2), where application is made for a licence in respect of a facility that was in operation during the period of three (3) months immediately preceding the commencement of the Section, to upon payment of the prescribed fee, grant a licence in accordance with the Act for a term of one year.

8. Appointment of Manager

8.1 The power pursuant to Section 34(1) of the Act where the proprietor of a facility is not directly involved in the management of the facility or the proprietor of a facility is a body corporate, to approve a natural person for the purpose of managing the facility under that person's personal supervision.

8.2 The power pursuant to Section 34(2) of the Act to extend the period of management without supervision.

9. Death of Licensee

9.1 The power pursuant to Section 35 of the Act, where the holder of a licence dies, to approve the personal representative or some other person to be taken to be the holder of the licence (on the same conditions as applicable to the former holder of the licence) as from the date of death until the expiration of six months from that date or until such later date as may be fixed by the Delegate.

10. Recision of Resident Contract by Proprietor

10.1 The power pursuant to Section 39(2)(b) of the Act to approve the method of providing a termination notice subject to this Section.
11. **Disputes**

| 11.1 | The power pursuant to Section 43(2) of the Act on an application made in relation to any of the matters specified in Section 43(1) of the Act, to explore any possible avenue of achieving conciliation between the parties and for these purposes, the Delegate, may as he/she thinks fit, take any action in accordance with Section 43(3) of the Act; |
| 11.2 | The power pursuant to Section 43(6) of the Act, to require an applicant, to furnish such further information in relation to the subject matter of the application as the Delegate thinks necessary, and to verify any information by statutory declaration; |
| 11.3 | The duty pursuant to Section 43(7) of the Act to give the applicant and the respondent reasonable notice of the time and place of any hearing of the application; |
| 11.4 | The power pursuant to Section 43(9) of the Act where satisfied that an interim order is justified by the urgent circumstances of the case, to make an interim order pending final resolution of the matter. |
| 11.5 | The power pursuant to Section 43(11) of the Act to vary or revoke an order made under Section 43 of the Act; |
| 11.6 | The power, pursuant to Section 43(12) of the Act - |
| 11.6.1 | to decline to proceed with an application under this Section until satisfied that reasonable steps have been taken to resolve the dispute pursuant to other procedures specified by the Delegate; |
| 11.6.2 | to decline to proceed with an application under this Section if the Delegate considers that it would be more appropriate for proceedings to be taken in a court or tribunal constituted by law; or |
| 11.6.3 | to decline to proceed (or further proceed) with an application under this Section if proceedings related to the subject matter of the application have been commenced in a court or tribunal constituted by law; and |
| 11.7 | The duty pursuant to Section 43(13) of the Act in determining any application under this Section, to act with as much expedition as is reasonably practicable in the circumstances. |

12. **Attendance by Health Service Providers etc.**

| 12.1 | The power pursuant to Section 47(1) of the Act to approve a health service provider, social worker, or any person, for the purposes of Section 47. |

13. **Complaints**

| 13.1 | The power pursuant to Section 49(1) of the Act to receive a complaint about the management of a supported residential facility or any residential-only premises or about the conduct of a resident of a supported residential facility or any residential-only premises. |
| 13.2 | The power pursuant to Section 49(2) of the Act to require a complaint to be reduced to writing. |
| 13.3 | The power pursuant to Section 49(3) of the Act to take such action as the Delegate thinks fit in view of the complaint. |
13.4 The power pursuant to Section 49(4) of the Act to appoint an authorised officer to carry out an investigation into the circumstances surrounding the complaint and to attempt to resolve the matter as expeditiously as possible.

14. Regulations

14.1 Pursuant to Sections 57(5) and (6) of the Act where the proprietor of a facility who holds a licence under the Act applies to the Council for an exemption from a regulation that applies to the facility and the Delegate is satisfied -

14.1.1 that the Delegate can grant the exemption without seriously affecting the interests of a resident of the facility; and

14.1.2 that it is appropriate for the Delegate to grant the exemption in the circumstances of the particular case,

the power to, by notice in writing to the proprietor, exempt the proprietor from the regulation to which the application relates, on such conditions as the Delegate thinks fit.

14.2 The power pursuant to Section 57(7) of the Act, to, at any time, by further notice to the proprietor:

14.2.1 revoke an exemption under Section 57(5);

14.2.2 vary or revoke a condition under Section 57(6).
<table>
<thead>
<tr>
<th>21.</th>
<th>The power pursuant to Regulation 18(2) of the Regulations, if there is a change in the type or level of services provided at a nursing home, to revoke, by notice in writing to the proprietor, an approval under Regulation 18(1) of the Regulations and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.</td>
<td>The power pursuant to Regulation 21(1)(b) of the Regulations to approve a kitchen at a facility otherwise than in accordance with the requirements of Regulation 21(1)(b) of the Regulations.</td>
</tr>
<tr>
<td>23.</td>
<td>The power pursuant to Regulation 21(3)(e) of the Regulations to require the fitting of handrails, ramps and, for a multi-storey building, lifts.</td>
</tr>
<tr>
<td>24.</td>
<td>The power pursuant to Regulation 24(1) of the Regulations to direct the proprietor of a facility to install a communication system at the facility.</td>
</tr>
<tr>
<td>25.</td>
<td>The duty pursuant to Regulation 26(2) of the Regulations to remit amounts payable to the indemnity fund under Section 56(4) of the Act to the fund manager within 28 days after the end of the financial year in which they are received by the Council.</td>
</tr>
</tbody>
</table>
## SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS APPLICABLE TO DELEGATIONS CONTAINED IN THIS INSTRUMENT**

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ANNEXURE 5

INSTRUMENT OF DELEGATION UNDER THE
HEAVY VEHICLE NATIONAL LAW (SOUTH AUSTRALIA)
ACT 2013

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.

2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Deciding Request for Consent Generally

1.1 The power pursuant to Section 156(1) of the Heavy Vehicle National Law (South Australia) Act 2013 (the Act), to, subject to Sections 156(2), (3) (4) and (6) of the Act, if the Regulator asks for the Council’s consent to the grant of a mass or dimension authority, decide to give or not to give the consent:

1.1.1 within:

1.1.1.1 28 days after the request is made, unless Section 156(1)(a)(ii) of the Act applies; or

1.1.1.2 if Section 156 of the Act applies because the Council gave the Regulator a notice of objection to the grant under Section 167 of the Act – 14 days after giving the notice of objection; or

1.1.2 within a longer period, of not more than 6 months after the request is made, agreed to by the Regulator.

1.2 The power pursuant to Section 156(2) of the Act, to ask for a longer period under Section 156(1)(b) of the Act only if:

1.2.1 consultation is required under a law with another entity (including, for example, for the purpose of obtaining that entity's approval to give the consent); or

1.2.2 the delegate considers a route assessment is necessary for deciding whether to give or not to give the consent; or

1.2.3 the Council is the road authority for the participating jurisdiction and the delegate considers that a local government authority that is not required under a law to be consulted should nevertheless be consulted before deciding...
whether to give or not to give the consent.

1.3 The power pursuant to Section 156(2)(c) of the Act to, in relation to the Regulator obtaining the consent of the road manager for a road for the purpose of granting a mass or dimension authority make submissions where the road manager is the road authority for the participating jurisdiction and considers that the Council, whilst not required under a law to be consulted should nevertheless be consulted before the road manager decides whether to give or not to give consent.

1.4 The power pursuant to Section 156A(1) of the Act if the Regulator asks the Council, being the road manager for a road, for the Council’s consent to the grant of a mass or dimension authority, to decide not to give the consent only if the delegate is satisfied:

1.4.1 the mass or dimension authority will, or is likely to:

1.4.1.1 cause damage to road infrastructure; or

1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or

1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and

1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:

1.4.2.1 the damage or likely damage; or

1.4.2.2 the adverse effects or likely adverse effects; or

1.4.2.3 the significant risks or likely significant risks.

1.4A The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.

1.5 The power pursuant to Section 156A(3) of the Act, in deciding whether or not to give the consent, to have regard to:

1.5.1 for a mass or dimension exemption – the approved guidelines for granting mass or dimension exemptions; or

1.5.2 for a class 2 heavy vehicle authorisation – the approved guidelines for granting class 2 heavy vehicle authorisations.

1.6 The power pursuant to Section 156A(4) of the Act, if the delegate decides not to give
2. **Action Pending Consultation with Third Party**

2.1 The power pursuant to Section 158(2) of the Act, if the consultation with the other entity is not yet completed, to, as far as practicable, deal with the request for consent and decide to give or not to give the consent (even though the consultation with the other entity is not completed).

2.2 The power pursuant to Section 158(4) of the Act, if:

2.2.1 the consultation with the other entity is completed and the other entity’s approval is required; and

2.2.2 the delegate has not yet decided to give or not to give the consent,

To -

2.2.3 decide not to give the consent, on the ground that the consent would be inoperative; or

2.2.4 decide to give the consent.

3. **Deciding Request for Consent if Route Assessment Required**

3.1 The power pursuant to Section 159(1) and (2) of the Act to, form the opinion a route assessment is necessary for deciding whether to give or not to give the consent and notify the Regulator of the following:

3.1.1 that a route assessment is required for deciding whether to give or not to give the consent;

3.1.2 the fee payable (if any) for the route assessment under a law of the jurisdiction in which the road is situated.

3.2 The power pursuant to Section 159(4) of the Act, if a fee is payable for the route assessment under a law of the jurisdiction in which the road is situated to stop considering whether to give or not to give the consent until the fee is paid.

4. **Imposition of Road Conditions**

4.1 The power pursuant to Section 160(1) of the Act and in accordance with Section 160(2) of the Act, to consent to the grant of the authority subject to:

4.1.1 except in the case of a class 2 heavy vehicle authorisation (notice) – the
<table>
<thead>
<tr>
<th>Section</th>
<th>Power Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.2</td>
<td>in the case of a class 2 heavy vehicle authorisation (notice) – the condition that a stated road condition of a type prescribed by the national regulations is imposed on the authority.</td>
</tr>
<tr>
<td>4.2</td>
<td>The power pursuant to Section 160(2) of the Act to, if the delegate consents to the grant of the authority subject to a condition as mentioned in Section 160(1)(a) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.</td>
</tr>
<tr>
<td>5.1</td>
<td>The power pursuant to Section 161(1) of the Act, to, consent to the grant of the authority subject to the condition that a stated travel condition is imposed on the authority.</td>
</tr>
<tr>
<td>5.2</td>
<td>The power pursuant to Section 161(2) of the Act, if the delegate consents to the grant of the authority as mentioned in Section 161(1) of the Act to give the Regulator a written statement that explains the decision to give consent to the grant of the authority subject to the condition and complies with Section 172 of the Act.</td>
</tr>
<tr>
<td>6.1</td>
<td>The power pursuant to Section 162(1) of the Act, where the delegate gives consent to the grant of the authority to ask the Regulator to impose a stated vehicle condition on the authority.</td>
</tr>
<tr>
<td>7.1</td>
<td>The power pursuant to Section 167(2)(b) of the Act, to give the Regulator a notice of objection to the application of Section 167 of the Act to the proposed replacement authority within the period of:</td>
</tr>
<tr>
<td>7.1.1</td>
<td>14 days after the request for consent is made; or</td>
</tr>
<tr>
<td>7.1.2</td>
<td>28 days after the request for consent is made if the delegate seeks the extension of time within the initial 14 days.</td>
</tr>
<tr>
<td>8.1</td>
<td>The power pursuant to Section 169(1) of the Act to give consent to the grant of a mass or dimension authority for a trial period of no more than 3 months specified by the delegate.</td>
</tr>
<tr>
<td>9. Renewal of Limited Consent for Trial Purposes</td>
<td></td>
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<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>9.1 The power pursuant to Section 170(3) of the Act to give the Regulator a written objection within the current trial period to the renewal of a mass or dimension authority for a further trial period of no more than 3 months.</td>
<td></td>
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<thead>
<tr>
<th>10. Amendment or Cancellation on Regulator's Initiative</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.1 The power pursuant to Section 173(3)(d) of the Act to make written representations about why the proposed action should not be taken.</td>
</tr>
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<table>
<thead>
<tr>
<th>11. Amendment or Cancellation on Request by Relevant Road Manager</th>
</tr>
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<tbody>
<tr>
<td>11.1 The power pursuant to Section 174(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:</td>
</tr>
<tr>
<td>11.1.1 has caused, or is likely to cause, damage to road infrastructure; or</td>
</tr>
<tr>
<td>11.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</td>
</tr>
<tr>
<td>11.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.</td>
</tr>
<tr>
<td>11.2 The power pursuant to Section 174(2) of the Act to ask the Regulator to:</td>
</tr>
<tr>
<td>11.2.1 amend the mass or dimension authority by:</td>
</tr>
<tr>
<td>11.2.1.1 amending the category of vehicle to which the authority applies; or</td>
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<tr>
<td>11.2.1.2 amending the type of load that may be carried by vehicles to which the authority applies; or</td>
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<tr>
<td>11.2.1.3 amending the areas or routes to which the authority applies; or</td>
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<tr>
<td>11.2.1.4 amending the days or hours to which the authority applies; or</td>
</tr>
<tr>
<td>11.2.1.5 imposing or amending road conditions or travel conditions; or</td>
</tr>
<tr>
<td>11.2.2 cancel the authority.</td>
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<tr>
<th>12. Amendment or Cancellation on Application by Permit Holder</th>
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<tbody>
<tr>
<td>12.1 The power pursuant to Section 176(4)(c) of the Act to consent to the amendment of a</td>
</tr>
</tbody>
</table>
13. **Amendment or Cancellation on Request by Relevant Road Manager**

13.1 The power pursuant to Section 178(1) of the Act to form the opinion and be satisfied that the use of heavy vehicles on a road under the authority:

13.1.1 has caused, or is likely to cause, damage to road infrastructure; or

13.1.2 has had, or is likely to have, an adverse effect on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or

13.1.3 has posed, or is likely to pose, a significant risk to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions.

13.2 The power pursuant to Section 178(2) of the Act to ask the Regulator to:

13.2.1 amend the mass or dimension authority, including, for example, by:

13.2.1.1 amending the areas or routes to which the authority applies; or

13.2.1.2 amending the days or hours to which the authority applies; or

13.2.1.3 imposing or amending road conditions or travel conditions on the authority; or

13.2.2 cancel the authority.
SCHEDULE OF CONDITIONS

CONDITIONS OR LIMITATIONS
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CONTAINED IN THIS INSTRUMENT

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REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Review of Authorised Persons

1. Purpose

To update the Authorised Persons register.

2. Recommendation

That Council

1. Endorses the amendments and additions to the Authorised Persons register and

2. Authorise the Chief Executive to sign an Instrument of Appointment for each Officer.

3. Background

Council provided the Chief Executive delegated authority to act on its behalf in relation to the appointment of Authorised Persons on 19 December 2018, in accordance with s134 of the Local Government Act (1999).

The report was originally presented to Council in February 2019, but was withdrawn due to enable further consultation with the Chief Executive.

A further review was conducted of all current and required Authorised Persons in May 2019.

The list of current Authorised Persons from the Authorised Persons Register is shown in figure 1 below:
<table>
<thead>
<tr>
<th>Name</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colin Paton</td>
<td>Section 71 of the Development Act 1993</td>
</tr>
<tr>
<td>John Darzanos</td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td>James Douglas Story</td>
<td>Section 260(1) of the Local Government Act 1999</td>
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<tr>
<td></td>
<td>Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td>Emily May Arthur</td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td>Stephen John Sowter</td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td>Jeffery Shillabeer</td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Sections 18(1), 18(2) &amp; 18(3) of the Development Act 1993</td>
</tr>
<tr>
<td></td>
<td>Section 71 of the Development Act 1993</td>
</tr>
<tr>
<td>Damien Condon</td>
<td>Part 4A Division 2 of the Fire and Emergency Services Act 2005</td>
</tr>
<tr>
<td></td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Section 27(1) and 68(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td>Brett Fennell</td>
<td>Section 71 of the Development Act 1993</td>
</tr>
<tr>
<td>Geoffrey Whitbread</td>
<td>Section 20 of the Development Act 1993</td>
</tr>
<tr>
<td>Julian Aggiss</td>
<td>Section 71 of the Development Act 1993</td>
</tr>
<tr>
<td>Geoff Thompson</td>
<td>Section 27(1) and 68(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Matthew Kinnaird</td>
<td>Section 27(1) and 68(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Dale Moore</td>
<td>Section 27(1) and 68(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Roy Blight</td>
<td>Section 96 of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>Power and Functions of the Local Government Act 1999 and other relevant Acts to the Chief Executive</td>
</tr>
</tbody>
</table>

Figure 1: Current Authorised Persons
4. Discussion

The following Authorised Person is to have all their previous authorisations revoked, as they no longer hold or are assigned to offices or positions with the City of Salisbury:

- Emily May Arthur

The following Authorised Person is to have all their previous authorisations revoked, as they no longer hold a position on Council’s Building and Fire Safety Committee:

- Julian Aggiss

Due to staff changes at both the Municipal Council of Roxby Downs and the City of Salisbury the following employees require appointment as Authorised Persons and inclusion in the Authorised Persons Register:

<table>
<thead>
<tr>
<th>Name</th>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Hutchinson</td>
<td>• Division 1 Section 25A(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Section 260 (1) of the Local Government Act 1999</td>
</tr>
<tr>
<td></td>
<td>• Part 4 Division 1.41 (1) of the Electricity Act 1996 Version 4.10.2018</td>
</tr>
<tr>
<td>Rene Ayala</td>
<td>• Division 1 Section 25A(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Section 260 (1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Jordan Thompson</td>
<td>• Division 1 Section 25A(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Section 260 (1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Verity Hollobone</td>
<td>• Division 1 Section 25A(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Section 260 (1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Alicia Lee</td>
<td>• Division 1 Section 25A(1) of the Dog and Cat Management Act 1995</td>
</tr>
<tr>
<td></td>
<td>• Section 260 (1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>Maria Koriozos</td>
<td>• Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>(City of Salisbury)</td>
<td>• Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>• Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td></td>
<td>• Section 21 of the Supported Residential Facilities Act 1992</td>
</tr>
<tr>
<td></td>
<td>• Section 85(3) of the Environment Protection Act 1993</td>
</tr>
<tr>
<td></td>
<td>• Section 12(3) of the Local Nuisance and Litter Control Act 2016</td>
</tr>
<tr>
<td>Nicholas Malandris</td>
<td>• Section 260(1) of the Local Government Act 1999</td>
</tr>
<tr>
<td>(City of Salisbury)</td>
<td>• Section 44(1) of the South Australian Public Health Act 2011</td>
</tr>
<tr>
<td></td>
<td>• Section 94(1) of the Food Act 2001</td>
</tr>
<tr>
<td></td>
<td>• Section 21 of the Supported Residential Facilities Act 1992</td>
</tr>
<tr>
<td></td>
<td>• Section 85(3) of the Environment Protection Act 1993</td>
</tr>
<tr>
<td></td>
<td>• Section 12(3) of the Local Nuisance and Litter Control Act 2016</td>
</tr>
</tbody>
</table>
Amendments are required for some existing Authorised Persons due to amendments in the Dog and Cat Management Act.

The addition of authorisation under the Water Industry Act 2012 is also included for Damien Condon:

<table>
<thead>
<tr>
<th>Name</th>
<th>Act</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Damien Condon | - Section 25A(1) of the Dog and Cat Management Act 1995  
                 - Section 260 (1) of the Local Government Act 1999  
                 - Part 4A Division 2 of the Fire & Emergency Services Act 2005  
                 - Division 2 Section 105B Water Industry Act 2012  | Delete 27(1) of the Dog and Cat Management Act  
                                                                          Add Part 5 Division 1 41 (1)Water Industry Act 2012 |
| Geoff Thompson| - Section 25A(1) of the Dog and Cat Management Act 1995  
                 - Section 260 (1) of the Local Government Act 1999 | Delete 27(1) of the Dog and Cat Management Act |
| Matthew Kinnaird | - Section 25A(1) of the Dog and Cat Management Act 1995  
                 - Section 260 (1) of the Local Government Act 1999 | Delete 27(1) of the Dog and Cat Management Act |
| Dale Moore    | - Division 1 Section 25A(1) of the Dog and Cat Management Act 1995  
                 - Section 260 (1) of the Local Government Act 1999  
                 - Section 12(3) of the Local Nuisance and Litter Control Act 2016 | Delete 27(1) of the Dog and Cat Management Act |

An instrument of appointment is required for each officer, to be authorised under the signature of the Chief Executive.

5. **Policy Implications**

5.1 **Financial/Budget**

There is no financial impact with the proposed action.

5.2 **Resources**

Authorisation will be in accordance with the Local Government Association of South Australia ‘Template Instruments of Appointment’.

5.3 **Legal and Risk Management**

The Chief Executive was provided with delegated authority to appoint Authorised Persons on 19 December 2018 by Council.

6. **Report Consultation**

The Local Government Association of South Australia and the relevant Acts listed were referenced.

The Dog and Cat Management Board were consulted in relation to the changes to Act.
7. Attachments

   Template Instruments of Appointment - Guidelines

8. Report Authorisers

   Stuart Edwards

   Group Manager Essential Services & Assets
This instrument is for the purposes of appointing a suitable person as an authorised person pursuant to section 25A(1) of the Dog and Cat Management Act 1995. The appointment may be made by the Council, a delegate of the Council or, where the power of appointment has been delegated to the Chief Executive Officer (CEO), a sub-delegate of the CEO. This instrument sets out a template for use by a delegate (Part A) or sub-delegate of the CEO (Part B).

Part A: Appointment by a delegate

[INSERT COUNCIL NAME]

INSTRUMENT OF APPOINTMENT

Section 25A(1), Dog and Cat Management Act 1995

1. By instrument of delegation (dated [insert date]) pursuant to section 44 of the Local Government Act 1999, I [insert name] [insert title] have been delegated the function under section 25A(1) of the Dog and Cat Management Act of appointing suitable persons as authorised persons for the purposes of the Dog and Cat Management Act.

