AGENDA

Ordinary Council Meeting
Wednesday, 15 January 2020

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Wednesday, 15 January 2020
Time: 2.00pm
Location: Council Chambers, Kimba

Debra Larwood
Chief Executive Officer
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1 WELCOME

2 APOLOGIES
3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL MEETING HELD ON 11 DECEMBER 2019

- **File Number:** 9.24.01.03
- **Author:** Emily Maxwell, Executive Assistant/Governance Officer
- **Authoriser:** Debra Larwood, Chief Executive Officer
- **Strategic Objectives:** 5.1 Fostering sound leadership in staff and elected members.

**RECOMMENDATION**

That the Minutes of the Council Meeting held on 11 December 2019 be confirmed as a true and correct record of that meeting.

**ATTACHMENTS**

1. Minutes of the Council Meeting held on 11 December 2019
MINUTES

Ordinary Council Meeting
Wednesday, 11 December 2019
Order Of Business

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MINUTES OF DISTRICT COUNCIL OF KIMBA
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, KIMBA
ON WEDNESDAY, 11 DECEMBER 2019 AT 2.00PM

PRESENT: Mayor Dean Johnson (Mayor), Deputy Mayor Megan Lienert (Deputy Mayor),
Cr Graeme Baldock, Cr Peta Willmott, Cr Tom Harris, Cr Brian Cant

IN ATTENDANCE: Debra Larwood (Chief Executive Officer), Michael Inglis (Works Manager),
Emily Maxwell (Minute Taker)

OBSERVERS: Lesley Schubert

1 WELCOME

2 APOLOGIES

Cr Peter Rayson

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF THE COUNCIL MEETING HELD ON 13 NOVEMBER 2019

RESOLUTION C176/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Peta Willmott
That the Minutes of the Council Meeting held on 13 November 2019 be confirmed as a true and
correct record of that meeting.

CARRIED

4 BUSINESS ARISING

4.1 OUTSTANDING ACTION LIST - DECEMBER 2019

Chief Executive Officer provided a verbal update further to Agenda Item 4.1.

5 CONFLICT OF INTEREST

Elected Members were advised of provisions for conflict of interest in accordance with sections
73, 74, 75 and 75A of the Local Government Act 1999.
6 ELECTED MEMBERS’ REPORTS

6.1 ELECTED MEMBER ACTIVITY REPORTS - DECEMBER 2019

RESOLUTION C177/19

Moved: Cr Graeme Baldock
Seconded: Deputy Mayor Megan Lienert

That Council receive and note the Elected Member activity reports for December 2019.

CARRIED

7 RESCISSION MOTION

8 DEFERRED ITEMS

9 QUESTIONS WITHOUT NOTICE

10 PETITIONS OR DEPUTATIONS

11 NOTICES OF MOTION

12 REPORTS AND RECOMMENDATIONS OF COMMITTEES

12.1 MINUTES OF THE KIMBA TOURISM COMMITTEE MEETING HELD ON 10 DECEMBER 2019

RESOLUTION C178/19

Moved: Cr Brian Cant
Seconded: Cr Tom Harris

That the Minutes of the Kimba Tourism Committee Meeting held on 10 December 2019 be received and the recommendations therein be noted and accepted with the exception of Resolution No. T014/19.

CARRIED
12.2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 4 DECEMBER 2019

RESOLUTION C179/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Brian Cant

That the Minutes of the Audit Committee Meeting held on 4 December 2019 be received and the recommendations therein be noted.

CARRIED

13 OFFICERS’ REPORTS

13.1 REPORT ON ACTIVITIES - CHIEF EXECUTIVE OFFICER

Chief Executive Officer provided a verbal update further to Agenda Item 13.1.

13.2 CHANGE OF COUNCIL MEETING DATE

RESOLUTION C180/19

Moved: Cr Graeme Baldock
Seconded: Deputy Mayor Megan Lienert

That the January 2020 Ordinary Meeting of Council be held on Wednesday, 15th January 2020 at 2.00pm.

CARRIED

13.3 MAJOR PROJECTS OF COUNCIL

RESOLUTION C181/19

Moved: Cr Peta Willmott
Seconded: Cr Graeme Baldock

That Council receive and note the Major Project Reporting Plan.

