

CONFIDENTIAL MINUTES

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Resumption of open council meeting at 7.06pm.

The meeting moved into confidence at 7.08pm.

8.1.2 ELECTOR REPRESENTATION REVIEW 2024-25 **24/29279**

MOVED Cr de Vries

That Council:

- (1) Receive and note the requirement to undertake a Representation Review 2024-25 as outlined in the Gazettal Notice dated 1 August 2019 (Attachment 1); and
- (2) Endorse the commencement of the Elector Representation Review 2024-25; and
- (3) Appoint Kelledy Jones Lawyers to undertake The Barossa Council's Representation Review 2024-25, under the Project Schedule contained within this report.
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(h) and (i) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments and minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 March 2024 in relation to item 8.1.2 - Elector Representation Review 2024-25 be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn

CARRIED CO 2022-26/405

PURPOSE

The Barossa Council is due to commence a Representation Review in April 2024 with the resulting report completed and forwarded to the Minister for certification by April

2025. Council is asked to endorse the commencement of the review and to appoint a qualified consultant to undertake the review on behalf of Council.

REPORT

Background

Council last completed an Elector Representation Review in 2016.

On 1 August 2019, the Minister for Local Government gazetted a schedule of dates by which councils are to commence and complete their next Elector Representation Review (Attachment 1). A Council must undertake a reviewed once in every eight years in accordance with the published schedule.

This project is being managed by the Executive Business Partner. A review of the specification and legislative needs has been undertaken, a request for quotation issued to the market and it now requires Council consideration and appointment of the consultant.

Introduction

A representation review is held to determine whether a Council would benefit from a change to its composition or ward structure. The Act sets out the requirements for a representation review and each Council must manage the representation review in the context of the prescribed process.

A prescribed review must comprehensively examine:

- all aspects of the composition of the council, and
- the potential division of the council area into wards, or the abolishment of existing wards, and
- a notice under this section may also change the name of a council.

Councils are required to conduct a review of its representation:

- at least once in each relevant period as prescribed by the regulations. The Minister for Local Government from time to time will publish in the SA Government Gazette a timing schedule for determination of the relevant period for each council to conduct their representation review (Attachment 1), or
- a council may undertake a review at any time into specific aspects of its composition or ward structure or those matters generally.

The process includes:

- initiating the preparation of a representation options paper
- detailed public consultation processes
- preparing a report on the public consultation and council's response to the issues arising from the written submissions
- providing a final representation review report to the Electoral Commissioner.

Discussion

The Act provides the framework for councils to conduct a representation review.

This report is to advise Council of the impending review and to outline the timeframes and complex nature of a review including:

- o council project plan
- o research and analysis requirements
- o community engagement strategies
- o scheduled workshops
- o voters roll status/accuracy
- o select/appoint a qualified person to prepare the representation options paper.
- o Council must pass a resolution to commence a representation review.

A comprehensive Representation Review could take a minimum of 42 weeks and requires significant resources to be completed successfully. There are a further four weeks for the Electoral Commissioner to determine if the statutory requirements have been met and issue a certificate of compliance.

Council must ensure the timeframes for decision making will meet the legislative timelines for the preparation of the options paper, review report and final report including the public consultation periods.

The confirmed Project Schedule is outlined below:

Activity	Timing
Resolution of Council to engage Qualified Person to assist with Representation Review	February / March 2024
Commencement Workshop	April / May 2024
Draft Representation Review Report for discussion by Council at a further Workshop	July 2024
Adoption of Draft Representation Review Report by Council for consultation	Draft Report for Council's consideration and adoption for consultation purposes at its meeting of August 2024
Public Consultation	August / September 2024
Review Submissions Received	September / October 2024
Finalisation of the Representation Review Report	Consider submissions from consultation and prepare Final Representation Review – November 2024
Second round of consultation (should the Council wish to progress this step)	December 2024 / January 2025
Adoption of Representation Review Report by Council	Final Representation Review Report to be prepared for Council's consideration and adoption at its meeting of February 2025

Referral of Representation Review Report to the ECSA	February 2025
Gazettal of composition of the Council on receipt of certification from ECSA	March 2025

Four Tender Submissions were received which were assessed using the RFQ - Evaluation Matrix with a summary provided at Attachment 2. Following this assessment, it is recommended that Council appoint Kelledy Jones Lawyers to undertake the Representation Review 2024-25. The preferred candidate has extensive expertise in the local government sector, key understanding of the needs of a representation review, lowest per hourly rate for any variations, and is below budget.

Summary and Conclusion

Council is asked to endorse the formal commencement of the Representation Review 2024-25 and appoint a qualified consultant to undertake the review on behalf of Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Gazette - No- 37 - Thursday 1 August 2019 - pages 2869-2929 - Representation Review Schedule published by the Minister 
- Attachment 2 Tender Matrix - Representation Review 2024-25 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Local Government Act 1999 – Division 2 – Powers of Council and representation reviews.

Local Government (Elections) Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Cost allocation has already been included in the 2024 and 2025 budget. The costs budgets were \$8,500 in 2023-2024 and a further \$8,500 in 2024-2025. With a provision for variations, of say 10 hours, under the contract depending on Council decisions throughout the contract the estimated cost is \$12,050 or \$4,950 below budget. The budget will be amended to align to the estimate.

There are no internal resourcing issues, the project is being managed by the Executive Business Partner.

The risk inherent in the project are minimal and within normal risk statements and profile. The process also included community engagement.

The main risk and challenge foreseen in this review is associated with the need to meet the expectations of new legislative conditions (Section 11A – since the last review in 2016) limiting the number of Elected Members. The limit is 13 members, including the Presiding Member. Officers are aware of Onkaparinga Council, one of the earliest reviews done since Section 11A was introduced sought more than 13 members which was not approved by the Electoral Commissioner. The review must take account proportional representation of other Councils. As Onkaparinga is a council of some 178,000 residents and ultimately was structured with 12 Elected Members; a Mayor and 11 Elected Members. It is expected this will be a significant topic of discussion for Council and community in relation to the review.

COMMUNITY ENGAGEMENT

Not required for this decision. Full community engagement will be included as outlined in the Project Schedule.

Resumption of open council meeting at 7.09pm.

The meeting moved into confidence at 7.10pm.

8.2 Infrastructure and Environment Services

8.2.1 NURIOOTPA CWMS TREATMENT PLANT UPGRADE - TENDER

24/28861

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COMMUNITY ENGAGEMENT

[REDACTED]

Resumption of open council meeting at 7.18pm.

Confirmed at Council Meeting on 16 April 2024

Date:.....

Mayor:.....