2. I appoint [name of suitable person] as an authorised person under section 25A(1) of the Dog and Cat Management Act being satisfied that [he/she] is a suitable person for the appointment.

3. The appointment under clause 2 of this instrument is subject to the following conditions:
   (a) [insert conditions]

4. The appointment under this instrument will terminate on [option A: [name of person] ceasing to be an officer or employee of the Council or option B: [insert date]] or when otherwise revoked.

..........................................................................

[Name]
[Title]

Dated:
1. Purpose

To consider the dog and cat registrations fees for 2019/20

2. Recommendation

That Council approve the dog and cat registration fee structure for 2019/2020

<table>
<thead>
<tr>
<th></th>
<th>2018/2019</th>
<th>2019/2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non Standard Dog (not microchipped/not desexed)</td>
<td>$66.00</td>
<td>$66.00</td>
</tr>
<tr>
<td>Non Standard Dog with microchip</td>
<td>$66.00</td>
<td>$66.00</td>
</tr>
<tr>
<td>Non Standard Dog desexed</td>
<td>$66.00</td>
<td>$66.00</td>
</tr>
<tr>
<td>Non Standard Dog Concession</td>
<td>$33.00</td>
<td>$33.00</td>
</tr>
<tr>
<td>Standard Dog (desexed and microchipped)</td>
<td>$33.00</td>
<td>$33.00</td>
</tr>
<tr>
<td>Standard Dog Concession</td>
<td>$16.50</td>
<td>$16.50</td>
</tr>
<tr>
<td>Accredited Assistance Dog</td>
<td>0$</td>
<td>0$</td>
</tr>
<tr>
<td>Assistance Dog in Training</td>
<td>0$</td>
<td>0$</td>
</tr>
<tr>
<td>Standard Cat (desexed and microchipped)</td>
<td>$33.00</td>
<td>$33.00</td>
</tr>
<tr>
<td>Standard Cat Concession</td>
<td>$16.50</td>
<td>$16.50</td>
</tr>
<tr>
<td>Registration of a dog business (breeder)</td>
<td>$250.00</td>
<td>$250.00</td>
</tr>
</tbody>
</table>

3. Background

In accordance with the Dog and Cat Management Act 1995 all dogs that are three months of age or older must be registered annually and within 14 days of taking possession of the dog.

All cats that are three months of age or older must be micro-chipped, desexed and registered with Council in accordance with Council By-Law No 3.

In accordance with the Dog and Cat Management Regulations 2017 under the Dog and Cat Management Act 1995 section 42A (1) a dog or cat should be microchipped. For the purposes of section 42E of the Act, and if not meeting exemptions under section 42E (4) (d) of the act a dog or cat is to be desexed.

The owner of a dog or cat must ensure that the dog or cat is microchipped in accordance with any requirements set out in the regulations.

Registrations expire on 30 June each year, and are due to be re-registered by the 31 August each year. Dogs and Cats Online (DACO) is South Australia’s central database for microchipped and registered dogs and cats, breeder registration and registration payments. Users and owners have 24/7 access to their dog and cat ownership information.

Councils have discretion to set dog and cat registration fees, late fees, the discounts
offered and what evidence is required before a discount is given. Councils no longer need approval from the Minister.

4. **Discussion**

Council has legislative requirements for managing dogs and cats in the municipality under the current Dog and Cat Management Act 1995.

As a result of legislative amendments introduced in 2017 all dogs and cats must be registered using a new state wide Dogs and Cats Online (DACO) system from the 2018/2019 financial year onwards. This new online system creates a centralised database for all dogs and cats registered across South Australia. Dog and cat renewal notices are issued through the new online system and residents are encouraged to pay their registration fees online. Residents will still have the option of visiting the Council Office and paying over the counter.

Registration fees will be collected by the Government and reimbursed to the Council after the Dog and Cat Management Board fee is deducted - 12% for rural councils.

Other changes which came into effect in 2018 include lifetime registration discs and no administrative fees for transferring a dog or cat to a new council area.

The new changes have simplified the basis for dog and cat registration fees creating just two categories:

1. **Standard Dog** (a dog that has been microchipped and desexed); and
2. **Non Standard Dog** (either exempted from desexing (born after 1 July 2018) or an existing whole dog (born prior to 1 July 2018))

A new registration group has been included by the DCMB commencing 2019/20 – Assistance Dog in Training. Defined by the DCMB as:

Any dog, owned by a prescribed accreditation body (as referenced in the Dog and Cat Management Regulations 2017 Regulation 5) that is in the status of ‘Assistance Dog In Training’ will have a registration fee of $0. The status of ‘Assistance Dog in Training’ can only be set by the Prescribed accredited bodies or Dog and Cat Management Board. Waiving for registration fees for Assistance Dogs In Training does not include dogs undergoing training under the Board Public Access scheme.

As at 10 May 2019 there is a total of 586 registered dogs and 170 registered cats with the municipality.

5. **Policy Implications**

5.1 **Financial/Budget**

All new dogs will eventually be registered as standard dogs resulting in a limited number of full fee paying registrations. As a result the population of non-standard dogs will eventually decline resulting in lower income.

Income from Dog Registrations in previous financial years are as follows:

- **2017-2018**: $27,880.81
- **2016-2017**: $23,921.00

It is recommended that the standard registration fees for 2019/2020 remain the same as those for the 2018/2019 period.

A comparison of 2018-19 Dog Registration fees across all SA Councils, provided by the Dog and Cat Management Board, indicated that average fees across all Councils for non-standard dogs was $67.08 and for a standard dog $33.83. The fees for dogs in Roxby Downs are comparative. Council currently provides a 50% discount to concessional card holders which is consistent with other councils.
5.2 Resources

Nil

5.3 Legal and Risk Management

Compliance with the Dog and Cat Management (Miscellaneous) Amendment Act 2016

Report Consultation

Dog and Cat Management Board, South Australia.

6. Report Authoriser

Juliette Demaine
Dog and Cat Registrar
1. **Purpose**

To establish an off leash dog park (hereafter described as “the park”) for Roxby Downs and provide a secure site for exercising and socialising dogs.

2. **Recommendation**

That Council

1. endorse (subject to the granting of a licence by BHP and community consultation) the establishment of an off leash dog park on a portion of the land at the former caravan park located at the corner of Olympic Way and Pioneer Drive.

2. authorise the Administrator and Chief Executive to sign the licence and supporting documentation on behalf of Council.

3. **Background**

The 2016 Roxby Downs Recreation Master Plan identified the community desire for an off leash dog park for dog friendly activities, socialisation of dogs, and provision for a safe and secure exercise and activity yard.

In 2018 students from the Roxby Downs Area School (RDAS) conducted a research project which investigated the essential components and preferred location for a dog park.

The land is described as corner of Olympic Way and Pioneer Drive Roxby Downs SA 5725 – Allotment 677 Town of Roxby Downs out of Hundreds (Andamooka), under the control of BHP.

4. **Discussion**

The proposed dimensions of the park are approximately 100 metres by 53 metres (5,300m²). The park will include a divided area set aside for smaller dogs. This is aimed at avoiding conflict between mismatched dogs. The small dog run will be approximately 50 metres by 10 metres (500m²). Shade and water together with car parking spaces accessed from either Pioneer Drive or the recreation precinct (Town Ovals).

Council staff are liaising with BHP to secure a licence for the development of the park. These consultations are progressing well and granting of the licence is expected in the near future.

The granting of the licence will enable the conduct of an informal consultation with property owners/residents adjacent to the park to ensure that their needs are addressed in the development of the park.

Consultation is also being conducted with BHP by Council staff on the clean-up of the dead and fallen trees along Olympic Way. This will improve the aesthetics of the site and increase the street presence of the park.

Appropriate signage at the entrances will address the usage guidelines for the park and how to get the best experience.
5. Policy Implications

4.1 Financial/Budget

The development cost for the park is contained within the 2018/2019 program. It is expected that the full project can be delivered within the allocation of $60,000-00.

Potential future cost for dismantling of the park in the event that BHP needs to resume the site.

4.2 Resources

Provision of the park as a safe and accessible space.

The potential for additional features and activity elements depending on feedback, demand and the availability of resources.

Future maintenance will revolve around ensuring the fence is secure and the grounds are being kept clean and tidy.

4.3 Legal and Risk Management

The operation of the park will be monitored for behavioural issues and use in accordance with the Dog and Cat Management Act.

Establishment and conduct of the park in accordance with BHP.

6. Attachment

Dog Park Plan

7. Report Authoriser

Roy Blight
Chief Executive
Proposed Dog Park

- Install bin and dog waste bag dispenser near entrance
- Install water fountain with dog bowl provision
- Air lock gate assembly for access to Large Dog Park
- Internal path utilizing existing road base
- Carpark spaces
- Provide seating under trees for shade
- Air lock gate assembly for access to Small Dog Park
- Install water fountain with dog bowl provision
- Install bin and dog waste bag dispenser near entrance
- Double gates for emergency vehicles access
- Air lock gate assembly for access to Small & Large Dog Parks
- Large Dog Park
- Small Dog Park
- Water access point
- 1800mm high netting fence to boundary of Dog Park

Total Area: 5,300m² (approx)
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Proposed 12 Month Advertising Commitment with the Roxby Downs Chronicle

1. Purpose

To approve the proposed 12 month advertising commitment with the Roxby Downs Chronicle.

2. Recommendation

That Council endorse the following contents to the Roxby Downs Chronicle:

1. A 12 month advertising proposal with the Roxby Downs Chronicle. The terms are based on the proposal for the inaugural edition on 29 May 2019 and monthly thereafter.

2. A 12 month advertising commitment at the rate of $699.00 per month (inc. GST) for a full one page in each issue.

3. In addition to advertising content contained within the paid page, Council will be able to directly contribute editorial content for publication that is relevant to the Roxby Downs community.

4. Review the results from Council’s commitment of advertising and editorial content, and the level of engagement achieved by the Roxby Downs Chronicle within Roxby Downs at the conclusion of 12 months (i.e. review to be completed before the end of June 2020). The assessment of the results from this review will determine Council’s future commitment to the Roxby Downs Chronicle.

5. A further review and assessment of Council’s commitment will be triggered if the frequency of publication changes from monthly.

3. Background

In August 2018 Roxby Council was approached by Brad Noble, a representative of Australian Community Media/Fairfax media regarding the potential for a new newspaper publication for the Roxby Downs area.

The Roxby Downs community has not had a locally relevant hard copy newspaper since February 2018 when The Monitor Newspaper ceased publication. Local community opinion has regularly been shared (via social media) and reflected loss with the absence of a locally relevant newspaper.

Subsequently the majority of Roxby Council communications is undertaken online or via radio through the website, my local services app, social media and RoxFM radio station. Hard copy posters/flyers are also posted in strategic sites in town for key events and activities.
Empirical evidence suggests that the cessation of the local community newspaper in early 2018 has left a gap in communications via hard copy and direct to householders. Online and radio communication relies heavily upon a time set presence of the reader/listener and ability to access online platforms.

4. Discussion

The proposal to commit to 12 months of advertising with the Roxby Downs Chronicle would broaden Council’s reach to the community in terms of essential and non-essential communications.

The Roxby Downs Chronicle will be home-delivered and thus has the potential to reach community members who are not ‘connected’ with Council via other means. Hard copy local news distribution presents a significant opportunity for Council to engage with these residents.

It is proposed that Roxby Council undertake a 12 month commitment to a full page newsletter space in the publication ‘Roxby Downs Chronicle’. A review and assessment of Council’s commitment will be triggered if the frequency of publication changes from monthly.

5. Policy Implications

5.1 Financial/Budget

The 12 month fee being $8,388.00 inclusive of GST. Funding will be sourced from the Corporate budget of FY18/19 and 19/20.

5.2 Resources

Council resources include the Research & Media Officer and Communications & Engagement Officer.

5.3 Legal and Risk Management

Media Policy & Procedure
Monitoring of articles published and feedback from the community and other relevant stakeholders.

6. Report Consultation

Roy Blight - Chief Executive,
Amanda Turner - Research & Media.

7. Report Authoriser

Juliette Demaine
Communications and Engagement Officer
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Roxby Downs Golf Club Lease and License Agreement

1. Purpose

To provide consent to grant the following Sporting club with a Lease and Licence agreement:

Roxby Downs Golf Club
Portion of Allotment 1396 Olympic Way
Roxby Downs SA 5725

2. Recommendation

That Council approve the granting of a lease and licence to the Roxby Downs Golf Club for a period of 5 years through a peppercorn arrangement ($1 per annum) for continued access to portion of allotment 1396 Deposited Plan 55074 in the Area Named Roxby Downs Out of Hundreds (Andamooka) for the purpose of playing Golf and associated Golf events and the golf club residence is to be used solely as an approved residence.

3. Background

The Municipal Council of Roxby Downs recognises the importance and value of our local sporting community groups and the contribution that they provide to the overall health and well-being for our community.

The Roxby Downs Golf Club has previously held a Lease agreement for a term of 21 years for part allotment 1396 Olympic Way, Roxby Downs SA and was due for review.

4. Discussion

The committee of the Roxby Downs Golf Club has reviewed the attached Lease and Licence agreements and has confirmed that they would like to proceed with the terms outlined in both the Lease and Licence agreement.

Community Consultation is not required as part of this process as the term of both the Licence and Lease Agreement is for a 5 year period.

3. Policy Implications

5.1 Financial/Budget

This Lease agreement is set as a peppercorn arrangement.
Council staff designated to monitor and review Lease requirements as required.

5.2 Resources

Council staff to monitor, review and ensure the Roxby Downs Golf Club is meeting the requirements of both the Lease and Licence Agreement and provide assistance as needed.

Council to engage services of building and safety inspector to ensure the Roxby Downs Golf Club is meeting all building/safety standards.

Ongoing supply of treated waste water for irrigation purposes. Council retains control over irrigation network maintenance and operation thereof.

Page 181
5.3 Legal and Risk Management

Compliance with the Local Government Act 1999
Compliance with the Development Act 1993
Compliance with the Retail and Commercial Leases Act 1995
Compliance with the EPA
Compliance with the Liquor Licensing Act 1997

4. Report Consultation

Senior Management Team

5. Attachments

Roxby Downs Golf Club Lease Agreement
Roxby Downs Golf Club Licence Agreement

6. Report Authorisers

Tony Weir
Group Manager Lifestyle and Sport
RECREATIONAL AND SPORTING LEASE AGREEMENT

BETWEEN:

THE MUNICIPAL COUNCIL OF ROXBYS DOWNS
&
THE ROXBYS DOWNS GOLF CLUB INCORPORATED
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SCHEDULE .................................................................. 12
AGREEMENT made on the                          day of                          2019.

BETWEEN: MUNICIPAL COUNCIL OF ROXBY DOWNS
ABN: 68 284 130 046
6 RICHARDSON PLACE, ROXBY DOWNS SA 5725

AND: ROXBY DOWNS GOLF CLUB INCORPORATED
ABN 42 368 145 737
Portion of allotment 1396 Deposited Plan 55074 in the Area
Named Roxby Downs Out of Hundreds (Andamooka)
Contained within Certificate of Title Volume 5806 Folio 888

BACKGROUND

A. The Council is the owner of the Land.

B. The Council agrees to grant to the Occupier a right to occupy the Land and the Facilities as Lessee pursuant to the terms of this Agreement.

C. The Occupier has inspected the Land and the Facilities and is satisfied that the land and the Facilities are in good condition and are fit for the purposes for which the Occupier intends to use them.

TERMS

1. INTERPRETATION

1.1 The statements in the Background above form part of this Agreement.

1.2 The expressions below have the following meanings:

“Council” means the Council so described above and, where the context allows, includes the Council’s employees, servants, agents and contractors.

“Facilities” means (1) the “Roxby Downs Golf Club” recreational and sporting facility used as “clubrooms and amenities”, (2) the “golf club residence” situate on the Land, and (3) any buildings, structures, fences, improvements and fixtures that are on the Land now or are erected during the Term as referred to in Item 2 of the Schedule.

“Fee” means the fee stated in Item 5 of the Schedule, subject to review as this Agreement may allow, and payable by the Occupier to the Council at the times and in the instalments stated in Item 6 of the Schedule.

“GST” and “tax invoice” have their meaning in A New Tax System (Goods and Services Tax) Act 1999.

“Land” means the community land described in Item 2 of the Schedule.

“Occupier” means the entity so described above, and the “Occupier’s visitors” includes the Occupier’s employees, members, agents, contractors, and anybody else that the Occupier allows onto the Land or the Facility.

“Permitted Use” means a use stated in Item 7 of the Schedule.

“Schedule” means the Schedule to this Agreement.
“Term” means the period stated in Item 3 of the Schedule starting on the date in Item 4 of the Schedule, subject to early termination or extension as this Agreement may allow.

1.3 A reference to a party includes that party’s successors and transferees.

1.4 Words in the singular include words in the plural and vice versa.

1.5 If two or more persons are referred to in the Schedule as “Occupier” then this Agreement binds them jointly and severally.

1.6 The words “person” or “group” includes a body corporate.

1.7 A reference to any Act or law includes any Act or law that amends or replaces it.

1.8 Clause headings are for reference only and should not be taken into account in interpreting this Agreement.

2. **GRANT**

The Council grants to the Occupier a right to occupy the Land and the Facilities as a lessee during the Term as stated in Item 2 of the Schedule.

3. **OCCUPIER’S OBLIGATIONS**

The Occupier agrees with the Council as follows:

3.1 **Fee**

3.1.1 The Occupier must pay the Fee of to the Council in the amounts, in the instalments, and at the times this Agreement requires.

3.1.2 The Fee will be reviewed 12 months after the commencement date set out in Item 4 of the Schedule, and thereafter at intervals of twelve months until the Term ends.

3.2 **Rates, Taxes, Charges and Costs**

3.2.1 The Occupier must pay on time and in full all rates, taxes and charges relating to the Land or the Facilities no matter whether they are charged, levied or assessed on the Occupier or the Council. Such include charges for telephone, water (including excess water), power, gas or security services to the Facility.

3.2.2 The Occupier must comply with its obligations under this Agreement at its own cost.

3.3 **Dealings by the Occupier**

Except with the Council’s prior written consent, the Occupier must not:

3.3.1 assign the whole or any of their interest in this Agreement;

3.3.2 (subject to Clause 3.5) grant a sub-lease, licence or concession for the whole or a part of the Land or the Facilities;

3.3.3 (subject to Clause 3.5) part with or share possession of the whole or a part of the Land or the Facilities; or

3.3.4 grant a mortgage, charge, lien or pledge over the whole or any of their interest in this Agreement.

Consent under this Clause 3.3 may be conditional.
3.4 **Use of the Land or the Facilities**

The Occupier must not use nor allow any other person to use the Land or the Facilities for:

3.4.1 any purpose or activity except the Permitted Use unless it first gets the consent of the Council in writing;

3.4.2 carrying on a business separate from the Permitted Use unless Council has consented in writing to another person to do so; or

3.4.3 anything that is illegal or immoral.

3.5 **Hiring of any Facility**

3.5.1 The Occupier may hire the Facilities or part thereof to other persons or bodies on a casual or seasonal basis.

3.5.2 The Council reserves the right to fix conditions and fees for the hiring of any part of the Facilities by the Occupier under this Clause and the Occupier must comply with any conditions or fees set by the Council.

3.5.3 The Occupier must ensure that any hire agreement it enters into satisfies any Council condition, all provisions of this Lease and in particular does not breach Clause 3.4.

3.6 **Comply with Laws**

3.6.1 The Occupier must comply with the provisions of all Acts, regulations, by-laws which affect the Occupier’s occupation or use of the Land or the Facilities.

3.6.2 The Occupier must comply with any requirement imposed by any local government or semi-government authority in relation to the Land or the Facilities or to the Occupier’s occupation or use of the Land or the Facilities.

3.6.3 Without limiting the generality of Clause 3.6.2, the Occupier must specifically comply with all requirements under laws dealing with workplace safety, public health, public safety, fire safety and safety generally.

3.7 **Liquor and Gaming Licences**

3.7.1 Unless the Occupier first gets the consent of the Council in writing, the Occupier must not in relation to the Land or the Facilities apply for or hold:

(a) a liquor license under the Liquor Licensing Act 1997; or

(b) a gaming machine license under the Gaming Machines Act 1992.

3.7.2 If the Occupier obtains a licence of a kind to which Clause 3.7.1 refers, the Occupier must ensure that it and any Occupier’s visitors do not do:

(a) anything that is in breach of the relevant Act or of the conditions of any license; or

(b) anything that may result in the license being revoked or suspended.

3.8 **Maintenance and Repair**

3.8.1 The Occupier must maintain the Land and the Facilities in good condition and free from hazards and must:

(a) keep the Land and the Facilities clean, tidy and free from dirt, rubbish and vermin;
(b) keep the Facilities in good repair (fair wear and tear and damage by fire, storm, tempest, act of god, war, riot, civil commotion and earthquake excepted);

(c) paint any buildings and other improvements in the Facilities to the Council’s satisfaction;

(d) keep all toilet fittings, sinks, drains, pipes and other plumbing in good repair and free from blockages and ensure that no part of the Facilities becomes insanitary;

(e) keep any vegetation, lawns or garden on the Facility maintained in an attractive state;

(f) undertake weed management, including Buffel Weed management on the Land.

(g) keep all of the Occupier’s property in good condition so as to prevent any hazard to any person or any deterioration in the condition of the Facilities;

(h) repair any damage to the Facilities caused by the Occupier or any Occupier’s visitors;

(i) notify the Council as soon as it becomes aware of any defects in the Facilities or anything which could present a hazard or cause harm to any person or the Facilities and must take all reasonable steps to rectify a defect or hazard as soon as it is apparent.

3.8.2 The Occupier does not have to undertake structural works on the Facilities except for:

(a) works on any building or structure erected by the Occupier under Clause 3.11.1;

(b) works needed as a result of a negligent or wrongful act or omission by the Occupier or any Occupier’s visitors;

(c) works needed as a result of a breach of this Agreement by the Occupier; or

(d) works needed as a result of the use to which the Facility is being put.