CARRIED

13.4 DISTRICT COUNCIL OF KIMBA STRATEGIC PLAN 2016-2020 IMPLEMENTATION PLAN

RESOLUTION C182/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Tom Harris
That Council receive and note the Strategic Plan 2016-2020 Implementation Plan.

CARRIED

13.5 COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

That Council receives the Community and Economic Development Strategy and note changes to be made.

Executive Assistant entered the Chambers at 2.35pm.

13.6 CHRISTMAS GREETINGS

Chief Executive Officer provided a verbal update further to Agenda Item 13.6.

13.7 NATIONAL RADIOACTIVE WASTE MANAGEMENT FACILITY PROJECT COMMUNITY BENEFITS PROGRAMME

Chief Executive Officer provided a verbal update further to Agenda Item 13.7. Mayor Johnson provided a verbal update regarding Communication Towers.

Council identified potential projects and prioritised the following for investigation:

- Upgrades to the Medical Centre
- Phone Towner – Kimba Cowell Road or other identified locations/black spots – further investigation to be undertaken
- Town street furniture
- Outdoor gym equipment
- Electronic signage
- Drone project
- Outdoor Movie Cinema

13.8 EYRE PENINSULAS REGIONAL ASSESSMENT PANEL

RESOLUTION C183/19

Moved: Cr Graeme Baldock
Seconded: Cr Brian Cant

That Council

a) resolves to form part of the Eyre Peninsula Regional Development Panel

b) authorises the Chief Executive Officer to negotiate the terms of the Eyre Peninsula Regional Assessment Panel and Assessment Manager Service Agreement and the Eyre Peninsula Regional Assessment Panel Terms of Reference
and;

c) authorises the Chief Executive Officer to sign the relevant documents required to form that Panel

CARRIED

13.9 REPORT ON FINANCIAL RESULTS

RESOLUTION C184/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Peta Willmott

1. That Council notes the report provided to the Audit Committee.

CARRIED

13.10 INTERNAL AUDITOR APPOINTMENT

RESOLUTION C185/19

Moved: Cr Peta Willmott
Seconded: Deputy Mayor Megan Lienert

1. That Council appoint Ian McDonald FCA from Creative Auditing to perform an annual internal review of Councils internal control framework and associated policies and procedures. A budget allocation of $5k should be reflected in Budget Review #2 to cover these costs.

CARRIED

13.11 STRATEGIC MANAGEMENT PLAN – COMPREHENSIVE UPGRADE – PROJECT PLANS

RESOLUTION C186/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Brian Cant


CARRIED

Meeting adjourned at 3.54pm.
Meeting reconvened at 4.00pm.

13.12 MEDICAL CENTRE

Works Manager provided a verbal update further to agenda Item 13.12.
13.13 SEALED ROADS

RESOLUTION C187/19
Moved: Cr Peta Willmott
Seconded: Cr Brian Cant
That Council use additional R2R funding for additional resealing and that due to the tenders process that has been followed West Coast Bitumen be engaged to complete these works.

CARRIED

13.14 SOLAR POWER

RESOLUTION C188/19
Moved: Cr Tom Harris
Seconded: Cr Peta Willmott

1. That the Council authorises the budgeted funds of up to $18,000.00 be allocated from General Reserves for the purpose of purchasing and installing solar at the depot.
   and;
2. In the event that no further quotes are received by 12 midnight Thursday, 12th December 2019, that Council proceeds with the supplied quotation.

CARRIED

13.15 DROUGHT COMMUNITIES EXTENSION PROGRAM
Works Manager provided a verbal update further to agenda item 13.15.

13.16 DISTRICT ROADS
Works Manager provided a verbal update further to agenda item 13.16.

13.17 KIMBA AERODROME
Works Manager provided a verbal update further to agenda item 13.17.
13.18 OVAL WATERING

RESOLUTION C189/19
Moved: Cr Peta Willmott
Seconded: Cr Graeme Baldock
That option 2: Cease watering the lower oval immediately and preserve water for the main oval. Impact: Bottom oval will deteriorate. That it be put in place and reviewed early in the New Year. If catchment replenishment occurs in the interim, the Works manager can revert to the normal watering regime.

CARRIED

13.19 DEVELOPMENT REPORT - DECEMBER 2019
That the report was presented and noted.

14 CORRESPONDENCE

14.1 INCOMING AND OUTGOING CORRESPONDENCE - DECEMBER 2019

RESOLUTION C190/19
Moved: Deputy Mayor Megan Lienert
Seconded: Cr Brian Cant
That Council receive and note the Incoming and Outgoing Correspondence Report for December 2019.

