

18.3 **Feedback on ESCOSA Proposed Framework and Approach - S122 Strategic Management Plan Advice Scheme (Report No: 170/22)**

Motion – Exclusion of the Public – Section 90(3)(i) Order

C240522/2618

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 170/22 Feedback on ESCOSA Proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 170/22 Feedback on ESCOSA Proposed Framework and Approach - s122 Strategic Management Plan Advice Scheme on the following grounds:
 - j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information of a confidential nature the disclosure of which would divulge information provided on a confidential basis by a public authority, being the Local Government Association of SA (LGA).

In addition, the disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed sector advocacy and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

As part of reforms to the *Local Government Act 1999* (the Act), section 122 of the Act was amended to include the requirement that a designated authority would “provide advice to the Council on the appropriateness of the relevant matters in the context of the council's long-term financial plan and infrastructure and asset management plan, and (b) may provide advice in relation to any other aspect of the council's long-term financial plan and infrastructure and asset management plan”.

In March 2022, the designated authority, the Essential Services Commission of South Australia (ESCOSA) released a Draft Framework and Approach for a Local Government Rates Oversight Scheme (the Draft Framework) for consultation, which is provided as Attachment 1. Written submissions are required by Friday, 27 May 2022.

In April 2022, the Local Government Association (LGA) released a consultation paper in response to the Draft Framework, which is provided as Attachment 2. As the LGA requested feedback by 13 May 2022, a brief administrative response was provided, which was noted as not being Council's formal position.

As currently proposed by ESCOSA, the Scheme will create an administrative and cost burden for councils with little appreciable value to communities. Nevertheless, as it is a legislated matter, it is unlikely to be rescinded at this time. As such, it is important to ensure the Scheme that is adopted is as practical for Council and as useful to the community as possible. To this end, proposed content for a submission on behalf of Council has been prepared and is provided as Attachment 3.

Motion

C240522/2619

That Council

- 1. note the Draft Framework and Approach for the Local Government Rates Oversight Scheme issued by ESCOSA as provided as Attachment 1;**
- 2. note the LGA Consultation Paper on the Scheme provided as Attachment 2; and**
- 3. endorse the proposed content for a submission on behalf of Council as provided in Attachment 3 and authorise the Chief Executive Officer to submit it to ESCOSA, copied to the LGA, on Council's behalf.**

RETAIN IN CONFIDENCE - Section 91(7) Order

- 4. That having considered Agenda Item 18.3 Feedback on ESCOSA Proposed Framework and Approach - S122 Strategic Management Plan Advice Scheme (Report No: 170/22) in confidence under section 90(2) and (3)(j) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the Report and Attachment 2 be retained in confidence until 30 June 2022.**

Moved Councillor Lonie, Seconded Councillor Clancy

Carried Unanimously