3.8.3 The obligations imposed upon the Occupier in this Clause are to be carried out at the Occupier’s expense except if the cost of doing it is covered by insurance which either the Council or the Occupier has taken out under this Agreement.

3.8.4 The Occupier must, on an annual basis and prior to the anniversary of the commencement date, prepare and submit to Council a written report on the state of condition and maintenance required for the Land and any Facility.

3.9 Entry by the Council

3.9.1 The Occupier must allow the Council to enter the Land and the Facilities for the purpose of inspecting its condition and state of repair.

3.9.2 The Council may enter the Land and the Facilities to inspect at least every 12 months from commencement date.

3.9.3 Except in an emergency, the Council must give the Occupier reasonable notice before exercising its right under this Clause 3.9.

3.10 Work Required by the Council

3.10.1 If the Council finds on inspection that any part of the Land or the Facilities for which the Occupier is responsible needs maintenance or repair then the Council may notify the
Occupier in writing of the work to be done and the time within which such work must be done.

3.10.2 The Occupier must comply with the notice to the satisfaction of the Council within the time stated in the notice (which must not be less than fourteen (14) days except in the case of an emergency).

3.10.3 If the Occupier fails to carry out the work required by the notice within the time specified or fails to do the work to the satisfaction of the Council then the Council may undertake the repairs. The cost of such repairs and any other reasonable costs incurred by the Council will be recoverable from the Occupier.

3.11 Erection/Alteration of Buildings

3.11.1 Unless the Occupier first obtains the consent of the Council in writing it must not in or on the Land or the Facilities:

(a) erect a building or structure;
(b) clear any native vegetation;
(c) fix anything to the outside of a building or structure;
(d) alter any existing water supply or drainage facilities;
(e) alter or demolish an existing building or structure;
(f) make any other change of a permanent nature.

(g) paint any building, structure or other surface in a color different to that which exists.

3.11.2 If the Council consents to any of the works under this Clause 3.11.1 then the works must be done strictly in accordance with any plans and specifications approved by the Council and will be done at the cost of the Occupier.

3.11.3 Provided that the following works are carried out at the cost of the Occupier by a qualified tradesperson and Council is contemporaneously advised of the proposed works the Occupier may:

(a) install any water, gas or electrical appliances;

(b) install any lighting or air conditioning equipment;

3.12 Ownership of Improvements

In the event that with the consent of the Council the Occupier decides to vacate the land and does not remove all structures, improvements, fittings and fixtures and restore the land to its original state, the Occupier acknowledges that all structures, improvements, fixtures and fittings located in or on the Land at the time that the Occupier vacates the Land will become the property of and belong to the Council irrespective of whether the Occupier or the Council purchased them.

3.13 Occupier’s Property

3.13.1 The Council may (despite anything else to the contrary in this Agreement) serve the Occupier with a notice in writing (either during the Term or at the end of the Term) requiring the Occupier to remove any of the Occupier’s fixtures and fittings from the Facility should the Council be concerned about the safety or suitability of any such fixture or fitting.
3.13.2 The Occupier must comply with the notice within twenty eight (28) days of receiving it and must at its own cost repair any damage so caused to the Facility.

3.13.3 If the Occupier fails to comply with the notice, the Council may do any of the actions required by the notice and the Occupier must pay to the Council any reasonable costs incurred by the Council in doing so.

3.14 Signs

Unless the Occupier first gets the consent of the Council in writing, the Occupier must not display on the outside of the Facilities any sign that is visible from outside the Facilities.

3.15 Offensive Activities

3.15.1 The Occupier must not do, nor allow its visitors to do, within the Facilities or on any adjoining property unless a Permitted Use:-

(a) anything that is noisy, offensive or dangerous;

(b) anything that may cause annoyance, nuisance, or damage to any occupier or owner of nearby land;

(c) anything that may become an offence against any Act, regulation or by-law;

(d) anything that may cause any insurance policy to become void or to be subject to an increased premium.

3.15.2 The Occupier must not bring anything on to the Facilities which is dangerous, harmful, poisonous, explosive or flammable unless it first gets the consent of the Council in writing and then subject to providing Council with a Hazardous Material Register including maximum storage capacity of the hazardous materials and exactly where hazardous materials are to be stored within the Facilities as determined from time to time by the Council and so notified to the Occupier in writing. It is a requirement to inform Council if there is a change to the maximum capacity of the hazardous materials to be stored or if the hazardous materials are to be removed entirely.

3.16 Notification of Accidents and Hazards

The Occupier must promptly notify the Council in writing of:

3.16.1 any accident that occurs in, on or associated with the Land or the Facilities;

3.16.2 anything in, on or associated with the Facilities that needs repairing;

3.16.3 anything that could present a hazard or that could harm any person upon the Land or in the Facilities or the Facilities.

3.17 Constitution Rules and Reports

3.17.1 The Occupier must supply to the Council:

(a) a copy of its constitution;

(b) a copy of any rules or by-laws of the Occupier;

(c) a copy of any amendments to the constitution, rules or by-laws of the Occupier within twenty eight (28) days of them being made;
(d) a copy of the annual report of the Occupier including the balance sheets and any auditor’s report.

3.17.2 The Occupier must make available at the request of the Council:

(a) the financial records of the Occupier;

4. INDEMNITIES AND INSURANCES

4.1 Indemnity

The Occupier indemnifies the Council against all actions, demands, losses, damages, costs and expenses for which the Council may become liable arising wholly or partly from any of the following:

4.1.1 the misuse, negligent use, waste or abuse by the Occupier or its visitors of any services on the Land or the Facilities including, but not limited to, water, gas, electricity or oil;

4.1.2 the overflow, leakage or escape of water (including rain water), fire, gas or electricity or other harmful agent in or from the Land or any Facility caused or contributed to by any act or omission of the Occupier or any Occupier’s visitors;

4.1.3 loss, damage or injury to property or persons caused or contributed to by the Occupier or any Occupier’s visitors’ use or occupation of the Land or the Facilities;

4.1.4 loss, damage or injury to property or persons in or on the Facilities caused or contributed to by the neglect or default of the Occupier or any Occupier’s visitors;

4.1.5 loss, damage or injury to property or persons in or on the Land or any Facility caused or contributed to by Occupier’s neglect or failure to observe or perform any of its obligations pursuant to this Agreement.

4.2 Limits on the Council’s Liability

4.2.1 The Occupier will occupy and use the Land and the Facilities at the risk of the Occupier.

4.2.2 The Occupier releases the Council from any costs or loss arising from any accident, damage or injury occurring on the Land or the Facilities except where such accident, damage or injury results from any wilful or negligent act or omission of the Council.

4.2.3 The Council is not responsible for any loss of or damage to any fixtures, fittings or personal property of the Occupier.

4.2.4 The Council is not responsible for any costs or loss suffered by the Occupier arising from any malfunction of or interruption to:

(a) water, gas or electricity services;

(b) air conditioning equipment;

(c) fire equipment;

(d) any other plant, machinery or services; or

(e) the blockage of any gutters, pipes or drains.

4.3 Public Risk Insurance

4.3.1 The Occupier must take out and maintain during the Term a public risk insurance policy (also known as Public Liability Insurance) for at least such amount as stated in Item 8 of the
4.3.2 The Occupier must produce a copy of the policy and a certificate of currency each year on renewal of the policy or at such other time as the Council may request.

4.4 Property and Contents Insurance

4.4.1 The Occupier (as noted in Item 10 of the Schedule) will take out and maintain an insurance policy in respect of the Facilities against damage by fire, lightning, storm, explosion, earthquake, malicious damage and/or such other risks as the Council thinks fit for full reinstatement value.

4.4.2 The Council may take out such insurance as required in lieu of the Occupier with the prior written consent of the Occupier.

4.4.3 If the Council takes out the insurance under 4.4.1 then the Occupier must pay to the Council all costs incurred by the Council relating to those insurances as soon as demanded by the Council.

4.4.4 If the Occupier takes out the insurance under 4.4.1 then the Occupier must produce a copy of the policy and a certificate of currency each year on renewal of the policy or at any other time when requested by the Council.

4.4.5 The Occupier is responsible for obtaining insurance to cover its own contents or other assets which are located in or on the Facilities from time to time.

4.5 Insurance Claims

4.5.1 The Occupier must notify the Council in writing, giving full details, whenever the Occupier becomes aware of a possible claim under any insurance required in this Agreement.

4.5.2 If there is a claim under any insurance policy taken out by the Council then:

(a) the Council alone may deal with the insurer regarding the claim;

(b) the Council may settle the claim as it thinks fit, and the Occupier will be bound by the settlement;

(c) the Occupier may be required to pay to the Council any excess which the Council has to pay under the insurance policy; and

(d) if requested, the Occupier must pay any excess as soon as the Council demands payment.

4.6 Termination or Reduction of Fee on Damage

If the whole or any part of the Facilities are destroyed or damaged for any reason such as to make the Facilities substantially unfit for the Occupier’s use and occupation then this Clause 4.6 will apply.

4.6.1 The Council may (in its absolute discretion) decide that the Occupier should not rebuild or reinstate the destroyed or damaged Facility. If the Council so decides then it may end this Agreement by written notice to the Occupier.

4.6.2 If the Council elects not to end this Agreement under Clause 4.6.1, then it may require the Occupier to ensure that the damaged Facility is made fit for use by the Occupier within a reasonable time frame.
4.6.3 Until the Council either ends the Agreement or the Occupier makes the damaged Facility fit for use, the Fee and any other payments due under this Agreement will be reduced. The amount of any reduction will be determined by the Council and will depend upon the nature and extent of the damage sustained and will continue until the damaged Facility is reinstated or made fit for the Occupier’s occupation and use.

4.6.4 If, after six (6) months the damaged Facility has not been substantially reinstated by the Occupier, this Agreement may be terminated by either party by giving notice to the other in writing.

4.6.5 Any such termination will not reduce the rights of either party in respect of any previous breaches of this Agreement.

5. COUNCIL’S OBLIGATIONS

The Council agrees that if the Occupier pays the Fee in accordance with this Agreement and complies with its obligations under this Agreement, then during the Term the Occupier may quietly enjoy the Land and the Facilities for the Permitted Uses.

6. EXPIRY OR EARLY TERMINATION OF LEASE

6.1 Termination

6.1.1 This clause applies if the Occupier:

(a) fails to pay the Fee or any other money which is due to the Council for a period of twenty eight (28) days from the due date for payment;

(b) fails to meet any other of its obligations under this Agreement; or

(c) becomes insolvent or in the case of an incorporated association ceases to be incorporated under the Associations Incorporation Act 1985.

6.1.2 If this Clause applies, the Council may serve on the Occupier a notice in writing stating:

(a) the nature of the breach;

(b) what the Occupier must do to remedy the breach;

(c) the time frame in which the Occupier must remedy the breach;

(d) whether the Occupier is to pay any compensation and, if so, how much.

6.1.3 If the Occupier fails to comply with the notice within the time stated in it then the Council may end this Agreement and take possession of the Facilities.

6.1.4 The right to terminate the Agreement and enter into possession will not reduce the Council’s right to take any other action for any of the Occupier’s previous breaches.

6.2 Surrender

6.2.1 Upon the expiration or earlier termination of the Agreement, the Occupier will peacefully and quietly surrender and give up possession of the Land and the Facilities.

6.2.2 Subject to Clause 3.12, the Occupier may remove from the Land or the Facilities any of the Occupier’s fixtures and fittings and must immediately repair any damage caused in removing them.

6.2.3 The Occupier will leave the Land and the Facilities in good condition, repair and cleanliness.
6.2.4 Any reasonable costs incurred by the Council in cleaning or repairing any damage caused by the Occupier in surrendering the Land or the Facilities may be recovered by the Council from the Occupier.

7. OTHER RIGHTS AND OBLIGATIONS

7.1 The Council able to Undertake Works

The Council or any persons authorised by the Council may at any time enter the Land or the Facilities and carry out any improvements, additions, alterations or any other work, and in so doing, the Council must use its best endeavours to cause as little disturbance as possible to the Occupier.

7.2 Resumption

If the Council receives notice of any proposed resumption or acquisition of the Land or the Facilities by any Government (Federal or State) or other authority, or if the control of the Facilities is otherwise taken away from the Council, then the Council may terminate this Agreement by giving three (3) months' notice in writing to the Occupier.

7.3 Holding Over

7.3.1 If, with the consent of the Council, the Occupier continues to occupy the land and the Facilities after the expiry of the Term, then this Agreement will continue as a monthly occupation on these same terms and conditions.

7.3.2 Either party may give the other one (1) month’s written notice to terminate the monthly occupation with the occupation expiring one (1) month from the date the notice is given.

7.4 Waiver

The failure or omission by either party to take any action for the breach of any provision of this Agreement will not stop either party from taking action in relation to any other breaches of the same or any other provision of the Agreement.

7.5 Notices

Any notice required to be given by either party to the other must be in writing and must be given by delivering it or posting it to the address appearing in the Schedule or to such other place as previously nominated by either party to the other.

7.6 Severance

If any provision or obligation of this Agreement is invalid, unlawful or not applicable, then it will be deleted from the Agreement without affecting any other of the parties' obligations under this Agreement.

7.7 Entire Agreement

The terms contained in this Agreement comprise the whole of the agreement between the parties. It is expressly agreed and declared by the parties that no further or other terms exist between them with respect to the land and the Facility or the Agreement.

7.8 No Warranty

The Occupier acknowledges that the Council has not given any warranty as to the condition of the Facilities or their suitability for the uses referred to in the Schedule or for any other use.
7.9 Regulatory

7.9.1 If the Permitted Use requires the grant of development consent under the Development Act 1993 or the Planning, Development and Infrastructure Act 2016, the right to occupy under this Agreement is not effective pending such consent being obtained.

7.9.2 The Council acts in entering into this Agreement.

7.9.3 The Council enters into this Agreement under section 202 of the Local Government Act 1999 as a person having right to possession of the Land and the Facility and not in any other capacity. This Agreement does not fetter or evidence the exercise of any regulatory function or power the Council has now or in the future (whether under the Development Act 1993, the Planning, Development and Infrastructure Act 2016, the South Australian Public Health Act 2011, Local Nuisance and Litter Control Act 2016 or other legislation). When the Council exercises a regulatory function or power, the Council will be taken to be a third party to this Agreement. To avoid doubt, a Council's consent to any change in use or building work in relation to the Land or the Facility is not regulatory consent as may be required under the Development Act 1993 or the Planning, Development and Infrastructure Act 2016.

7.9.4 If the Retail and Commercial Leases Act 1995 applies or comes to apply to this Agreement and a provision of this Agreement is or becomes inconsistent with that Act, that provision must be read down or failing that severed from this Agreement to the extent of the inconsistency.

7.10 Special Conditions

7.10.1 Any Special Conditions as set out in Item 11 of the Schedule are incorporated into this Agreement.

7.10.2 Where there is any inconsistency between any Special Condition and any other obligation in this Agreement then the Special Condition will prevail to the extent of the inconsistency.

DATED the .......... day of .............................................. 20.....

Signed for the Council by:

) )

-----------------------------------------------
Administrator

-----------------------------------------------
Chief Executive Officer

Signed for the Occupier by authorised officers:

) )

-----------------------------------------------
Authorised Officer – sign and print name

-----------------------------------------------
Authorised Officer – sign and print name
## SCHEDULE

<table>
<thead>
<tr>
<th>Item 1</th>
<th>The Occupier:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Name: ROXBYS DOWNS GOLF CLUB INCORPORATED</td>
</tr>
<tr>
<td></td>
<td>ABN: ABN 42 368 145 737</td>
</tr>
<tr>
<td></td>
<td>REGISTERED INCORPORATION NO: A20162</td>
</tr>
<tr>
<td></td>
<td>Address: PO BOX 339, ROXBYS DOWNS SA 5725</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Item 2</th>
<th>Land:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Location: Portion of allotment 1396 Deposited Plan 55074 in the Area Named Roxby Downs Out of Hundreds (Andamooka) defined in the Plan annexed to this Agreement</td>
</tr>
<tr>
<td></td>
<td>Name of Facilities: “ROXBYS DOWNS GOLF CLUB” INCLUDING (1) THE GOLF CLUBHOUSE, (2) THE RESIDENCE AND (3) OTHER BUILDINGS AND IMPROVEMENTS AS DEFINED AND AS SPECIFIED IN the Plan annexed to this Agreement - Annexure 1</td>
</tr>
<tr>
<td></td>
<td>Contained within Certificate of Title Volume 5806 Folio 888</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Item 3</th>
<th>The Period:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This Lease will be for a term of FIVE Years</td>
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<table>
<thead>
<tr>
<th>Item 4</th>
<th>Commencement Date:</th>
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<tbody>
<tr>
<td></td>
<td>FIRST DAY of</td>
</tr>
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<thead>
<tr>
<th>Item 5</th>
<th>Fee:</th>
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<tbody>
<tr>
<td></td>
<td>Peppercorn rent of A$1.00 per annum or part thereof, if demanded</td>
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<thead>
<tr>
<th>Item 6</th>
<th>Date for Payment of the Fee:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To be paid in advance on the 1st day of each year during the Period</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Item 7</th>
<th>Permitted Use:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Golf Club amenities and associated events including usual golf club activities within the Golf Clubhouse. The “golf club residence” is to be used solely as an approved residence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item 8</th>
<th>Public Risk Insurance:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Note: The Council has the right to require the Occupier to increase the Public Risk Insurance to a greater or lesser figure as nominated by the Council during the Period</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item 9</th>
<th>Period of Extension:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>n/a</td>
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<thead>
<tr>
<th>Item 10</th>
<th>Property Insurance:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To be taken out by: ROXBYS DOWNS GOLF CLUB INCORPORATED</td>
</tr>
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<thead>
<tr>
<th>Item 11</th>
<th>Special Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) Council retains full control for the operation of and requires unrestricted access at all times to the irrigation control system and other irrigation infrastructure identified in the Plan Annexure 1</td>
</tr>
<tr>
<td></td>
<td>b) Council requires unrestricted access to the irrigation points on the Leased area as identified in the Plan Annexure 1</td>
</tr>
<tr>
<td></td>
<td>c) It is a preference by Council for occupancy of the residence to be in conjunction with the operation and maintenance of the Golf Course lands. In the event that such an agreement cannot be achieved and subject to Council approval of the proposed tenancy agreement for the residence, the Golf Club retains the right for alternative occupancy to be arranged</td>
</tr>
<tr>
<td>Item 12</td>
<td>Nil.</td>
</tr>
<tr>
<td>----------------------------</td>
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<tr>
<td>Clauses amended from those in template:</td>
<td></td>
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<tr>
<td>Item 13</td>
<td>Nil.</td>
</tr>
<tr>
<td>Clauses deleted from the template:</td>
<td></td>
</tr>
</tbody>
</table>
Lot 1396 D55074
Out of Hundreds

ROXBYS DOWNS GOLF CLUB
2.35Ha

- Irrigation Infrastructure Control Points to which Council is entitled to unrestricted access at all times

Scale
0m 20 40 80
RECREATIONAL AND SPORTING LICENCE AGREEMENT

BETWEEN

THE MUNICIPAL COUNCIL OF ROXBYS DOWNSS

AND

ROXBYS DOWNS GOLF CLUB INCORPORATED
AGREEMENT made on the 1st day of 2019.

BETWEEN:
MUNICIPAL COUNCIL OF ROXBYS DOWNS
ABN: 68 284 130 046
6 RICHARDSON PLACE, ROXBYS DOWNS SA 5725

AND:
ROXBYS DOWNS GOLF CLUB INCORPORATED
ABN 42 368 145 737
Portion of allotment 1396 Deposited Plan 55074 in the Area
Named Roxby Downs Out of Hundreds (Andamooka)
Contained within Certificate of Title Volume 5806 Folio 888

BACKGROUND
A. The Council is the owner of the Land.
B. The Council agrees to grant to the Occupier a right to occupy the Land as a Licensee pursuant to the terms of this Agreement.
C. The Occupier has inspected the Land and is satisfied that the Land is in good condition and is fit for the purposes for which the Occupier intends to use it.
D. The Occupier will maintain the improvements on the Land at its cost and will comply with all requirements of the Council under this Licence Agreement

TERMS
1. INTERPRETATION

1.1 The statements in the Background above form part of this Agreement.

1.2 The expressions below have the following meanings:

“Council” means the Council so described above and, where the context allows, includes the Council’s employees, servants, agents and contractors.

“Council infrastructure” means the Council owned irrigation system located on the Land, namely, the sewerage treatment system, waste water reuse system, waste water reticulation and irrigation infrastructure.

“Fee” means the fee stated in Item 5 of the Schedule.

“GST” and “tax invoice” have their meaning in A New Tax System (Goods and Services Tax) Act 1999.

“Land” means the community land described in Item 2 of the Schedule.

“Occupier” means the entity so described above, and the “Occupier’s visitors” includes the Occupier’s employees, agents, contractors, and anybody else that the Occupier allows onto the Land.

“Permitted Use” means a use stated in Item 7 of the Schedule.

“Schedule” means the Schedule at the back of this Agreement.

“Term” means the period stated in Item 3 of the Schedule starting on the date in Item 4 of the Schedule, subject to early termination or extension as this Agreement may allow.
1.3 A reference to a party includes that party’s successors and transferees.
1.4 Words in the singular include words in the plural and vice versa.
1.5 A reference to any Act or law includes any Act or law that amends or replaces it.
1.6 Clause headings are for reference only and should not be taken into account in interpreting this Agreement.

2. GRANT

The Council grants to the Occupier a right to occupy the Land as a Licensee during the Term on the terms of this Agreement.

3. OCCUPIER’S OBLIGATIONS

The Occupier agrees with the Council as follows:

3.1 Fee

3.1.1 The Occupier must pay the Fee of to the Council in the amounts, in the instalments, and at the times this Agreement requires.

3.2 Rates, Taxes, Charges and Costs

3.2.1 The Occupier must pay on time and in full all rates, taxes and charges relating to the Land no matter whether they are charged, levied or assessed on the Occupier or the Council.

3.2.2 The Occupier must comply with its obligations under this Agreement at its own cost.

3.3 Dealings by the Occupier

Except with the Council’s prior written consent, the Occupier must not:

3.3.1 assign the whole or any of their interest in this Agreement;
3.3.2 grant a sub-lease, licence or concession for the whole or a part of the Land;
3.3.3 part with or share possession of the whole or a part of the Land; or
3.3.4 grant a mortgage, charge, lien or pledge over the whole or any of their interest in this Agreement.

Consent under this Clause 3.3 may be conditional.

3.4 Use of the Land

The Occupier must not use nor allow any other person to use the Land for:

3.4.1 any purpose or activity except the Permitted Use unless it first gets the consent of the Council in writing;

3.5 Comply with Laws

3.5.1 The Occupier must comply with the provisions of all Acts, regulations, by-laws which affect the Occupier’s occupation or use of the Land.
3.6 Liquor and Gaming Licences

3.6.1 Unless the Occupier first gets the consent of the Council in writing, the Occupier must not in relation to the Land apply for or hold:

(a) a liquor license under the Liquor Licensing Act 1997; or

(b) a gaming machine license under the Gaming Machines Act 1992.

3.6.2 If the Occupier obtains a licence of a kind to which Clause 3.6.1 refers, the Occupier must ensure that it and any Occupier’s visitors do not do:

(a) anything that is in breach of the relevant Act or of the conditions of any license; or

(b) anything that may result in the license being revoked or suspended.

3.7 Maintenance and Repair

3.7.1 The Occupier must maintain the Land in good condition free from hazards and must:

(a) keep the Land clean, tidy and free from rubbish and vermin;

(b) undertake weed management, including Buffel Weed management.

(c) keep all of the Occupier’s improvements and current infrastructure in a safe state and condition so as to prevent any hazard or risk to any person;

3.7.2 The obligations imposed upon the Occupier in this Clause are to be carried out at the Occupier’s expense except if the cost of doing it is covered by insurance which either the Council or the Occupier has taken out under this Agreement.

3.7.3 The Occupier must, on an annual basis and prior to the anniversary of the commencement date, prepare and submit to Council a written report on the state of condition and maintenance required for the Land. Council and the Executive members of the Golf Club shall meet by no later than 31 March and no later than 31 October each calendar year for the purpose of ensuring each party is meeting its respective obligations to the Agreement.

3.8 Entry by the Council

3.8.1 The Occupier must provide unlimited access at all times required by the Council to enter the Land for the purpose of accessing and maintaining the sewerage treatment system, waste water reuse system, waste water reticulation and irrigation infrastructure.

3.9 Work Required of Occupier by the Council

3.9.1 If the Council finds on inspection that any part of the improvements on the Land for which the Occupier is responsible needs maintenance or repair then the Council may notify the Occupier in writing of the work to be done and the time within which such work must be done.

3.9.2 The Occupier must comply with the notice to the satisfaction of the Council within the time stated in the notice (which must not be less than fourteen (14) days except in the case of an emergency).

3.9.3 If the Occupier fails to carry out the work required by the notice within the time specified or fails to do the work to the satisfaction of the Council then the Council may undertake the repairs. The cost of such repairs and any other reasonable costs incurred by the Council will be recoverable from the Occupier.
3.10 Erection of Buildings

3.10.1 Unless the Occupier first obtains the consent of the Council in writing it must not in or on the Land:

(a) erect a building or structure;
(b) clear any native vegetation;
(c) fix anything to the outside of a building or structure;
(d) alter any existing Council infrastructure including any water supply or drainage facilities;
(e) make any other change of a permanent nature.

3.10.2 If the Council consents to any of the works under Clause 3.10.1 then the works must be done strictly in accordance with any plans and specifications approved by the Council and will be done at the reasonable cost of the Occupier.

3.11 Ownership of Improvements

In the event that with the consent of the Council the Occupier decides to vacate the Land and does not remove all structures, improvements, fittings and fixtures as owned by the Occupier and restore the Land to its original state, the Occupier acknowledges that all structures, improvements, fixtures and fittings located in or on the Land at the time that the Occupier vacates the Land will become the property of and belong to the Council irrespective of whether the Occupier or the Council purchased them.

3.12 Occupier’s Property

3.12.1 The Council may (despite anything else to the contrary in this Agreement) serve the Occupier with a notice in writing (either during the Term or at the end of the Term) requiring the Occupier to remove any of the Occupier’s improvements from the Land should the Council be concerned about the safety or suitability of any such improvement.

3.12.2 The Occupier must comply with the notice within twenty eight (28) days of receiving it at its own cost.

3.12.3 If the Occupier fails to comply with the notice, the Council may do any of the actions required by the notice and the Occupier must pay to the Council any reasonable costs incurred by the Council in doing so.

3.13 Signs

Unless the Occupier first gets the consent of the Council in writing, the Occupier must not display on the Land any sign visible outside of the Land.

3.14 Offensive Activities

3.14.1 The Occupier must not do, nor allow its visitors to do on the Land unless a Permitted Use:-

(a) anything that is noisy, offensive or dangerous;
(b) anything that may cause annoyance, nuisance, or damage to any occupier or owner of nearby land;
(c) anything that may become an offence against any Act, regulation or by-law;
3.14.2 The Occupier must not bring anything into the Land which is dangerous, harmful, poisonous, explosive or flammable unless it first gets the consent of the Council in writing.

3.15 Notification of Accidents and Hazards

The Occupier must promptly notify the Council in writing of:

3.15.1 any accident that occurs in, on or associated with the Land;

3.15.2 anything in, on or associated with the improvements that needs repairing;

3.15.3 The Occupier must not bring anything on to the Land which is dangerous, harmful, poisonous, explosive or flammable unless it first gets the consent of the Council in writing and then subject to providing Council with a Hazardous Material Register including maximum storage capacity of the hazardous materials and exactly where hazardous materials are to be stored within the Facilities as determined from time to time by the Council and so notified to the Occupier in writing. It is a requirement to inform Council if there is a change to the maximum capacity of the hazardous materials to be stored or if the hazardous materials are to be removed entirely.

4. INDEMNITIES AND INSURANCES

4.1 Indemnity

The Occupier indemnifies the Council against all actions, demands, losses, damages, costs and expenses for which the Council may become liable arising wholly or partly from any of the following:

4.1.1 the misuse, negligent use, waste or abuse by the Occupier or its visitors of any improvements on the Land;

4.1.2 loss, damage or injury to property or persons caused or contributed to by the Occupier or any Occupier’s visitors’ use or occupation of the Land;

4.1.3 loss, damage or injury to property or persons in or on the Land caused or contributed to by the neglect or default of the Occupier or any Occupier’s visitors;

4.1.4 loss, damage or injury to property or persons in or on the Land caused or contributed to by Occupier’s neglect or failure to observe or perform any of its obligations pursuant to this Agreement.

4.2 Limits on the Council’s Liability

4.2.1 The Occupier will occupy and use the Land at the risk of the Occupier.

4.2.2 The Occupier releases the Council from any costs or loss arising from any accident, damage or injury occurring on the Land except where such accident, damage or injury results from any willful or negligent act or omission of the Council.

4.3 Public Risk Insurance

4.3.1 The Occupier must take out and maintain during the Term a public risk insurance policy (also known as Public Liability Insurance) for at least such amount as stated in Item 8 of the Schedule. The policy will be in respect of injury, loss or damage occurring in or on the Land and will note the Council’s rights and interests as owner of the Land.
4.3.2 The Occupier must produce a copy of the policy and a certificate of currency each year on renewal of the policy or at such other time as the Council may request.

4.4 Insurance Claims

4.4.1 The Occupier must notify the Council in writing, giving full details, whenever the Occupier becomes aware of a possible claim under any insurance required in this Agreement.

4.4.2 If there is a claim under any insurance policy taken out by the Council then:

(a) the Council alone may deal with the insurer regarding the claim;

(b) the Council may settle the claim as it thinks fit, and the Occupier will be bound by the settlement;

(c) the Occupier may be required to pay to the Council any excess which the Council has to pay under the insurance policy; and

(d) if requested, the Occupier must pay any excess as soon as the Council demands payment.

5. COUNCIL’S OBLIGATIONS

The Council agrees that if the Occupier pays the Fee in accordance with this Agreement and complies with its obligations under this Agreement, then during the Term the Occupier may quietly enjoy the land for the Permitted Use.

6. EXPIRY OR EARLY TERMINATION OF LICENCE

6.1 Termination

6.1.1 This clause applies if the Occupier:

(a) fails to pay the Fee or any other money which is due to the Council for a period of twenty eight (28) days from the due date for payment;

(b) fails to meet any other of its obligations under this Agreement; or

(c) becomes insolvent or in the case of an incorporated association ceases to be incorporated under the Associations Incorporation Act 1985.

6.1.2 If this Clause applies, the Council may serve on the Occupier a notice in writing stating:

(a) the nature of the breach;

(b) what the Occupier must do to remedy the breach;

(c) the time frame in which the Occupier must remedy the breach;

(d) whether the Occupier is to pay any compensation and, if so, how much.

6.1.3 If the Occupier fails to comply with the notice within the time stated in it then the Council may end this Agreement and take possession of the Land.

6.1.4 The right to terminate the Agreement and enter into possession will not reduce the Council’s right to take any other action for any of the Occupier’s previous breaches.
6.2 Surrender

6.2.1 Upon the expiration or earlier termination of the Agreement, the Occupier will peacefully and quietly surrender and give up possession of the Land.

6.2.2 The Occupier may remove from the Land any of the Occupier’s improvements and must immediately repair any damage caused in removing them.

6.2.3 The Occupier will leave the Land in good condition and cleanliness.

6.2.4 Any reasonable costs incurred by the Council in cleaning or repairing any damage caused by the Occupier in surrendering the Land may be recovered by the Council from the Occupier.

7. OTHER RIGHTS AND OBLIGATIONS

7.1 Resumption

If the Council receives notice of any proposed resumption or acquisition of the Land by any Government (Federal or State) or other authority, or if the control of the Land is otherwise taken away from the Council, then the Council may terminate this Agreement by giving three (3) months’ notice in writing to the Occupier.

7.2 Holding Over

7.2.1 If, with the consent of the Council, the Occupier continues to occupy the Land after the expiry of the Term then this Agreement will continue as a monthly occupation on these same terms and condition until such a time the agreement can be attended

7.2.2 Either party may give the other one (1) month’s written notice to terminate the monthly occupation with the occupation expiring one (1) month from the date the notice is given.

7.3 Waiver

The failure or omission by either party to take any action for the breach of any provision of this Agreement will not stop either party from taking action in relation to any other breaches of the same or any other provision of the Agreement.

7.4 Notices

Any notice required to be given by either party to the other must be in writing and must be given by delivering it or posting it to the address appearing in the Schedule or to such other place as previously nominated by either party to the other.

7.5 Severance

If any provision or obligation of this Agreement is invalid, unlawful or not applicable, then it will be deleted from the Agreement without affecting any other of the parties’ obligations under this Agreement.

7.6 Entire Agreement

The terms contained in this Agreement comprise the whole of the agreement between the parties. It is expressly agreed and declared by the parties that no further or other terms exist between them with respect to the Facility or the Agreement.
7.7 Regulatory

7.7.1 If the Permitted Use requires the grant of development consent under the Development Act 1993, or the Planning, Development and Infrastructure Act 2016, the right to occupy under this Agreement is not effective pending such consent being obtained.

7.7.2 This Agreement does not fetter or evidence the exercise of any regulatory function or power the Council has now or in the future (whether under the Development Act 1993, or the Planning, Development and Infrastructure Act 2016, the South Australian Public Health Act 2011, Local Nuisance and Litter Control Act 2016 or other legislation). When the Council exercises a regulatory function or power, the Council will be taken to be a third party to this Agreement. To avoid doubt, a Council’s consent to any change in use or building work in relation to the Facility is not regulatory.

7.8 Special Conditions

7.8.1 Any Special Conditions as set out in Item 11 of the Schedule are incorporated into this Agreement.

7.8.2 Where there is any inconsistency between any Special Condition and any other obligation in this Agreement then the Special Condition will prevail to the extent of the inconsistency.

7.9 Nature of this Agreement

Unless otherwise stated in Item 11 of the Schedule, the right of occupation under this Agreement is only a contractual licence to occupy, and not in the nature of a lease or tenancy.

DATED the ........ day of .........................2019.

Signed for the Council by:  

..............................................................
Administrator

..............................................................
Chief Executive Officer

Signed for the Occupier by authorised officers:  

..............................................................
Authorised Officer – sign and print name

..............................................................
Authorised Officer – sign and print name
**SCHEDULE**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
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</table>
| **Item 1** | The Occupier: Name: ROXBY DOWNS GOLF CLUB INCORPORATED  
ABN: 42 368 145 737  INCORPORATION NO: A20162  
Address: PO Box 339 ROXBY DOWNS SA 5725 |
| **Item 2** | Land: Location: Portion of allotment 1396 Deposited Plan 55074 in the Area Named Roxby Downs Out of Hundreds (Andamooka)  
Refer to Plan annexed to this Agreement.  
Contained within Certificate of Title Volume 5806 Folio 888 |
| **Item 3** | The Period: This Licence will be for a term of Five Years. |
| **Item 4** | Commencement Date: FIRST DAY of 2019 |
| **Item 5** | Fee: Peppercorn rent of A$1.00 per annum or part thereof, if demanded |
| **Item 6** | Date for Payment of the Fee: To be paid in advance on the 1st day of July each year during the Period. |
| **Item 7** | Permitted Use: The playing of golf and associated golf events including usual golf club activities. |
| **Item 8** | Public Risk Insurance: $20,000,000  
Note: The Council has the right to require the Occupier to increase the Public Risk Insurance to a greater or lesser figure as nominated by the Council during the Period. |
| **Item 9** | Period of Extension: nil |
| **Item 10** | Property Insurance: To be taken out by: ROXBY DOWNS GOLF CLUB INCORPORATED. |
| **Item 11** | Special Conditions: a) Council retains full control and absolute discretion for providing available treated waste water from the adjacent sewerage treatment plant to the Golf course through the Council infrastructure. Pump and pumping costs together with maintenance and operation of the sewerage treatment scheme will be the full responsibility of the Council. No commitments or assurances are made by the Council in relation to the quantum (volume) or quality of available treated waste water that will be available to the Golf course.  
b) Council retains full control for the maintenance, upkeep and renewal of the waste water pipeline distribution system.  
d) Council retains full control for the operation and maintenance of the reticulation and irrigation network installed throughout the Roxby Downs Golf course.  
e) In order for Council to meet its responsibilities as outlined in this Licence agreement, Council retains the right for unrestricted access to the Land.  
f) Council will provide the Roxby Downs Golf Club with a forecast of available water quota. The Roxby Downs Golf Club may supply the Council with an irrigation preference plan periodically. Council will strive to achieve the irrigation preference plan according to |

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Roxby Downs Golf Club Incorporated Licence Agreement

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available treated waste water supply and network function. In the event that the Roxby Downs Golf Club does not provide the Council with an irrigation preference plan in advance, Council will make its own determination.

g) The Roxby Downs Golf Club is entirely and solely responsible for complete golf course and grounds maintenance and any upgrade to its desired standard.

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| Item | Clauses deleted from the template:     | Nil. |
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Municipal Council of Roxby Downs Christmas Closure

1. Purpose

To consider the Council Office (6 Richardson Place, Roxby Downs) closure for the Christmas/New Year period.

2. Recommendation

That Council Office at 6 Richardson Place, Roxby Downs close from 12 noon Tuesday 24 December 2019 and re-open 9:00am Monday 6 January 2020.

3. Discussion

Roxby Council has traditionally closed the office at 6 Richardson Place, Roxby Downs over the Christmas and New Year period. Because of the timing of public holidays an extended period is proposed for 2019/2020.

The office closure over this period will be supported by appropriate leave arrangements. Council’s emergency contacts will continue to be available during this period.

The operating hours for Roxbylink including the Café, Gym, VIC and the Outdoor Pool will be advised at the October Council Meeting.

4. Policy Implications

5.1 Financial/Budget

Nil

5.2 Resources

Nil

5.3 Legal and Risk Management

Nil

5. Report Consultation

Senior Management Team

6. Report Authorisers

Roy Blight
Chief Executive
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report NAIDOC 2019 Main Street Festival

1. Purpose

To consider the closure of Richardson Place between Burgoyne Street and Arcoona Street, Sunday 7 July, 2019 for the NAIDOC Main Street Festival. Full closure of road from the hours of 9.00am to 5.00pm.

2. Recommendation

That:--

1. Pursuant to the provision of the Roxby Downs (Indenture Ratification) Act 1982, and in accordance with Section 33 of the Road Traffic Act 1961 and Clause F of the instrument of General Approval of the Minister 12 March 2001, make the following orders.

   Pursuant to Section 33 (1) of the Road Traffic Act 1961 declare that the event described below is to take place on the road described below, and is an event to which Section 33 of the Road Traffic Act 1961 applies; and

   Pursuant to Section 33 (1) (a) of the Road Traffic Act 1961, make an order directing that the road on which the event is to be held and any adjacent or adjoining roads specified below can be closed to all traffic except police and emergency vehicles and vehicles involved in the event for the period commencing 9.00am to 5.00pm Sunday 7 July, 2019.

   ROAD:  Richardson Place
   EVENT:  NAIDOC 2019 Main Street Festival
   ADJACENT / ADJOINING ROADS:  Burgoyne Street, Arcoona Street, Norman Place, Roxby Club Car Park Entrance into Richardson Place, and Tavern Road, Roxby Downs.

   Pursuant to Section 33 (1) (b) of the Road Traffic Act 1961 make an order directing that persons taking part in the event be exempted in relation to the road from duty, to observe the Australian Road Rules specified below subject to any conditions described below and attached to the exemption.

   Rule: 230 Crossing the road
   Rule: 234 Crossing the road on or near a crossing for pedestrians
   Rule: 238 Pedestrians travelling along the road

3. Background

In previous years Roxby Council has covered the full road closure for this event, also the Council application fees have been waived. The Notice of Road Closure will be advertised in The Roxby Downs Chronicle, these are considered as donations to the Roxby Downs Community.

Road Closure application has been received by Council, permission has been sought from SAPOL requesting exemptions to Australian Road Rules and Conditions, the Traffic Management Plan for the event has been submitted. Local Emergency Services will be emailed a copy of the Road Closure Notice and Traffic Management Plan fourteen days prior to the event.
4. **Policy Implications**

5.1 **Financial/Budget**

Not Material.

5.2 **Resources**

Nil

5.3 **Legal and Risk Management**

Providing a safe environment for a public event in Richardson Place.

5. **Report Consultation**

Sasha Yantewo (Community Team Co-ordinator)
NAIDOC Planning Committee
Senior Sergeant Chris Holland (SAPOL)

6. **Report Authorisers**

Roy Blight
Chief Executive
MUNICIPAL COUNCIL OF ROXBY DOWNS

REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Policy Review – Municipal Rating Policy

1. Purpose

To review and adopt the Municipal Rating Policy.

2. Recommendation

That Council adopts the reviewed policy as recommended by the Audit Committee at its meeting on 17 May 2019 and publishes on Council’s website.

3. Background

The Municipal Rating Policy was reviewed as part of Council’s commitment to ensuring that its policies are kept relevant and appropriate.

This particular policy is an important one as it provides the charging of rates which is a significant source of Council’s income.

4. Discussion

The change made reflects a slight change in the ‘rates capping’ intention of Council and is consistent with what was outlined in the Draft Annual Business Plan and Budget 2019/2020. Specifically,

Under 15 Rates Capping Rebate:

A rebate of differential general rates for the 2018/2019 year may be granted… the amount of differential general rates imposed for the previous financial year in respect of that assessment plus 5%.

Was changed to:

A rebate of differential general rates for the 2019/2020 year may be granted… the amount of differential general rates imposed for the previous financial year in respect of that assessment plus 10%.

A further change was made following recommendation by the Audit Committee. A new eligibility criteria was added for those ratepayers who may wish to apply for the Rates Capping Rebate. The new criteria requires that the property must be both the owner and occupier of the residential property for which the application is made.

5. Policy Implications

5.1 Financial/Budget

An effective Municipal Rating Policy underpins the budget and helps to mitigate financial risk.

5.2 Resources

Nil
5.3 Legal and Risk Management

An effective Municipal Rating Policy mitigates risk of unnecessary financial losses and represents good governance practices.

6. Report Consultation

Senior Management Team

7. Attachments

Municipal Rating Policy

8. Report Authorisers

Drew Ellis
Group Manager Corporate Services
### POLICY – MUNICIPAL RATING

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**Applicable Legislation:**

**Related Policies (alphabetical list):**

**Related Procedures:**

**Reference Documents:**

Reference to Strategic Plan: L1.5
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1 INTRODUCTION

This document presents the policy of the Roxby Council for setting and collecting rates from the community in accordance with the provisions of the Local Government Act 1999. Additional information is also presented as a means for the community to form an appreciation of the methods of rating and the impact on various groups and individuals in the district.

Prior to 2006 Council was required to review its policy every year. However, this policy is a generic one applicable from year to year subject as always to variations at the time of adopting the Council budget and declaring rates.

Note that this policy does not cover fees and charges set for the provision of electricity water and sewerage services. These are separately set under the Roxby Downs (Indenture Ratification) Act 1982.

2 GENERAL

Councils must raise revenue for governance and administration, which deliver goods and services to the community. Council’s major source of municipal revenue is Rates, derived as a tax on land within the Council area. All ratepayers receive benefits from paying rates, but those benefits are consumed in different quantities and types over the lives of the ratepayer. Roxby Downs Council’s rating policy is underpinned by:

- Accountability and professional ethics,
- Community consultation,
- Transparency and simplicity,
- Efficiency,
- Equitable distribution of the rate burden,
- Consistency with the strategic directions of Council,
- Compliance with relevant legislation.

3 STRATEGIC FOCUS

In setting its rates the Council will consider a range of matters including the following:

General

a) The Community Strategic Plan which was developed following community consultation with local businesses, community groups and interested citizens.

b) The Roxby Downs Council Long Term Financial Plan as periodically updated.

c) The current economic climate and relevant factors such as inflation and interest rates.

d) The impact of general rate increases upon the community.


f) The recurrent expenditure and income expected in any given financial year.

g) The resources required for the delivery of Council services which are documented in the Annual Business Plan and Budget which provides direct links to the Corporate Plan and outlines financial and non-financial performance levels in the form of stated projects for delivery over the next 12 months.
h) Impacts of increasing operating costs associated with maintaining the town's facilities in a remote location. As part of Council’s current Service Level Benchmarking Review process an average cost factor increase of around 30% above Adelaide Rates is considered to apply across the spectrum of Council’s activities, especially in relation to contract labour and landfills where not only are Environmental Protection Agency requirements increasing, as evidenced by increases to the Environmental Protection Agency waste levy but necessary significant capital upgrades.

i) Compliance by all parties under the provisions of the Roxby Downs (Indenture Ratification) Act 1982, as well as the provisions of the Local Government Act 1999.

j) Meeting realistic community expectations consistent with Council’s raison d’être.

k) Addressing a range of strategic development and financial issues associated with BHP.

Other
Prior to determining the level of rates required each year, Council considers:

a) The infrastructure needs, service delivery needs and related expenditure priorities in relation to the Corporate Plan and community needs.

b) Equity issues and the relationship between the various land uses and the previous rating structure.

c) Extremities in valuation and how their effect can be minimised in setting rating levels.

d) Increased use of “user pays” cost recovery systems.

There will continue to be economic pressures applying to the Council in a number of ways, which will have an impact on the Council’s budget and therefore put pressure on rates, for example:

a) The increase of the waste levy paid by Councils to the State Government.

b) The need to respond to requirements of the Environmental Protection Agency regarding the closure of landfill sites.

c) The cessation of some community grants previously received from other tiers of government.

d) The need to fund long-term maintenance on road, drainage and other infrastructure.

4 RATING PRINCIPLES

Taxation Principles
Local Government Rating is a complex issue which is often not well understood. There are a number of taxation principles involved and a significant degree of subjectivity. These include the equity or fairness principle, which implies that the tax will be fair to the taxpayer and that each taxpayer will be taxed relative to other taxpayers; the benefit principle, in that the person who pays benefits; the taxpayer’s ability to pay; the efficiency of the tax; and the system’s simplicity.

Method Used to Value Land
Council may adopt one of three valuation methods to value the properties in its area. They are:

- **Capital Value** - the value of the land and all of the improvements on the land;
- **Site Value** – the value of the land and any improvements which permanently affect the amenity of use of the land, such as drainage works, but excluding the value of buildings and other improvements; and
Council has decided to continue to use Capital Value as the basis for valuing land within the council area. The Council considers that this method of valuing land provides the fairest method of distributing the rate burden across all ratepayers on the following basis:

- The equity principle of taxation requires that ratepayers of similar wealth pay similar taxes and ratepayers of greater wealth pay more tax than ratepayers of lesser wealth;
- Property value is a relatively good indicator of wealth, and Capital Value, (which closely approximates the market value of a property) provides the best indicator of overall property value; and;
- The distribution of property values throughout the Council area is such that few residential ratepayers will pay significantly more than the average rate per property.

5 METHOD OF RATING

Council continues to adopt a rating system where rates are levied by way of a combination of a fixed charge and differential rating for all rateable properties according to a designated use of land as defined in Section 10 of the Local Government (General) Regulations. For occupied residential properties a fixed service rate for the collection, treatment and disposal of domestic household refuse and recyclables collected is also levied.

Minimum Rate

A Council may impose a minimum amount payable by way of rates over all or a part of its area, provided it has not imposed a fixed charge. Since a comprehensive review of rating in 2000 Council has applied a fixed charge.

Fixed Charge

A fixed charge is a set amount levied against all properties irrespective of their value. This reflects the shared benefit that all ratepayers receive generally from council services.

Council applies a fixed charge to its rates and believes that inclusion of a fixed charge ensures that all ratepayers make a contribution towards funding Council services and that this is undertaken in an equitable manner in that all ratepayers pay the same component of their rates.

Service Charge

Council provides a residential garbage collection service to all residential premises in Roxby Downs. This method is ideal when the benefit of a service is identical for all that are served. Council recovers the cost of the service through the imposition of a standard for all residential properties. Progressively Council may extend its service charge over time to recover costs associated with other services such as recycling and organics collection.

Differential Rating

The Local Government Act 1999, allows Councils to differentiate rates based on the use of the land, the locality of the land or on the use and locality of the land. Current categories of land use defined by the Local Government (General) Regulations 1999 are:

1. Residential
2. Commercial-Shops
3. Commercial-Office
4. Commercial-Other
5. Industrial-Light
6. Industrial-Other
7. Primary Production
8. Vacant Land
9. Other

Council maintains differentiates rates in all of these categories, although some may be the same, and reviews the levels and equity on an annual basis. Generally, rates in the $ are higher for commercial and industrial land uses than for residential land uses.

There are a number of subjective reasons why commercial and industrial rates are higher than for residential land use. The fact that these land uses involve operating a business and therefore, used to generate income partly explains the differential. Also of significance is that the road network in an area is by and for the greatest and on a long term basis the most costly asset a Council has to maintain and is the one most affected by traffic loads caused by and large by commercial vehicles and by customers and staff of the commercial and industrial businesses.

6 ADOPTION OF VALUATIONS

Council will adopt the most recent valuations available from the Valuer-General. If a ratepayer is dissatisfied with the valuation made by the Valuer-General they may object to the Valuer-General in writing, within 60 days of receiving the first notice of the valuation, explaining the basis for the objection - provided they have not:

a) Previously received a notice of this valuation under the Local Government Act, in which case the objection period is 60 days from the receipt of the first notice; or
b) Previously had an objection to the valuation considered by the Valuer-General.

The address of the Office of the Valuer-General is:
Office of the Valuer-General
GPO Box 1354
ADELAIDE SA 5001
Email: objections@saugov.sa.gov.au
Phone: 1300 653 345

The Council has no role in the valuation review process.

It is important to note that the lodgement of an objection does not change the due date for payment of rates.

7 NOTIONAL VALUES

Certain properties may be eligible for a notional value under the Valuation of Land Act 1971 where the property is the principal place of residence of a ratepayer. This can relate to certain primary production land or where there is State heritage recognition. A notional value is generally less than the capital value and this will result in reduced rates, unless the minimum rate already applies. Application by the ratepayer for a notional value must be made to the Office of the Valuer-General.

8 BUSINESS IMPACT STATEMENT

Council will consider the impact of rates on all businesses in the Council area, including primary production. In considering the impact, Council will assess the following matters:

- Those elements of Council’s Strategic Management Plan relating to business development.
- The current and forecast economic climate identified in Access Economics’ Business Outlook Publication.
Council’s recent development approval trends.

- The operating and capital projects and new programs for the coming year that will principally benefit industry and business development.

- Valuation changes.

9 COUNCIL’S REVENUE RAISING POWERS

All land within a council area, except for land specifically exempt (e.g. crown land, council occupied land and other land prescribed in the Local Government Act 1999) is rateable. The Local Government Act 1999 provides for a Council to raise revenue for the broad purposes of the Council through a general rate, which applies to all rateable properties, or through differential general rates, which apply to categories of land use and/or locality. In addition, Council can raise separate rates, for specific areas of the Council or service rates or charges for specific services.

Council also raises revenue through fees and charges, which are set giving consideration to the cost of the service provided and equity issues. The list of applicable fees and charges is available at the contact locations listed in this document.

10 NATURAL RESOURCE MANAGEMENT LEVY

The Natural Resource Management (NRM) Levy, set by the NRM Boards, is a State Government tax imposed under the Natural Resources Management Act 2004. As such, Council is obliged to collect the levy on behalf of the State Government for no Nett gain to Council. The levy is based on the Capital Value of land and is shown as a separate charge on the rates notice.

Any enquiries regarding the levy should be directed to the Natural Resources Management Board on 1300 764 489.

11 PAYMENT OF RATES

Rates can be made by a single payment prior to the 1st Quarter due date or by quarterly instalments, which are set by Council resolution generally in the months of October, December, March and June. The total outstanding balance of rates may be paid in full at any time. Council will send out instalment notices to ratepayers advising them of their next instalment due date at least 30 days prior to the due date.

Rates may be paid:

- By using the BPAY service through participating banks;
- By mail by posting a cheque to PO Box 124, Roxby Downs 5725; or
- In person, at the Council office, 6 Richardson Place, Roxby Downs 5725 South Australia, during business hours of 9am to 5pm Monday to Friday.
- EFTPOS facilities are available for over the counter payments
- By Credit Card in person or by Phone 08 8671 0010

Penalties do apply to outstanding rates therefore any ratepayer who may, or is likely to, experience difficulty with meeting the standard payment requirements, or is planning an extended absence at the time rates are due is invited to contact our Rates Officer on 08 8671 0010 to discuss alternative payment arrangements. The Council treats such inquiries confidentially.
12 LATE PAYMENT OF RATES

The Local Government Act requires that Councils impose a penalty of 2% on any payment for rates, whether instalment or otherwise, that is received late. The purpose of this penalty is to act as a genuine deterrent to ratepayers who might otherwise fail to pay their rates on time, to allow Councils to recover the administrative cost of following up unpaid rates and to cover any interest cost the Council may incur because it has not received the rates on time. Rates remaining unpaid will be charged interest each month, set each year in accordance with Section 181(8)(c) of the Act. Council may at its discretion remit penalties for late payment of rates where ratepayers can demonstrate hardship.

Council issues an overdue notice for payment of rates when rates are overdue i.e. unpaid by the due date. Should rates remain unpaid more than 21 days after the issue of the overdue notice then the Council may refer the debt to a debt collection agency for collection. The debt collection agency charges collection fees that are recoverable from the ratepayer.

When the Council receives a payment in respect of overdue rates the Council applies the money received as follows:

- First – to satisfy any costs awarded in connection with court proceedings;
- Second – to satisfy any interest costs
- Third – in payment of any fines imposed
- Fourth – in payment of rates, in chronological order (starting with the oldest amount owing)

13 POSTPONEMENT OF RATES

General

Under Section 182 of the Local Government Act 1999; a postponement of rates may be granted if Council is satisfied that the payment of these rates would cause hardship. Council may, on application and subject to the ratepayer substantiating hardship, consider granting a postponement of payment of rates for a maximum period of one year in respect to an assessment on the condition that the ratepayer agree to pay interest on the amount affected by the postponement at the cash advance debenture rate and if the ratepayer satisfies the following criteria:

a) The property is the principal residence of the ratepayer and is the only property owned by the ratepayer, and
b) The property has been owned by the ratepayer and has been their principal residence for a minimum of 1 year, and
c) The rateable value of the property exceeds $150,000, and
d) The ratepayer is able to produce one of the following identification cards:
   - Pensioner Concession Card – Centrelink
   - Pensioner Concession card – Veteran Affairs
   - T.P.I. Card – Veteran Affairs
   or can demonstrate to Council they are a self funded retiree, earning less than $25,000 per year, or any other financial hardship reason as approved by Council.

e) The amount postponed will not exceed:
   - 40% of the rates payable for the assessment (prior to deducting pensioner concessions) and shall accrue interest at the cash advance debenture rate published by the LGFA for 1st July each year.
   - 50% of the land value of the principal place of residence, which will be conditional:
f) The owner must advise the current or future mortgagee of such debt
g) Any change in financial circumstance must be immediately advised
h) A new application must be completed for each new year postponed

The amount of the postponement may be extended only on special Council approval. All applications for rebates, remissions or postponements must be in writing, addressed to:

The Administrator, Roxby Council, PO Box 124 Richardson Place Roxby Downs SA 5725.

**Long-Term Rates Postponement for State Seniors**

State Seniors Card holders, upon application, have the right to postpone (on a long-term basis), council rates otherwise payable. The postponement scheme is restricted to rates on the ratepayer's principal place of residence and, at the discretion of the Council, could cover part or all of annual rates payable.

The long-term postponement scheme for State Seniors Card holders is non-concessional (i.e. compound interest would be payable on the accumulating postponed balance). Those ratepayers choosing to participate in the scheme are still able to avail themselves of existing rebates and remissions.

State Government concessions provided on Council rates for pensioners and self-funded retirees. Council’s financial position will need to be protected by ensuring that the postponed amount is a senior ranking charge against the property. In this way, Council has the power to claim the postponed amount at the time of a voluntary transfer of the property or from an estate.

**14 REBATE OF RATES**

The Local Government Act 1999 requires Councils to make mandatory rebates on rates payable on some land. Specific provisions are made for the land used for health services, community services, religious purposes, public cemeteries and educational institutions. The Council under Section 166 of the Act may apply discretionary rebates. Council also rebates rates to community organisations that encourage, enhance and foster the wellbeing of our community, especially the youth and aged.

**15 RATES CAPPING REBATE**

The Council offers a capping rebate on differential general rates granted to the Principal Ratepayer on assessments under Section 166 (1) (L) of the Local Government Act 1999.

A rebate of differential general rates for the 2019/2020 financial year may be granted to the Principal Ratepayer of any assessment under Section 166 (1)(L) of the Local Government Act 1999, on application to the Council, conditions apply.

The amount of rebate will be the positive difference (if any) between: (a) the amount of differential general rates imposed for the current financial year in respect of that assessment; and (b) the amount of differential general rates imposed for the previous financial year in respect of that assessment plus 10%.

For the capping rebate to be granted the following criteria must apply:

- The land use of the property is Residential
- The applicant must be both the owner and occupier of the residential property for which the application is made
- There has been no improvements on the land over $20,000 since the start of the previous financial year
- The zoning of the land has not changed since the start of the previous financial year
- The Land Use has not changed since the start of the previous financial year
- The capping rebate amount exceeds $10, and
• Council receives the “Rate Capping Rebate Application Form” (attached) from the Principal Ratepayer prior to the due date of the first instalment.

Enquiries can be made through our Rates office on 8671 0010.

16 SALE OF LAND FOR NON-PAYMENT OF RATES

The Local Government Act 1999 provides that a Council may sell any property where the rates have been in arrears for three years or more. The Council is required to notify the owner of its intention to sell the land if payment of the outstanding amount is not received within one month, and must provide the owner with details of the outstanding amounts.

Except in extraordinary circumstances, the Council enforces the sale of land for arrears of rates.

17 DISCLAIMER

A rate cannot be challenged solely on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions. Where a ratepayer believes that the Council has failed to properly apply this policy it should raise the matter with the Council. In the first instance contact the Rates Officer on 8671 0010 to discuss the matter. If, after this initial contact, a ratepayer is still dissatisfied they should write to The Administrator, Roxby Downs Council, PO Box 124, Roxby Downs, SA 5725.

18 CONTACT DETAILS FOR FURTHER INFORMATION

Rates Officer
Ph: 8671 0010
Email: roxby@roxbycouncil.com.au

A copy of the Council’s policy is available from Rates Officer on 8671 0010 or by writing to Roxby Downs Council, PO Box 124, Roxby Downs SA 5725.

19 REVIEW & EVALUATION

This Policy will be reviewed and evaluated every year.
Rate Capping Rebate Application Form

Discretionary Rebate of Rates – Section 166 (1) (L) Local Government Act 1999

A rebate of differential general rates for the 2019/20 financial year may be granted to the Principal Ratepayer of an assessment under Section 166 (1) (L) of the Local Government Act 1999, on application to the Council, conditions apply. The amount of the rebate will be the positive difference (if any) between: (a) the amount of differential general rates imposed for the 2019/20 financial year in respect of that assessment; and (b) the amount of differential general rates imposed for the 2018/19 financial year in respect of that assessment plus 10%.

The following criteria apply:

- The land use of the property is Residential
- The applicant must be both the owner and occupier of the residential property for which the application is made
- There has been no improvements on the land over $20,000 since 01/07/2018
- The zoning of the land has not changed since 01/07/2018
- The Land Use has not changed since 01/07/2018
- The capping rebate amount exceeds $10.00, and
- Council receives this completed form from the Principal Ratepayer prior to the due date of the first installment.

___________________________________________________________________________________________

Note: Applications must be received by Council by 16 September 2019

I wish to apply for a Rate Capping rebate for the 2019/20 financial year and declare that I meet all the relevant criteria as per the Municipal Rating Policy.

Assessment no: __________________________________________

Name: ________________________________________________________________________________

Property address: __________________________________________________________________________

Postal Address if different from property address: _________________________________________________

Contact telephone no: __________________________________________________________

Signature of Ratepayer: __________________________

It is important to note that the lodgment of an application for a capping rebate does not change the due date for the payment of rates. Penalties apply to unpaid rates.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 May 2019
Title of Report: Policy Review – Bad Debts Policy

1. Purpose

To review and adopt the Bad Debts Policy.

2. Recommendation

That Council adopts the reviewed policy as recommended by the Audit Committee at its meeting on 17 May 2019 and publishes on Council’s website.

3. Background

The Bad Debts Policy was reviewed as part of Council’s commitment to ensuring that its policies are kept relevant and appropriate.

This particular policy is an important one as it provides the framework for the management of bad debts and the rules that apply to the writing off of any specific debt.

4. Discussion

The following proposed changes have now been reviewed by the Audit Committee and have been recommended for adoption by Council.

The first change.

The principal change made relates to who is authorised to writeoff a debt. The change made reflects the new structure and seeks to improve efficiencies by allowing the Chief Executive to authorise most potential writeoffs, rather than requiring that the Administrator to do it.

The specific changes made were:

Under 3. Legislative Requirement:

‘The Administrator is the only delegated Officer who can write off bad debts and prior to writing off debts he/she must ensure:
   a) That reasonable attempts have been made to recover the debt, or
   b) That the costs of recovery are likely to equal or exceed the amount to be recovered

was changed to:

The Chief Executive is the only delegated officer who can write off bad debts and prior to writing off debts he/she must ensure:
   a) That reasonable attempts have been made to recover the debt, or
   b) That the costs of recovery are likely to equal or exceed the amount to be recovered

Under 5. Considerations in Writing Off Debts

‘… the Administrator will take the following factors into account…’ was changed to ‘… the Chief Executive will take the following factors into account…’
The second change.

One other change was made, and it reflects the change in job title of the Officer responsible for maintain the Register of Debts Written Off.

Under 4. Debt Write Off Actions:

‘The Financial Accountant to maintain a Register of Debts Written Off’

was changed to:

‘The Group Manager Corporate Services is to maintain a Register of Debts Written Off’

The above changes will ensure compliance with the requirements under s143 of the Local Government Act 1999 as well as provide consistency in terms of Council’s new structure and job titles.

The third change

An additional restriction was added to require additional overview around higher value debts. This was done by limiting the value of any individual debt that the Chief Executive is able to authorise for write-off. Any individual debt above $3,000 excluding GST will need to be authorised by Council. (In the version reviewed by the Audit Committee, the term ‘the Administrator’ was used rather than ‘Council’. Audit Committee recommended that ‘the Administrator’ be changed to ‘Council’ and this change has now been incorporated into the tabled version)

Under 5. Considerations In Writing Off Debts:

The following was added:

‘Although the Chief Executive has the authority to write off cumulative debts up to the value constrained by the approved budget, the Chief Executive’s authority will be limited to any individual debt in excess of $3,000 exclusive of GST. Any individual debt above this limit will need to be authorized by Council.’

5. Policy Implications

5.1 Financial/Budget

Bad debts reflect in the financial statements as expenses and thus affect the overall budget position.

5.2 Resources

Nil

5.3 Legal and Risk Management

An effective policy relating to bad debts mitigates risk of unnecessary financial losses and represents good government practices.

6. Report Consultation

Roy Blight - Chief Executive

7. Attachments

Bad Debts Policy
8. **Report Authorisers**

Drew Ellis  
Group Manager Corporate Services
# POLICY – BAD DEBT

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**Applicable Legislation:**

**Related Policies (alphabetical list):**

- Electricity, Water & Rates Payments Policy
- Rate Debt Recovery Policy

**Related Procedures:**

**Reference Documents:**
1. INTRODUCTION

Under Section 143 of the Local Government Act 1999 the Council may write off any bad debts owed to the Council. This policy outlines the relevant steps that must be taken to comply with the Act.

2. OBJECTIVES

The purpose of this policy is to ensure that:

- The Council maximises the return of debts owed to the Council;
- the Council preserves and manages public funds in a competent and prudent manner; and
- the Council activities in the writing off of bad debts are in accordance with its legislative and common law responsibilities.

3. LEGISLATIVE REQUIREMENTS

The Council is committed to ensuring a fair, transparent and accountable process, in the management of public funds. Under Section 143 (1) of the Local Government Act 1999 Council may write off any debts owed to Council:

(a) if the council has no reasonable prospect of recovering the debts; or
(b) if the costs of recovery are likely to equal or exceed the amount to be recovered.

The Chief Executive is the only delegated Officer who can write off bad debts and prior to writing off debts he/she must ensure:

(a) that reasonable attempts have been made to recover the debt; or
(b) that the costs of recovery are likely to equal or exceed the amount to be recovered.

4. DEBT WRITE OFF ACTIONS

The types of actions that the Council will undertake to meet the objectives set out at clause 2 above include the following:

- Monitoring of levels of debts that are regularly incurred by ratepayers and water and electricity customers to ensure that at any one time the level does not increase from that incurred in the past.
- Investigate the legal and administrative costs associated with bringing legal actions, and balance these anticipated costs against the quantum of the outstanding debt.
- Ensure that legislative requirements for the delivery of notices for accounts, reminders and service withdrawal options are complied with.
- Develop and apply a procedure for the investigation of alleged hardship that is flexible but at arm’s length of Council (Children, Youth and Family Services or Financial).
- Prepare a written report of the above actions for the relevant officer to make a decision.
- The Group Manager Corporate Services to maintain a ‘Register of Debts Written Off’.
- The Chief Executive will provide Council with a report of debts written off on a six monthly basis.
5. CONSIDERATIONS IN WRITING OFF DEBTS

When considering whether to write off a particular debt, the Chief Executive will take the following factors into account:

- the size of the debt;
- the age of the debt;
- the debtor’s financial position and whereabouts (i.e. whether the debtor’s current address is known);
- Debt collection processes which have been undertaken;
- the likely cost of any further recovery action;
- whether writing off the debt is otherwise in the Council’s interest; and
- any other relevant consideration.

Although the Chief Executive has the authority to write off cumulative debts up to the value constrained by the approved budget, the Chief Executive’s authority will be limited to any individual debt in excess of $3,000 exclusive of GST. Any individual debt above this limit will need to be authorised by Council.

6. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed and evaluated no less than every three years.

The Audit Committee will receive an annual report advising which debts have been written off for the past 12 months.
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date: 29 May 2019
Title of Report: Review of Social Media Policy and Procedure

1. Purpose

To review and adopt the updated Social Media Policy and Procedure.

2. Recommendation

That

1. Council adopt the Social Media Policy and Procedure as presented.
2. The Policy be removed from Council’s website on the grounds it is an internal document only.

3. Background

Roxby Council recognises the opportunities that social media provides to engage in meaningful, two-way communication with the broader community. This can complement and enhance existing communication, customer service and consultation, and further improve access to, and delivery of, key services. Social media, as a form of communication, also poses some risks which need to be minimised and managed to ensure that Council is represented in a professional, and consistent manner.

The Social Media Policy and Procedure provides clear guidance on the appropriate use of social media platforms and tools in order to enable and encourage its use by Council staff for the purpose of conducting Council business.

4. Discussion

The policy aims to:

- Promote effective and productive community engagement through social media
- Provide guidance about the appropriate use of social media tools
- Reduce the likelihood of miscommunication or inappropriate communications
- Help Council manage new challenges associated with social media such as speed and immediacy, record keeping, privacy and security
- Provide clarity about roles and responsibilities in relation to use, approval and monitoring

Due to the rapidly changing social media landscape it is recommended that the Social Media Policy and Procedure be reviewed every 2 years.

5. Policy Implications

5.1 Financial/Budget
Nil

5.2 Resources
Nil
5.3 Legal and Risk Management

Council has a responsibility to manage social media risk and compliance to mitigate any negative consequences in terms of brand, strategy, regulatory and legal risks.

6. Report Consultation

Senior Management Team
Sasha Yantewo - Community Team Coordinator
Amanda Turner - Research and Media
Kerin Edmonds - Office Manager
Kerrie Thomas - Executive Support

7. Report Authoriser

Juliette Demaine
Communications and Engagement Officer
Roxby Council staff are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

Related Policies (alphabetical list):

- Code of Conduct for Council Employees
### Related Procedures:
- Dispute Resolution Procedure
- Privacy Policy-Procedure
- Service Requests

### Reference Documents:
- Roxby Council Communications Strategy
POLICY

1. PURPOSE

Social media allows individuals, common interest groups and online communities to connect, share and consume information, thoughts and ideas. Social media messaging also allows for instant direct communication between stakeholders and Council.

Roxby Council recognises the opportunities that social media provides to engage in meaningful, two-way communication with the broader community. This can complement and enhance existing communication, customer service and consultation methods, and further improve access to, and delivery of, key services. Social media, as a form of communication, also poses some risks which need to be minimised and managed to ensure that Council is represented in a professional, and consistent manner.

Council also recognises the value of social media to the organisation provided through networking, recruitment, professional development, employee engagement, collaboration and innovation.

The intent of this policy is to provide clear guidance on the appropriate use of social media platforms and tools in order to enable and encourage its use by Council staff for the purpose of conducting Council business. For the purpose of this policy, the use of ‘Council’ includes all business units operating under the Council banner including Roxby Power, Roxby Water, and Roxbylink. The policy aims to:

- Promote effective and productive community engagement through social media
- Provide guidance about the appropriate use of social media tools
- Reduce the likelihood of miscommunication or inappropriate communications
- Help Council manage new challenges associated with social media such as speed and immediacy, record keeping, privacy and security
- Provide clarity about roles and responsibilities in relation to use, approval and monitoring

2. SCOPE

This policy applies to all employees, contractors, agents and volunteers of Roxby Council who purport to use social media on behalf of Roxby Council. This policy will also apply to agencies and individuals who provide services to Roxby Council and will be included in all relevant external supplier contracts.

Where employees, contractors, agents or volunteers refer to the Roxby Downs Council or respond to Roxby Downs Council social media posts, either directly or by inference, this policy will come into effect.

The policy applies to all current and future social media tools and channels. That is, digital spaces where people comment, view, contribute, create, forward, post, upload and share content, such as:

- Blogs, forums, discussion and bulletin boards, instant messaging facilities and journalism and news sites which facilitate public comment (e.g.: Whatsapp, WeChat)
- Microblogging sites (e.g. Twitter, Tumblr)
- Social networking sites and applications (e.g. Facebook, Snapchat, LinkedIn)
• Podcasts, video podcasts, video and photo sharing sites (e.g. Flickr, YouTube, Pinterest, Instagram, Vimeo)
• Online encyclopaedias (e.g. Wikipedia)
• Online collaboration platforms (e.g. Yammer, Wiki)
• Any other websites that allow individuals to use simple publishing tools or new technologies emerging from the digital environment.

As it is not possible to expressly refer to or list the all specific sites or kinds of social media activity, the absence of a reference does not limit the application of this policy.

This policy applies to the use of social media for:

• the purpose of conducting Council business and where representing Council; and
• personal use where reference is made (either directly or inferred) to Council staff, policies and services, suppliers or other stakeholders or Council related issues.

Personal use of social media during work hours is prohibited.

Council staff should not make comment, like or share posts which refer to Council (either directly or inferred) that are published by non-Council staff. Where the staff member believes that the community comment or post is important (could be a negative or positive comment or post) the staff member should take a screen-grab and refer the issue to the Communications and Engagement Officer.

Council staff are permitted to share and like Council initiated posts.

3. LEGISLATIVE AND POLICY FRAMEWORK

Staff of Roxby Council are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies. A list of relevant legislation which may be used as a guide is included on the cover page.

4. POLICY STATEMENT

Roxby Council requires a professional approach to the use of social media to ensure a consistent, factual and business like image is portrayed.

Social media is recognised as an important channel, used in conjunction with traditional methods, to communicate, listen to, engage and collaborate with the community and enhance the delivery of services.

At all times, use of social media by Council staff should be undertaken in a professional manner, in accordance with relevant policies and legislation, and consistent with the values of Roxby Council.

5. MANAGEMENT

5.1 Approval

The establishment of new social media sites must be endorsed by the Communications and Engagement Officer and approved by Roxby Council’s Administrator/Chief Executive.
of new social media sites should consider the identified business objective, audience, proposed use in line with this policy, resourcing requirements and ensure alignment with Council’s overall Communications and Engagement strategy and branding and style guidelines. It is important to understand that more channels/sites are not necessarily a better way to communicate; be wary of diluting or over-duplicating the message.

Approval as a user of a Council social media site as Editor, Publisher or Account Manager must be endorsed by the Communications and Engagement Officer and approved by Roxby Council’s Administrator/Chief Executive.

5.2 Security

To protect from unauthorised use of Council’s social media channels, login information should be kept secure and changed at regular intervals:

- Choose passwords that combine upper and lower case letters and numbers
- Store login information in a secure location
- Change passwords every six months
- When an employee with access to a Council social media channel leaves the organisation that person’s access will need to be discontinued.

5.3 Monitoring

Council’s social media channels should be regularly monitored and maintained to ensure appropriate use. Where necessary keep formal records of social media activity in line with Council’s Records Management Policy.

The site/page administrator is responsible for monitoring and early identification and reporting of problems or risks associated with the site/page they are managing.

Council and non-Council social media channels should be monitored for information, research and insight into issues circulating in the community and/or matters that impact on the municipality, its operations or reputation.

Where a Council employee or representative of Council identifies an issue with content or online behaviour this should be referred to the Communications and Engagement Officer.

5.4 Evaluation and continuous improvement

Use of Council’s social media channels should be reviewed at regular intervals to ensure that it is achieving business objectives and to seek opportunities for further improvement. This includes review of qualitative (feedback, comments) and quantitative data (likes, reach, audience make-up, number of comments, click throughs to Council websites etc.).
## 6. ROLES AND RESPONSIBILITIES

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
</table>
| **Staff**                   | • Seek endorsement from the Communications and Engagement Officer on using social media and developing a communications plan to support business strategy  
                             • Seek approval for Council branding of social media  
                             • Seek training and development for using social media  
                             • Where a staff member is a site/page Admin they are responsible for monitoring and early identification of problems or risks associated with the site/page they are managing  
                             • Understand and comply with the provisions in this policy  
                             • Records of email addresses, comments, photos and printed copies or electronic 'screen grabs' when reporting concerns regarding staff use or community comment (to the extent practicable) should be kept in Magiq (see procedure for detail)  
                             • Seek advice from the Communications and Engagement Officer if unsure about applying the provisions of this policy  
                             • Ensure contractors are provided with a copy of this policy  
                             • Familiarise yourself with the End User Licence Agreements of any external social media tools being used                                                                                                                                                                      |
| **Senior Management Team (SMT)** | • Approve business strategy incorporating use of social media  
                             • Ensure staff consult and obtain authorisation from the Communications and Engagement Officer on their planned use of social media  
                             • Ensure contractors are provided with a copy of the social media policy  
                             • Ensure the demands of moderating and responding to user comments can be adequately resourced  
                             • Records of email addresses, comments, photos and printed copies or electronic 'screen grabs' when reporting concerns regarding staff use or community comment (to the extent practicable) should be kept in Magiq (see procedure for detail)  
                             • Offer training for staff using social media                                                                                                                                                                                                                           |
| **IT Department**           | • Facilitate secure access to support delivery of Council business via social media  
                             • Regularly back up and archive internally hosted social media sites  
                             • Records of email addresses, comments, photos and printed copies or electronic 'screen grabs' when reporting concerns regarding staff use or community comment (to the extent practicable) should be kept in Magiq (see procedure for detail)                                                                 |
| **Communications and Engagement Officer** | • Endorse use of social media tools for conducting Council business to the Senior Management Team  
                             • Provide advice and assist with the development of communication plans using social media  
                             • Records of email addresses, comments, photos and printed copies or electronic 'screen grabs' when reporting concerns regarding staff use or community comment (to the extent practicable) should be kept in Magiq (see procedure for detail)  
                             • Approve the design and branding of social media  
                             • Educate staff and contractors about this policy and their responsibilities when using social media  
                             • Advise appropriate precautions (e.g. disclaimers, image permissions, copyright)  
                             • Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience |
7. ADHERENCE TO POLICY

Council reserves the right, for legal compliance purposes, to monitor social media usage on its systems without advance notice and consistent with any applicable state, federal or international laws.

Roxby Council will actively monitor social media for relevant contributions that impact on the Council, its operations and reputation, and remove, where possible, content that violates this policy or any associated policies.

This policy will be published and promoted to Council staff, contractors and volunteers.

Any staff found breaching this policy may be subject to disciplinary action, performance management and/or review. Serious breaches may result in suspension or termination of employment or association in accordance with Council policies. Any content that breaches the policy guidelines will be recorded and kept on personnel records.

If Council staff become aware of any comments that breach these guidelines they should report them to the Communications and Engagement Officer and include a link or screenshot of the offending material.
PROCEDURE

<table>
<thead>
<tr>
<th>Responsible Department</th>
<th>Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Original Adoption Date | 13.09.16 |
| Current Adoption Date  | 29.05.19 |
| Audit Committee Review Date | DD.MM.YY |
| Date of Review         | 29.04.2021 |

### TITLE

Social Media Procedure

<table>
<thead>
<tr>
<th>Latest Review Changes</th>
<th>29.05.19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Council Reviews</td>
<td>13.09.16</td>
</tr>
<tr>
<td>Previous Audit Committee Reviews</td>
<td></td>
</tr>
</tbody>
</table>

### Applicable Legislation:

- Copyright Act 1968 (Cth)
- Criminal Law Consolidation Act 1935 (SA)
- Defamation Act 2005 (SA)
- Fair Trading Act 1997 (SA)
- Fair Work Act 1994 (SA)
- Freedom of Information Act 1991 (SA)
- Local Government Act 1999 (SA)
- Local Government (Elections) Act 1999 (SA)
- Equal Opportunity Act 1984 (SA)
- Australian Human Rights Commission Act 1986 (Cth)
- Spam Act 2003 (Cth)
- Privacy Act 1988 (Cth)
- State Records Act 1997 (SA)
- Civil Liability Act 1936 (SA)

Roxby Council staff are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies.

### Related Policies (alphabetical list):

- Code of Conduct for Council Employees

Electronic version on the Intranet is the controlled version.
Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.
Customer Service Policy
IT Electronic Communications Policy
Media Policy and Procedure
Privacy Policy - Procedure
Records Management Policy
Risk Management Policy
Social Media Policy

Related Procedures:
- Dispute Resolution Procedure
- Privacy Policy-Procedure
- Service Requests

Reference Documents:
- Roxby Council Communications Strategy
PROCEDURE

1. PURPOSE

This document should be read in conjunction with Roxby Council’s Social Media Policy and aims to provide further guidelines and procedure for both posting and responding to social media posts, comments and feedback.

2. AUTHORISED SOCIAL MEDIA PRESENCE

Roxby Council currently utilises the following social media sites as authorised by the Senior Management Team:

- Roxby Council – Facebook, YouTube
- Roxbylink – Facebook, Instagram
- Roxby Community – Facebook*
- Roxby Youth – Facebook*, Instagram*

*these sites exist for and on behalf of the Community Board, Council staff manage them.

The Roxby Council Facebook page is to be used as the overarching method of social media communication for Council business (including Roxby Power, Roxby Water).

The Roxbylink Facebook and Instagram pages are approved for posting of content relevant to the Roxbylink audience.

Where appropriate all Council pages should ‘like’ each other and posts be shared and re-posted across the groups so as to maximise exposure.

To ensure Council information is publicly available, and to ensure that Council pages are seen as the ‘key source’ of Council information, posts should always originate on a Council Facebook page and not on a secondary community page such as Idle Chit Chat or Roxby Rave and Rant.

Council Facebook pages are all to be established as public pages and membership is not to be restricted.

Creation of new social media sites should be kept to a minimum, and must be endorsed by the Communications & Community Engagement Officer, and approved by the Senior Management Team.
3. AUTHORIZED SOCIAL MEDIA POSTERS AND RESPONDERS

A limited group of Roxby Council staff from each business area are authorised to post and respond on Council’s social media channels for the purpose of conducting Council business.

<table>
<thead>
<tr>
<th>Business Area</th>
<th>Role Title</th>
<th>Authorisation Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Management Team</td>
<td>All members</td>
<td>Approve creation of any new social media sites, with endorsement of Communications &amp; Engagement Officer</td>
</tr>
<tr>
<td>Communications</td>
<td>Communications and Engagement Officer with assistance from the Research and Media Officer</td>
<td>Access to all Council social media sites, May post/comment on all Council social media sites, Monitors all Council social media sites, Acts as ‘first port of call’ for authorised Council and Roxbylink social media responders’ queries</td>
</tr>
<tr>
<td>Roxbylink</td>
<td>Visitor Information Officer with assistance where required from Communications and Roxbylink Operations Manager</td>
<td>Designated poster/responder to Roxbylink Facebook site and Roxbylink Instagram</td>
</tr>
</tbody>
</table>

The Communications and Engagement Officer should liaise regularly with staff to plan ahead and update the content calendar with specific scheduled items and or ad hoc content/stories, review management of current social media site/s, liaise with staff to identify and manage any issues with the page/s and identify opportunities for future improvement.

If a staff member believes that their role would benefit from access to or creation of a social media site please first speak to your Group Manager and create a brief business case for the access/creation. The Communications and Engagement Officer will consider the case for endorsement and then submit it to SMT for approval or decline.

4. GENERAL PAGE GUIDELINES

The following ‘House Rules’ should be referred to on Council’s social media pages and the link provided for the public.

**Roxby Council ‘Social media house rules’ (specifically for the public)**

*Thank you for being a part of our social media community:*

*We welcome your interaction and posts on our Social Media sites, whether in the form of a comment, question, photo, link or a share. We want to ensure a safe, respectful and considerate environment for our community and as such expect all posts to be courteous in nature.*
By using or accessing any of the Roxby Council social media sites* you agree to comply with the Roxby Council social media house rules and relevant end user agreements with respect to the social media platform.

Any content posted/shared on any Roxby Council online presence, reflects the views of the author and do not necessarily reflect the official views of the Roxby Council nor can Council confirm the accuracy of such views/statements.

Roxby Council reserves the right to remove any content that is inconsistent with these guidelines/house rules...

Types of content that will be removed includes but is not limited to that which:

- contains obscene, indecent, or profane language;
- contains inflammatory elements, threats, defamatory statements or material which could be considered bullying or harassment;
- contains hate speech directed at race, colour, sex, sexual orientation, national origin, ethnicity, age, religion, or disability
- solicitation for commercial purposes;
- spam;
- anything that encourages or proposes illegal activity;
- breaches of copyright or intellectual property laws;
- material that may compromise a person’s privacy (e.g.: phone number)
- links to, or displays images depicting anything that would be considered a breach of any of the above.

Individuals who repeatedly breach the house rules will be removed from the social media site.

Where Council chooses to respond, Council do so according to the guidelines found below.

Copyrighted and other proprietary material should not be posted or submitted in any form unless permission to do so is clearly indicated.

When you interact with Roxby Council’s social media pages you are bound by the privacy principles and terms of use of the technology and platform you utilise. We encourage you to review the privacy principles for each social media site for further information.

Journalists are asked to send questions to the Roxby Council through email or telephone call. Council will not respond to journalist questions on social media. As such the journalist question may be removed.

We recognise that the internet is a medium unbound by regular business hours and your posts are welcome at any time. Reviewing, moderating and replying to posts will generally occur during regular business hours Monday through Friday (9-5). Requests for emergency assistance should be directed through the Roxby Council telephone number (08) 8671 0010 – after hours press option 1 re: animal control and option 2 for other emergency assistance.

To protect your privacy, please do not include information (e.g. an e-mail address or phone number) in the text of your comment that identifies you. If you need to share personal information for Council specific assistance, such as your address or phone number, please send the details via private message.

We encourage your participation in our discussions and look forward to an active exchange of ideas.

*including but not limited to:
- Roxby Council – Facebook, You Tube
- Roxbylink – Facebook, Instagram
- Roxby Community – Facebook*
- Roxby Youth – Facebook*, Instagram*
* these sites exist for and on behalf of the Community Board.
5. POSTING AND RESPONDING TO POSTS- STAFF (When utilising social media as part of your work role and for personal use of social media after hours)

When making a post these general rules must be followed:

**General guidelines**

**Speak how you would like to be spoken to**
- Be courteous, patient and respectful of others’ opinions, including detractors
- Use your own voice, and be mindful of language and expression
- Do not make statements or forward, share or upload content that is malicious, defamatory or may negatively impact the reputation of another
- Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory

**Stick to the facts**
- Only comment about matters within your area of expertise
- Be accurate, constructive, helpful and informative, and correct any errors as soon as practicable
- Only publish content and statements that you know are true, clear and not likely to mislead or deceive
- If you make an error, be up front and correct it quickly

**Keep your opinion, beliefs and political views separate from Council business**
- Only publish content on Council’s social media channels that is non-political, in line with official Council positions and values, and free from personal opinions, beliefs and political views
- Council staff are permitted to share and like Council initiated posts.
- Council staff are prohibited from using personal social media channels to comment on Council-related matters.
- Council staff should not make comment, like or share posts which refer to Council (either directly or inferred) that are published by non-Council staff. Where the staff member believes that the community comment or post is important (could be a negative or positive comment/post) the staff member should take a screen-shot and refer the issue to the relevant business unit and/or Communications and Engagement Officer.
- Staff should also carefully consider commenting on other community matters – even if apparently not Council-related – because you work for Council it could be misconstrued that your comment is representative of Council.

```
e.g.: do not comment, like, share or tag on a lost animal post or community post that refers to town maintenance.

> take a screen grab of the post and refer it to the relevant Council business unit.
```
Stay within your level of authorisation

- Only use social media channels in the manner for which you have been authorised and do not commit Council to actions or undertakings
- Leave formal statements and announcements to the official spokespeople and if you are unsure, check with your Manager
- Refer any media enquiries via social media or posts about potentially sensitive/political issues to communications staff for a response in line with Council’s Media Policy (not doing so by a social media tag, name comment or similar; do so by email to communications staff).

Be fair and transparent

- Be clear about your professional identity and any vested interests and refrain from covert, anonymous or deceitful representation including via a third party
- Encourage open, honest and transparent engagement and feedback by the online community
- Refrain from any behaviour which could be seen as biased, showing undue favour or in response to real or perceived compensation or reward

Maintain confidentiality and respect the privacy and property of others

- Only discuss publicly available information and maintain the confidentiality of internal discussions, confidential decisions of Council, and employees or third parties
- Seek permission from anyone (including Council staff, contractors or general public) who appear in any photographs, video or other footage before sharing via any form of social media or website and if asked to remove materials do so as soon as practicable
- Only use or reproduce copyright material, or the intellectual property of others, including applications, sound recordings (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music if you have permission from the creator or owner

Be responsible, accessible and responsive

- Appropriately monitor any social media sites created and ensure they can be easily edited, improved or removed
- Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Refer to Response Guide attached for guidance on how to respond to social media comments.
- Make it easy for audiences to reach Council via other methods by publishing Council’s phone number, generic email, and Facebook link.
- Ensure information on social media meets government web standards for accessibility and/or is available in another form where practical
- Do not use social media when inebriated, irritated, upset or tired. Stop and think before you post.
- Protect your personal privacy and guard against identity theft

Uphold acceptable content standards

Under no circumstances is the following content permitted on Council social media channels, and if found, formally report, record and then delete it immediately:
Abusive, profane or sexual language

 Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender identity, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation

 Illegal material or materials designed to encourage law breaking

 Materials that could compromise Council, employee or system safety

 Materials which would breach applicable laws (defamation, privacy, trade practices, copyright, financial rules and regulations, fair use, trademarks)

 Confidential information about Council or third parties

 Material that would offend contemporary standards of taste and decency

 Material which would bring the Council into disrepute

 Personal details or references to Council staff or third parties, which may be inconsistent with Council’s Privacy Policy

 Spam, meaning the distribution of unsolicited bulk electronic messages

 Statements which may be considered to be bullying or harassment

 It is wise for Council staff to also adhere to these provisions in using their own personal social media. Refer to Appendix 1 - article for legal examples.

 If you have any doubt about applying the provisions of this policy, check with the Communications & Engagement Officer before using social media to communicate.

 ‘How to’ - posting

 Posts generated by Council staff are to be made under the page name (i.e. Roxby Council, Roxbylink) and do not need to include the name of the person posting.

 Replies to comments or posts made by the public need to be signed off to include the name of the staff member that has replied, i.e. Thanks, Ann-Marie – Roxby Council. This provides customers with a sense that an individual is taking responsibility for the information being supplied to them. Providing a name also allows staff to be able to quickly follow up on any phone or written enquiry that may follow.

 Ideally information posted on social media sites should also include a link directly to the relevant website page (not just the home page) i.e. www.roxbydowns.sa.gov.au/roxbypower as opposed to just www.roxbydowns.sa.gov.au

 When responding as a Council representative to a post or comment on a Roxby Council/Roxbylink or Council managed-Community Board site, in the first instance refer to the Response Guide below.
Live comments/posts made on a Council page:

Response Guide – Part 1

Council page

Post or comment made on Council/Link site

- Positive
  - Like the post or the specific post comment but do not comment
  - Pass the feedback on to the relevant department

- Negative
  - Screenshot or print and advise Communications and Engagement
  - Communications and Engagement/ Media and Research will discuss whether response required, liaise with relevant department and formulate response.

- Other notable

Is it sensitive or political in nature?
- No
- Yes

Is it a direct request for assistance on the page?
- No
- Yes

Is it a suggestion for improvement of service/facilities?
- No
- Yes

Does it breach any page guidelines?
- No
- Yes

- Simple request where the answer may be helpful to all people: eg, how do I get my power on?
  - Through comment - refer ‘poster’ to correct page on website for assistance with the web link or advise them to call Council.
  - More complex request: eg, the footpath out the front of my house is lifting and I need Council to fix it.
  - Private message the poster to obtain further information and follow-up

- Page Manager, or Communications and Engagement to advise relevant group manager of the suggestion for follow-up. Reply to poster to advise that their suggestion has been passed on to the relevant Group Manager

- Page Manager, or Communications and Engagement to delete comment/post and private message poster to explain why (referring back to policy and house rules)

Electronic version on the Intranet is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
The four 'T's

<table>
<thead>
<tr>
<th>Transparency</th>
<th>Timeliness</th>
<th>Tone</th>
<th>Take it offline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open and honest</td>
<td>Respond on the same business day or the next business day</td>
<td>Be friendly, professional, helpful and clear,</td>
<td>Do not engage in negative or lengthy conversations online.</td>
</tr>
</tbody>
</table>

**Private messages on a Council page:**

- All FB inboxes on Council pages should have an auto response set up.
  
  E.g.: "Thanks for messaging Roxby Council. If you require emergency assistance please call 8671 0010 and follow the prompts. We will reply to all other messages as soon as possible during office hours. Also see our website at www.roxbydowns.sa.gov.au/"

- Page managers should respond to private messages within 48 hours of the message. The first business day after the message is received. If you are going to be on leave please advise another page manager so that they can respond to messages on your behalf.

- Correctness of information in the reply message is imperative.

- Close the reply with Regards [first name] Give your name – personalise it.

- Use a polite manner and where possible go above and beyond in your response.
  
  e.g.: Inbox message from community member:
  
  Community member -  Is the crèche open during the art classes so a little brother could be looked after while big brother gets stuck into art??
  
  Staff member:
  
  ☀️ Hello Katherine, as the Creative Art Classes are in the afternoon there will be no Crèche provided for these sessions.
  
  ☀️ Hello Katherine, Thank you for your question. At the moment we don’t provide Crèche for the sessions, but what a great idea. If there is enough demand we could investigate the possibility of providing a Crèche type service during these types of sessions. Regards [your first name]

**Live comments or posts on a non-Council page (i.e.: Idle Chit Chat, Rave and Rant):**

- Do not comment, reply to or engage with (i.e. like etc.) a Council type post on a non-council page either as a staff member or from your personal account in or out of office hours.

- Screenshot posts that are important and/or creating significant comments and advise the Communications and Engagement Officer. i.e.: posts which are receiving a lot of attention from the community could be highlighting an issue where we need to create an educational campaign to help the community understand policies and processes.
  
  e.g.: Post on Idle Chit-Chat
  
  Person posting:  "I have found a dog, I can’t keep it here"
  
  Do not respond

  e.g.: Post on Rave n Rant
  
  Person posting:  "Council need to fix the footpath on Pioneer Drive?"
  
  Do not respond. Screenshot the post and email it to the relevant staff member/Group Manager for follow-up.
Specific responses – examples

The following examples and information are intended to provide guidance in how to respond to posts from users.

Responding to posts from users

**Request for general information** Comments that request information about a council service or program or request general information about the area.

<table>
<thead>
<tr>
<th>Example</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Can you please tell me if the rubbish will be collected on Thursday or Friday this week due to the public holiday. &gt; Jane</td>
<td>Respond to in a general nature and suggest avenues for further information. Where the enquiry is asking for general information and can be handled via a reply then a reply should be given in a timely fashion. If more information is required, i.e. the request comes in after hours or over the weekend, then a reply should be given stating that the answer will be sourced and supplied to the customer ASAP. Where a customer has been advised that they will receive an answer, it must be followed up. If there is a delay in getting the information, a reply stating that you are still following up the correct answer should be supplied, so the customer can feel confident that you are following through with their enquiry.</td>
</tr>
</tbody>
</table>

Example

Hi Jane, We have been advised by our Waste contractor that the rubbish will be collected on Friday. Regards Julie

Requests for individual service / assistance:
**Example**

Paul Brown - There is a dangerous tree on Pioneer Drive. Can you please send someone out to remove it before someone gets hurt?

Private message the individual as follows:

Hi Paul, thanks for letting us know about the tree.

We will need a little more information about the situation and this may involve needing some personal information. (e.g.: address)

As we do not want to disclose your details in a public forum, could you please call Council on 8671 0010 or complete an online request for service form [http://www.roxbydowns.sa.gov.au/maintenancerequest](http://www.roxbydowns.sa.gov.au/maintenancerequest)

Our staff will try to get this resolved as quickly as possible for you. Thanks Juliette

---

**Request for assistance outside of Council responsibility**

Hi, I am new to town and want to know if there is a Bus service to the mine for work.  John

Post should respond with the contact details of the relevant authority or where to seek detail.

Hi John, The local workers bus service is provided by Greyhound Buses in collaboration with BHP and contractors. It would be best if you contacted your employer regarding the option to use the service to get to work. Regards Juliette

---

**Obscene comments**

Obscene comments should be immediately removed. This may include bad language, racist, sexist or defamatory. A short message should be sent to the poster pointing them to the site guidelines and explaining why their comment was removed.

---

**Comments naming individuals**

Comments that name individuals in a positive light should be allowed if the person has given permission for the post or the information is already in the public domain, for example a news story.

Comments directly naming a person, or where the person can be easily identified, in a negative manner should be removed immediately.

---

**Critical comments of a reasonable nature**

Comments criticising Council in a reasonable manner.

**Example**

Roxby Council seem to be taking forever on the playground upgrade.

Monitor the comment (for other reactions or subsequent discussion).

If considerable reaction or discussion respond directly on the site and suggest how the user could lodge a complaint officially and/or advise them to call Council to discuss further.

Further action may be required – notify works area (it may just be that an update on the activity has not been provided to the community yet) – fast path update.

---

**Unreasonable comments or merely intended as an insult**
Example

Roxby Council are greedy, fix up your roads, make new ones. Get it right,

The comment should not be responded to.

The comment should either be left on the site (if relatively benign in nature, and can be responded to with a generic response about appropriate ways for residents to have their say in the Council process) or removed at the discretion of the appropriate Council staff (if seen to breach site guidelines).

If the comment(s) contain statements that could be considered defamatory, then removal of the comment(s) must be considered to avoid possible legal action against Roxby Council. SCREENSHOT AND SAVE IN INFOXPERT before removal.

If the comment is in regards to an issue that affects the wider community and/or has gained the attention of other members of the public and the Council could be seen to be at fault; a one off statement should be issued as soon as it is practical to do so. No further debate should be entered into after the statement has been made. Check wording and accuracy of statement with the Group Manager of the relevant work area before posting.

Promotional post – not for profit events (local)

We are organising a movie night for Trees For Life.

We would appreciate any help you can provide by sending the link below on to friends, family & colleagues.

http://capri.org.au/FUNDRAISERS/TreesforLife.aspx#ad-image-0

Posts from local people organising not-for-profit events, either for local organisations or those based outside of Roxby but to be held in our local community should be referred to the Community Board Community Facebook page.

Promotional post – commercial example

Jessica Hayhurst

Hi from Jessica PHOTOGRAPHY a Local Photographer based around the Salisbury Area... I love working with ppl especially children so if i can help in anyway pls don’t hesitate to ask.

There are numerous other ways in Roxby Downs that businesses can use to promote their services (including Facebook sites and websites). As such, promotion of any commercial activities (aside from those relating specifically to, or run by Roxby Council or its associated business units) will not be allowed on Roxby Council Facebook sites.
Appendix 1:  Employee Conduct on Social Media.

- Article from Kelley Jones legal publication:

**Employee Conduct on Social Media**

*Ronan O’Brien*

Given the amount of time that council officers spend with one another at work, it is almost inevitable that social gatherings will occur outside of work hours. In the modern era, these “social gatherings” have extended into online chats groups which have the great benefit of forming strong friendships inside and outside of work hours. But what happens when one employee’s conduct on a “night out” results in inappropriate messages to other colleagues?

The case of Luke Colwell v Sydney International Container Terminals Pty Ltd [2018] FWC 174 involved Mr Colwell consuming too many beers one night and deciding to send a pornographic video over Facebook messenger to 19 colleagues. Some of the colleagues were offended by the message and one replied to the message stating that the content was inappropriate and requested to be excluded from any further messages.

Upon returning to work (and sobriety) the next day, Mr Colwell apologised to all his colleagues about his actions the night before. Whilst none of the employees complained to the company about Mr Colwell’s conduct, the Human Resources Department became aware of the incident and undertook their own investigation.

The consequence was Mr Colwell being terminated from his employment for serious and wilful misconduct, which subsequently resulted in a claim for unfair dismissal. Mr Colwell’s argument was that his conduct occurred outside of work hours, was not work related and that no one had made any complaint about his conduct to the company.

Nevertheless, the Fair Work Commission found that the “relevant nexus” was that the Facebook friendships in the messenger app stemmed purely from the employee’s work relationships. Furthermore, the Commission confirmed that there was no need for a formal complaint to be received in order for an investigation to occur. As a result, the Commission upheld Mr Colwell’s termination.

The lesson for councils is that you do not need to wait for any formal complaint to be made before an investigation is launched into an employee’s conduct. Equally, council officers need to be aware that their conduct and behaviour towards other council employees outside of work can form the relevant “nexus” to connect the conduct to the workplace. Finally, councils should put in place detailed policies on social media conduct and ensure that council officers are aware of their expectations when interacting on (the forever multiplying) social media apps.

If you have any questions about workplace policies, or other employment matters, please contact Ronan O’Brien on (08) 8113 0716 or robian@kelleyjones.com.au.


  - *Mr Little used his personal Facebook account to criticise a third party organisation with which his employer, Credit Corp Group Ltd had professional dealings and to make sexually aggressive comments about a new employee. This was held to breach the employer’s Code of Conduct which addressed appropriate use of social media. Mr Little was aware of and had received training about the code. The termination of Mr Little’s employment for misuse of social media in breach of the Code of Conduct was held to be valid.*
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date  
29 May 2019

Title of Report  
Fit for Work Policy and Procedure

1. Purpose
To review and adopt the Fit for Work Policy and Procedure

2. Recommendation
That Council:

1. Adopt the Fit for Work Policy and Procedure as reviewed and publishes it on Council’s website

2. Provide information to all staff about their obligations in respect to fitness for work under this policy

3. Background
Council has a responsibility under the Work Health Safety Act 2012 to provide a safe, healthy and productive workplace. This includes preventing or minimising the potential for alcohol and other drug work related injuries. All workers have a responsibility to be fit for work and not endanger their own safety or the safety of others through fatigue or the use of alcohol or drugs in the workplace.

The Fit for Work Policy and Procedure outline the respective responsibilities of Council and workers, guidelines for implementation and the consequences of non-compliance.

4. Discussion
Advice was sought from the Regional Risk Coordinator about best practice within the local government sector. This research revealed that there is no consistent approach to Fit for Work policies with some councils adopting a zero tolerance approach to both alcohol and drugs. Many of these Councils have also adopted random drug and alcohol testing. Other Councils have adopted a middle of the road approach implementing cause testing and accepting up to a 0.05% blood alcohol concentration (BAC) for non-high risk activities. Cause testing occurs in the event of an incident (e.g. injury to a worker, damage to property or a near miss) or when there are reasonable grounds to suspect that a worker is not fit for work due to the effects of drugs or alcohol.

After extensive consultation with the Workplace Bargaining Committee and the On Call Team the implementation of cause testing and the 0.05% BAC limit were identified as the preferred option. Zero tolerance to alcohol in high risk activities applies for activities involving public safety (lifeguards, crèche) as well as the use of plant and equipment.

The policy and procedure have also been updated to include fatigue management.
5. **Policy Implications**

5.1 **Financial/Budget**

Not material.

5.2 **Resources**

Ongoing commitment to providing a safe workplace.

5.3 **Legal and Risk Management**

The Local Government Act 1999 requires that councils have appropriate policies, practices and procedures in place to ensure compliance with statutory requirements and to achieve and maintain standards of good public administration. This policy supports the requirements of the Work Health Safety Act 2012.

6. **Report Consultation**

Senior Management Team
Melissa Cox - Regional Risk Coordinator
June Austin - HR Consultant
Sapna Greer - WHS Officer and Risk Specialist
On Call Team
Workplace Bargaining Committee
WHS Committee

7. **Attachments**

Fit for Work Policy
Fit For Work Procedure

8. **Report Authorisers**

Michelle Hales
Group Manager Governance and Community
<table>
<thead>
<tr>
<th>TITLE</th>
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<tr>
<td>Latest Review Changes</td>
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<td>Previous Council Reviews</td>
<td>30.11.17</td>
</tr>
<tr>
<td>Previous Audit Committee Reviews</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

Applicable Legislation:

- Work Health & Safety Act 2012 (WHS Act)
- Work Health & Safety Regulations 2012

Related Policies (alphabetical list):

- WHS & Return to Work Management Policy
- Code of Conduct for Local Government Employees
- Privacy Policy

Related Procedures:

- Fit for Work Procedure

Reference Documents:
1. **PREAMBLE**

The Municipal Council of Roxby Downs ("Council") recognises its responsibility to ensure the health, safety and welfare of workers (including volunteers, contractors and sub-contractors) and is committed to providing a safe, healthy and productive workplace by preventing or minimising the potential for alcohol and other drug work-related injuries.

A fundamental premise underpinning this policy is that workers should be fit for work and not endanger their own safety or the safety of any other person through the use of alcohol or drugs in the workplace.

All workers are required to report to work in a fit state at all times, unimpaired by any substance, so they can perform their work safely, competently and professionally.

2. **SCOPE**

This policy applies to all workers which are defined as Council employees, trainees, work experience students, volunteers, contractors and sub-contractors engaged to provide services on behalf of the Council.

3. **POLICY OBJECTIVES**

- To prevent all workers who are affected by fatigue, drugs and/or alcohol from being a risk to themselves or others at work
- To ensure all workers are fit for work by eliminating unacceptable alcohol and/or other drug use in the workplace.
- To provide guidelines for early intervention where illicit drug use, or excessive use of alcohol is suspected or identified and to assist affected workers to receive treatment with a view to rehabilitation.
- To provide an appropriate disciplinary framework and process for managing drug or excessive alcohol use in the workplace.

4. **POLICY STATEMENTS**

- The Council is committed to ensuring all workers are fit for work. While the Council accepts that staff may engage in the responsible use of alcohol, the Council maintains a zero tolerance to the use of illicit drugs and excessive alcohol in the workplace.
- The Council expects that all workers adhere to this requirement. All workers are also expected to report to their Group Manager or supervisor any person they believe to be affected by illicit drugs or excessive alcohol while at work or appears to be fatigued.
- It is also incumbent on all Group Managers, Supervisors and Team Leaders to take appropriate action where they believe a person working for the Council is not fit for work due to fatigue and/or has an issue with drugs and alcohol which may be impacting their safety, the safety of others and the safety of Council assets. This includes the application of procedures associated with the use of "prescription medication".
- The Council recognises that employees with alcohol and drug related problems may be treated successfully and rehabilitated. This policy commits the organisation, as part of providing a drug free workplace, to support any employee with an alcohol or other drug problem through its Employee Assistance Program (EAP). However, where an employee refuses help, or continues to be affected by alcohol and/or other drugs, disciplinary action will be taken to prevent adverse effect on work performance and safety.
The Council will provide education awareness sessions regarding the dangers of working whilst under the influence of illicit drugs, impairing pharmaceutical medication, alcohol and fatigue.

The Council will implement a program of cause drug and alcohol testing, administered by an independent service provider and where there is a reasonable belief that a person on duty is affected by drugs or alcohol, or where they have been involved in an incident. All testing must be in accordance with the appropriate Australian Standard for workplace drug and alcohol testing. Testing at the workplace will be noninvasive swab (saliva) and/or breath tests.

Where a worker tests positive for either an illicit drug and/or excessive alcohol use in the workplace for a second time within a period of 12 months, their employment will be immediately terminated.

A worker may be summarily dismissed where it is established that they have been engaged in the use, sale, distribution or possession of illegal drugs at the workplace or during work hours.

Whilst the use of alcohol is generally not permitted at any Council worksite, an exemption allowing the consumption of alcohol at a specific Council event may be obtained, but only with the knowledge and consent of the Chief Executive and under the following circumstances:

- Suitable range of food and drinks shall be available including low alcohol and non-alcoholic beverages;
- Following consumption there shall be no undertaking of High Risk Activities (HRA) until the next shift day by that person/s;
- Individual alcohol intake will remain within the limits set by South Australian legislation for driving a vehicle or cycling on public roads for those returning to work;
- The event must have a defined start time and end time.
- Workers who may have consumed excessive alcohol are not permitted to return to work; and
- Appropriate standards of behaviour can be maintained at all times consistent with the Council’s Code of Conduct.

Legal drugs (including prescribed medication) reasonably required by a person for medicinal purposes may be brought to and consumed at a Council site or facility. Any consumption of legal drugs must be in accordance with the recommended dose or the prescribed dose of the person’s doctor. This does not imply that a person may take prescribed drugs regardless of their impact. They may only attend work where the medication does not cause them to react unsafely.

5. **EMPLOYEE ASSISTANCE PROGRAM**

Council will provide balanced lifestyle and wellbeing support to employees including access to an Employee Assistance Program for counselling and other relevant assistance.

Only direct employees of the Council can be supported through the EAP.

6. **AVAILABILITY OF THE POLICY**

This Policy will be available for inspection at the Council Office at 6 Richardson Place during ordinary business hours and a copy will be available from Council’s website www.roxbydowns.sa.gov.au.
7. REVIEW

This Fit for Work Policy shall be reviewed by the Council within three (3) years of the issued date, (or on significant change to legislation of aspects included in this policy that could affect the health and safety of workers).
## PROCEDURE – FIT FOR WORK

<table>
<thead>
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</tbody>
</table>

### Applicable Legislation:

- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012

### Related Policies (alphabetical list):

- Fit For Work Policy
- Code of Conduct for Local Government Employees

### Related Procedures:

### Reference Documents:
1. PURPOSE

The Municipal Council of Roxby Downs ("Council") is required, under the provision of Work, Health and Safety legislation and regulations to provide for the health, safety and welfare of workers. These procedures provide guidance in the implementation of Council’s Fit for Work Policy.

2. PROCEDURAL OBJECTIVES

- To ensure any worker whose performance may be impaired as a result of fatigue, drug or alcohol use does not endanger their own safety or the safety of any other person in the workplace.
- To provide guidance to supervisors and workers on the procedures used for preventing and/or managing fatigue, drug or alcohol use in the workplace.

3. PRINCIPLES

A fundamental premise underpinning this procedure is that workers should always be fit for work and not endanger their own safety or the safety of any other person through fatigue and/or by the use of alcohol or drugs.

All workers are required to report to work in a fit state at all times, unimpaired by fatigue or any substance, so they can perform their work safely, competently and professionally.

The use of alcohol and other drugs in the workplace or when working fatigued can potentially lead to an increased likelihood of job related accidents and injuries, increase absenteeism and affect job performance and workplace morale.

The Council is, therefore, committed to ensuring, so far as is reasonably practicable, that all appropriate actions, including the provision of appropriate levels of supervision, worker advice, counselling, education and awareness programs, will be taken, to minimise the negative impact of alcohol and other drugs in the workplace. In support of this an educational awareness program will occur as part of an approach to ensure a safe workplace.

All workers, have a responsibility to comply with legislative and Council requirements.

4. CORE COMPONENTS

The core components of the Fit for Work Procedure aim to ensure:

- Clarity of expectations around behaviour and consequences that may arise from attendance at work where such substances may be present or when fatigued
- Provision of information and training to workers about the potential dangers and consequences of fatigue and the consumption of drugs and alcohol.
- Identification of the range of supportive mechanisms available to workers who may face issues around substance use.
- Clarify the testing regime that Council will apply to identify those that may pose a risk to themselves or others.
5. DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cause Testing</td>
<td>Criteria/basis on which a reasonable belief exists so as to demand action to require a worker to undertake a drug and/or alcohol test</td>
</tr>
<tr>
<td>High Risk Activities (HRA)</td>
<td>High risk activities are defined as those that require a higher degree of concentration of dexterity and which could lead to dangerous consequences if not able to be undertaken with the required skill and care. They include activities such as operating any machinery and food preparation. It also includes the use or mixing of chemicals, undertaking work on computers that requires “case off” or any other electrical installation or maintenance work; working in confined spaces and working at height. Activities that involve managing safety of the general public (e.g. crèche, swim school, gym, and aquatics) are also included. Note: this list is not exclusive.</td>
</tr>
<tr>
<td>Illegal / Illicit Drugs</td>
<td>Any drug legislated within Australia as illegal (such as but not limited to heroin, cocaine, methamphetamine, amphetamine, and cannabis and or derivatives) is prohibited from the Council’s workplaces (including any vehicle or machinery owned or operated by Council). The use of these drugs can significantly affect an individual’s work productivity, performance, and decision making, and substantially increase the likelihood of a workplace accident.</td>
</tr>
<tr>
<td>Independent Testing Technician</td>
<td>A representative from a Roxby Downs based General Practice (GP) who is trained and authorised to undertake drug and alcohol testing</td>
</tr>
<tr>
<td>Pharmaceutical Medication</td>
<td>This medication can be purchased over-the-counter from a pharmacy (or supermarket in some instances). Some of this medication can contain chemicals that affect an individual’s ability to drive vehicles and / or operate equipment and machinery (e.g. pseudoephedrine and codeine). A worker is responsible for checking the instructions on the medication to ascertain if the medication carries a warning, and if it does, notify their line manager.</td>
</tr>
<tr>
<td>Prescription Medication</td>
<td>These medications can only be obtained with a written prescription from a Doctor and may only be used in the workplace in accordance with the instructions provided by the prescribing doctor. Sometimes this medication can impair an individual’s ability to drive vehicles and / or operate equipment and machinery in a safe manner.</td>
</tr>
<tr>
<td>Work place</td>
<td>Any location where workers are working (including areas beyond Council’s geographical boundary). It includes Council’s office, external work sites, and other facilities. It also includes Council vehicles where workers are driving a vehicle.</td>
</tr>
<tr>
<td>Worker</td>
<td>Includes employees, trainees, work experience students, volunteers and contractors and subcontractors engaged to provide services on behalf of the Council</td>
</tr>
</tbody>
</table>
3. PROCEDURE

4.1 Expectations

Council is committed to providing and promoting a safe and healthy work environment for all workers and visitors to Council work places consistent with its responsibilities under relevant Workplace Health and Safety legislation.

Council is committed to a drug free and alcohol restricted work place with a zero tolerance to illegal / illicit drug taking as follows:

- A zero tolerance to prescription and pharmaceutical medications for workers operating plant and machinery where the medication carries a warning that it may affect the ability to operate equipment and machinery (such as pseudoephedrine, codeine, panadeine forte);
- Alcohol level for staff involved in undertaking identified High Risk Activities (HRA’s – see definitions for guidance) (this limit includes any activity where legislation or licensing requires a 0.00 alcohol limit)
- A maximum blood alcohol content level limit shall be 0.05% for workers generally (i.e. other than those undertaking High Risk Activities)

These restrictions are in line with Council’s commitment to ensure that the impact of alcohol and other drugs is managed to minimise the consequences on the health, safety and environment for all workers and visitors to Council’s facilities and work places.

Workers using prescribed medication that may affect their ability to undertake High Risk Activities, make decisions, drive vehicles and / or operate equipment and machinery, must request a letter (and if necessary, a sick certificate) from their Doctor advising the nature of the affect.

4.2 Sanctioned Alcohol Consumption

From time to time it is recognised that the consumption of alcohol may occur as part of celebratory events and civic functions. Where this is to occur the following procedure shall be followed:

- The Chief Executive shall give authorisation.
- Suitable range of food and drinks shall be available including low alcohol and non-alcoholic beverages.
- Following consumption there shall be no undertaking of High Risk Activities until the next shift day by that person/s.
- This procedure does not remove the individual’s responsibility to monitor their own consumption and ensure that they are within all legal requirements.
- The event must have a defined start time and end time.
- The Chief Executive will also be responsible for ensuring that such sanctioned events are adequately supervised.
4.3 Education and Support

The Council will provide educational awareness and training sessions and information to staff in relation to the consequences of using drugs and alcohol and for management of fatigue including:

- the dangers of working whilst under the influence of drugs, including prescription or pharmaceutical medication, and alcohol; and
- The specific effects of drugs and alcohol on individual judgement, decision making and behaviour.
- The increased risk to the safety of themselves, other workers and the general public.
- The effect that continued use of drugs or alcohol may have on their job and their family.
- Council’s procedures (including any testing regime)

Employees can also access Council’s confidential Employee Assistance Program, for non-judgmental assistance to emotional and interpersonal issues including self-referred alcohol and other drugs concerns. To access the service, employees can:

- Contact Council’s Employee Assistance Provider – Access Programs on 8215 6799 or 1300 667 700 to make a confidential appointment or
- ask an immediate Supervisor/Manager to make a referral for you.

4.3 On Call

This procedure applies to workers who are rostered to attend to Council related matters after business hours. In the event that the On Call Worker requires the assistance of another worker due to their expertise and that other worker is not rostered to work the other worker must confirm that they are Fit for Work (as per clause 4.1). If the other worker advises that he/she is not Fit for Work the On Call Worker must contact an authorised Contractor for assistance.

4. BREACHES OF PROCEDURE

The following acts or actions are considered a breach of this procedure:

- The use, sale, transfer or possession of illegal drugs whilst at Council work places or during working hours;
- Reporting to or being at work:
  - under the influence of alcohol; and/or
  - under the influence of illegal / illicit drugs; and/or
  - under the influence of prescription / pharmaceutical drugs which affect an employee’s ability to operate plant and machinery or undertake their duties in a safe manner.
- Returning a positive test result from a Critical Incident or Cause Drug and Alcohol Test.

Any such breach shall result in disciplinary action up to and including termination of employment.

- The sale or transfer of illicit drugs will also include notification to police of the activity.
5. FATIGUE PREVENTION IN THE WORKPLACE

Fatigue affects a person’s health, increases the chance of workplace injuries occurring and reduces performance and productivity in the workplace.

The factors contributing to fatigue include:

- The mental and physical demands of work
- Work scheduling and planning
- Working time
- Environmental conditions
- Individual factors

**Effects of fatigue:** the effects of fatigue on health and work performance can be short term and long term. Short-term effects on an individual include impaired work performance, such as reduced ability to:

- Concentrate and avoid distractions
- Think laterally and analytically
- Make decisions
- Remember and recall events and their sequences
- Maintain vigilance
- Control emotions
- Appreciate complex situations
- Recognize risks
- Coordinate hand-eye movements
- Communicate effectively

Fatigue can also:

- Increase error rates
- Slow reaction times
- Increase the likelihood of accidents and injuries
- Increase instances of micro-sleeps

Long term effects on health that are associated with shift work and chronic sleep loss may include:

- Heart disease
- Diabetes
- High blood pressure
- Gastrointestinal disorders
- Depression
- Anxiety

**Identifying if fatigue is a hazard:**

1. Mental and physical demands of work: Concentrating for extended periods of time, performing repetitious or monotonous work and performing work that requires continued physical effort can be producing mental and/or physical tiredness increase the risk of fatigue. Mental and physical fatigue are different and a worker can experience them at the same time.

2. Work scheduling and planning: the way work is planned and scheduled can increase the risk of fatigue. When scheduling and planning work, Group managers shall ensure that diligence is shown when rostering work including contingency for call/out and/or rostered overtime.
3. Working time: the time work is performed and the amount of time worked can impact on the risk of fatigue.

4. Environmental conditions: working in harsh and/or uncomfortable conditions can contribute to risk of fatigue. Heat, cold and vibration are some of the environmental conditions that can make workers tire quicker and impair performance.

5. Individual factors and factors outside of work:
   - Lifestyle factor such as voluntary work, having more than one job, level of fitness, social life or diet
   - Home environment such as noisy neighbours or a bedroom that is too hot or not dark enough
   - Health conditions such as insomnia, sleep apnoea, or alcohol or drug dependence

6. DRUG AND ALCOHOL TESTING

Council shall utilise a suitably qualified and experienced, independent Testing Technician to conduct non-invasive Incident and Cause Testing for drugs and alcohol.

- **Incident Testing**
  Only Group Managers and the Chief Executive may authorise Incident Testing. This type of testing may occur where there is an incident involving:
  - injury to a worker
  - injury to a member of the public
  - damage to Council property
  - damage to other property
  - near miss incident

- **Cause Testing**
  Only Group Managers and the Chief Executive may authorise Cause Testing.
  This type of testing will occur where there are reasonable grounds to suspect that a worker is affected by ingestion or effects of drugs or alcohol. A criteria that may lead to cause testing includes, but is not limited to:
  - repeated unexplained absence or lateness
  - repeated management concerns about poor performance or achievement
  - a series of small accidents/incidents
  - a worker’s behaviour, actions, appearance or conduct suggests that they may be under the influence of drugs or alcohol
  - fighting or arguments in the workplace
  - an unexplained drop in performance
  - physical signs and behaviour such as dilated pupils, droopy eyelids, bloodshot eyes, slow and slurred speech, slow gait, unusually high energy levels or disorientation;
  - changes in alertness (falling asleep, attention span difficulty, problems with short term memory)
  - changes in personality from previous history
  - emotional signs such as mood swings; or
  - any other unusual or out of character behaviour
7. **ALCOHOL AND OTHER DRUG TESTING PROCESS**

The screening procedure will be carried out by qualified Testing Technician. The Technician has no discretion to amend test results and will not enter into discussion with any worker regarding results or disciplinary action which may result from testing.

Equipment used for the initial screening process will be a non-invasive mouth (saliva) swab and a breath analyzer.

The testing process will be conducted:

- Off-site at the Doctor’s Surgery
- in private, individually. The worker is able to select a witness to the process if desired.

Council will organise transportation to/from the off-site location.

A worker is asked the following six questions prior to their individual screening:

1. Have you taken anything orally in the previous 10 minutes?
2. Have you consumed any alcohol in the previous 8 hours?
3. Have you taken any illegal / illicit drugs in the previous 24 hours?
4. Are you currently under the effect of any illegal / illicit drugs?
5. Are you taking any pharmaceutical drugs?
6. Are you presently on any medication?

Should a worker answer ‘yes’ to any of these questions then further information will be sought, such as, type of drug / medication, time taken, quantity consumed, and whether medication taken has been prescribed by a doctor.

The screening mouth swab used on the worker is called a primary sample. Workers will be informed of the test results immediately.

**Test Refusal**

Should a worker refuse to take a screening test, this will be considered as a positive result, the result will be noted in the worker’s personnel file, and disciplinary action (including the possibility of dismissal) may ensue as a result. Should the worker decide to take the test after this has been explained to them, and the test result is negative, no mark relating to this decision will be made in the worker’s file and the worker will resume normal duties after the screening procedure.

**Post Screening Procedures**

**Negative Result**

In the event of a ‘Negative’ result, the:

- result will be documented by the Testing Technician and a copy made available to the worker;
- sample will be immediately disposed of by the technician in the presence of the worker; and
- worker will return to the work place.
Non-Negative Result

In the event of a non-negative result, the worker, their relevant Group Manager, the Chief Executive or Testing Technician will be immediately advised of the result. No opinion, discussion or amendment to the result is possible by the Testing Technician.

The Testing Technician will record the result which includes the time and date of screening, worker’s details, screening number and result. The worker will be invited to sign the documentation. The Testing Technician will forward documentation for all non-negative tests to the relevant Group Manager who will keep these records in a separate secure location.

The worker is able to offer comment on the non-negative screening result, should they choose. Any discussion on the non-negative result is strictly between the worker and the Testing Technician.

Any worker that has a non-negative screening result from an Alcoholizer breath analysis (ie. result exceeds the required alcohol levels as set out in this procedure) will be asked to wait a further twenty minutes before a further breath analysis will be undertaken.

If a worker returns a non-negative drug screen, a second screen will be undertaken and prepared for dispatch to a nominated laboratory for analysis.

The worker will be stood down on sick leave until he/she is fit to resume work. In the unlikely event that the pathology laboratory and/or hospital subsequently deems the samples to be negative and therefore “overturns” the initial screening result, the worker will be permitted to return to work and any sick leave deducted will be restored.

Positive Result

If the confirmatory test from the laboratory confirms the non-negative screening result then this will become a ‘positive’ result.

If the second result from an Alcoholizer breath test exceeds the required alcohol levels then this will become a ‘positive’ result.

In the event of a ‘positive’ result, the worker, their relevant Group Manager and the Chief Executive will be immediately advised of the result.

8. POSITIVE SCREENING TEST OUTCOMES

First Positive Test

An employee will be stood down until he/she is fit to resume work. Permanent employees will be able to access sick leave entitlements. If sick leave entitlements are insufficient annual leave must be taken provided there is annual leave available. If leave entitlements are insufficient this absence will be taken as leave without pay.

Upon the employee’s return to work a further test will be conducted to determine that the employee is no longer under the effects or influence of alcohol and other drugs.

Employee will be subject to at least a further two tests within the next 12 months.

Employee will have access to Employee Assistance Program sessions (at Council expense) to initiate behavioral change in the work place.

The employee will be issued with a final written warning stating that any future positive results within the next 12 months will result in the employee being dismissed.
Second Positive Test

Employee will be dismissed.

A second confirmed positive test result within a 12 month period will result in dismissal. The Council, however, reserves the right on compassionate grounds to provide further warnings in special case circumstances only with such approval to be provided by the Chief Executive.

9. CIRCUMSTANCES WARRANTING SUMMARY (INSTANT) DISMISSAL

An employee’s employment may be summarily terminated for incidents where the employee is under the influence of drugs and/or alcohol and their behaviour or actions represent serious misconduct.

An employee’s employment may be summarily terminated where it is established that they have been engaged in the use, sale, distribution or possession of illegal drugs at the workplace or during work hours.

10. CONFIDENTIALITY

Protection of worker privacy and confidentiality is respected in the operation of this procedure (in particular, the testing aspect of the procedure). Management will be informed of a worker’s participation in alcohol and other drug testing where a ‘non negative and/or positive reading occurs in order that they are able to manage the situation.

11. VOLUNTEERS

Volunteers are required to adhere to this procedure. If a volunteer is suspected of being impaired by drugs, prescription / pharmaceutical medication or alcohol the volunteer will be asked to undergo Cause and/or Incident Testing.

First Positive Test

Volunteer stood down until no longer under the effects or influence of alcohol and other drugs. Volunteer will be encouraged to seek professional assistance.

Second Positive Test

The Volunteer will be notified that he/she will no longer be required to provide voluntary service to Council.

12. REVIEW

This Procedure shall be reviewed by the Council’s Senior Management Team, in consultation with workers at a minimum of three (3) years of the last review date.
APPENDIX 6 – Contact Details

EMPLOYEE ASSISTANCE PROGRAM

Provider        Access Programs

Address         45 Wakefield Street Adelaide SA 5000
                Service locations: Port Augusta, Whyalla, Port Pirie
                Telephone 08 8215 6799 or 1300 667 700

Email:          enquiries@accesssa.com.au

Website         www.accesssa.com.au

Services        Employee counselling for:

                   • Emotional stress
                   • Work – related difficulties and stress
                   • Anxiety
                   • Career concerns
                   • Marital or family problems
                   • Coping with change
                   • Alcohol and other drug issues
                   • Interpersonal conflict
                   • Grief and loss
                   • Depression

ACCREDITED EXTERNAL PROVIDER FOR DRUG AND ALCOHOL SCREENING
(Information for Group Managers and Chief Executive)

Provider        Roxby Downs Family Practice
                Contact: Jason Lockwood or Leonie Yates

Address         24 Gregory Street, Roxby Downs

Telephone       8671 3231

Opening Hours   Monday: 9am – 5.30pm
                Tuesday to Friday: 8am – 5.30pm
                Weekends and Public Holidays: Closed
                Thursday Evening After Hours Clinic: 6pm- 8.30pm

After Hours      Ring Roxby Downs Family Practice (on call) 8671 3231
                or hospital on 8671 9020
REPORT FOR COUNCIL MEETING

Meeting Date: 29 May 2019
Title of Report: Policy Reviews

1. Purpose
To endorse policies that are due for review but where no changes are required.

2. Recommendation
That the Council notes that no changes have been identified from the reviews of the following policies:

- Review of Council Decisions
- Whistleblower Protection

and following recommendation from the Audit Committee Meeting held 17 May 2019 the Council endorse the policies for a further period or until such time as legislative changes require a review and publishes on Council’s website.

3. Background
Policies are reviewed as part of Council’s commitment to ensuring that its policies are kept relevant and appropriate.

These policies were also reviewed at the Audit Committee Meeting held 17 May 2019.

4. Discussion
These policies can be viewed on Council’s website.

The Review of Council Decisions Policy has been reviewed and no changes are required.

The Whistleblower Protection Policy is reviewed annually. In November 2018 the Public Interest Disclosure Act 2018 was passed which will replace the current Whistleblowers Protection Act 1993. The new Act is due to commence operation in mid-2019.

The Local Government Association (“LGA”) is developing guidelines and a model policy and procedure to assist councils with implementation of the new Public Disclosure Act. This new model policy will replace the current Whistleblower Protection Policy.

These resources are still in development by the LGA who have advised that it is premature to provide resources to councils until all information about the Act becomes available. There may be, for example, changes to guidelines as a result of consultation currently being conducted by the Independent Commissioner Against Corruption.

Due to these changes taking effect in the near future a review of the Whistleblower Protection Policy at this time is not considered necessary.

5. Policy Implications

5.1 Financial/Budget
Nil
5.2 Resources
Nil

5.3 Legal and Risk Management
Nil

6. Report Authorisers
Roy Blight
Chief Executive
REPORT FOR ORDINARY COUNCIL MEETING

Meeting Date 29 May 2019
Title of Report Chief Executive Report

1. Purpose

To provide Council with an update from the Chief Executive since 17 April 2019.

2. For Information

2.1 Work for the Dole

Complete Personnel have the contract with the Australian Government for the Work for Dole program in Roxby Downs.

Work for the Dole places job seekers in activities where they can gain skills and experience that give back to the community and can help them find a job.

The program has successfully implemented projects in Andamooka and has achieved good success in transitioning participants to employment outcomes.

Complete Personnel have offered the Work for the Dole program for community and public benefit projects in Roxby Downs.

Complete Personnel provide the following:

- Participants
- Supervision
- Gardening Trailer
- Additional Materials

The involvement of Municipal Council of Roxby Downs is limited to creating a pipeline of suitable public benefit projects relevant to the available work skills.

Council staff have collaborated with the Community Garden (an integral part of the Emu Walking Trail) as an initial focus for Roxby Downs. Additional sites are being considered for placement of the Work for Dole program that will provide environmental and amenity improvements for Roxby Downs that are currently outside the scope of Council’s funding resources.

2.2 Human Resources

Appointments

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jessica Lynch</td>
<td>Casual Multi Skilled Officer</td>
<td>Lifestyle and Sport</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Department</td>
</tr>
<tr>
<td>--------------------</td>
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</tr>
<tr>
<td>Rebecca Webster</td>
<td>Casual Multi Skilled Officer</td>
<td>Lifestyle and Sport</td>
</tr>
<tr>
<td>Brianna Caldwell</td>
<td>Casual Multi Skilled Officer</td>
<td>Lifestyle and Sport</td>
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<tr>
<td>Caleb Turley</td>
<td>Casual Multi Skilled Officer</td>
<td>Lifestyle and Sport</td>
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<tr>
<td>Bryce Moss</td>
<td>Casual Multi Skilled Officer</td>
<td>Lifestyle and Sport</td>
</tr>
<tr>
<td>Centaine Casserly</td>
<td>Gym &amp; Centre Base Sports</td>
<td>Lifestyle and Sport</td>
</tr>
<tr>
<td></td>
<td>Team Leader and Acting WHS Officer</td>
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</tbody>
</table>

3. **Report Authorisers**

Roy Blight  
Chief Executive
### REPORT FOR ORDINARY COUNCIL MEETING

<table>
<thead>
<tr>
<th>Meeting Date</th>
<th>29 May 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of Report</td>
<td>Development Application Decisions</td>
</tr>
</tbody>
</table>

1. **Purpose**
   
   To inform the community of the Development Application Decisions.

2. **For Information**
   
   The following is listed as the Development Application processed from 1 April 2019 to 30 April 2019.
   - 692/005/19

3. **Attachments**
   
   Development Register

4. **Report Authorisers**
   
   Danielle Moore  
   Governance Support
<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Applicants Details</th>
<th>Builder Details</th>
<th>Site of Building</th>
<th>Description of Work</th>
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<tbody>
<tr>
<td>692/005/19</td>
<td>Paul Westwood</td>
<td>Ashley Stevens</td>
<td>21 Santalum Way</td>
<td>Patio/Verandah</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Roxby Downs 5725 SA</td>
<td>Valuation $7000.00</td>
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<tr>
<td>Ward :</td>
<td></td>
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<td></td>
<td>Floor Area 36.00</td>
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<td>VG No. :</td>
<td>6906519009</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Owners Name &amp; Address :</td>
<td>L S &amp; P J WESTWOOD 21 Santalum Way Roxby Downs SA 5725</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>