CARRIED

RESOLUTION C191/19
Moved: Cr Graeme Baldock
Seconded: Deputy Mayor Megan Lienert
That Council authorises a submission of support for the SA Power Networks - Improving reliability of power in the District Council of Kimba area.

CARRIED

RESOLUTION C192/19
Moved: Cr Tom Harris
Seconded: Cr Brian Cant
That Council gives land owner approval regarding scope of works to be undertaken as per plans provided and a letter of support be provided to the Bowls Club.
RESOLUTION C193/19

Moved: Cr Brian Cant
Seconded: Deputy Mayor Megan Lienert

That Council delegates authority to the Chief Executive Officer to provide letters of support to the community when required.

CARRIED

15 LATE/OTHER BUSINESS

1.1 MINUTES OF THE AUSTRALIA DAY COMMITTEE MEETING HELD ON 2 DECEMBER 2019

RESOLUTION C194/19

Moved: Cr Graeme Baldoch
Seconded: Cr Peta Willmott

That the Minutes of the Australia Day Committee Meeting held on 2 December 2019 be received and the recommendations therein be noted.

CARRIED

The observer left the meeting at 4.42pm.

16 CONFIDENTIAL

16.1 COUNCIL REVIEW AND SUPPORT ARRANGEMENTS

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(2) & (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(jj)(i) information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).

RESOLUTION C195/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Brian Cant

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999, Council orders, that the public be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 16.1 Council Review and Support Arrangements, attachments and any associated
documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council.

2. At the completion of the confidential session the meeting be re-opened to the public.

CARRIED

RESOLUTION C196/19

Moved: Deputy Mayor Megan Lienert
Seconded: Cr Brian Cant

1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council orders that the report 16.1 Council Review and Support Arrangements, the minutes arising from the report, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (j)(i) be kept confidential and not available for public inspection until 9 October 2020, on the basis that the information received, discussed and considered in relation to this agenda item is:

information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council).

2. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

16.2 EYRE HUB PROPOSAL

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(2) & (3) of the Local Government Act 1999, the information to be received, discussed or considered in relation to this agenda item is:

(d)(i) commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

RESOLUTION C197/19

Moved: Cr Peta Willmott
Seconded: Cr Tom Harris

It is recommended to Council that:

1. Pursuant to Section 90(2) & (3) of the Local Government Act 1999, Council orders, that the public be excluded from attendance at so much of the meeting as is necessary to receive,
discuss and consider in confidence, information contained within the confidential report
Item 16.2 Eyre Hub Proposal, attachments and any associated documentation submitted by
the Chief Executive Officer, specifically on the basis of the provisions of Prejudice the
commercial position or confer a commercial advantage on a third party.
2. At the completion of the confidential session the meeting be re-opened to the public.

CARRIED

RESOLUTION C198/19
Moved: Cr Peta Willmott
Seconded: Cr Tom Harris
1. In accordance with Sections 91(7) and 91(9) of the Local Government Act 1999 the Council
orders that the report 16.2 Eyre Hub Proposal, the minutes arising from the report, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(2) & (3) (d)(i) be kept confidential and not available for public inspection until 13 November 2020, on the basis that the information received, discussed and considered in relation to this agenda item is:
commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.
2. Further that Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the Local Government Act 1999.

CARRIED

The meeting went-in camera at 4.42pm.
The meeting reopened to the public at 5.21pm.

17 UPCOMING MEETINGS/EVENTS

18 NEXT MEETING

Wednesday, 15 January 2020 at 2.00pm in the Council Chambers, Kimba.

19 CLOSURE

The Meeting closed at 5.22pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 January 2020.

...................................................
CHAIRPERSON
4 BUSINESS ARISING

4.1 OUTSTANDING ACTION LIST - JANUARY 2020

File Number: 9.24.01.03
Author: Emily Maxwell, Executive Assistant/Governance Officer
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives: 5.1 Fostering sound leadership in staff and elected members.

INTRODUCTION
This report is presented to provide Elected Members with information about the status of outstanding action items for January 2020.

PREVIOUS COUNCIL CONSIDERATION
An outstanding action list is providing to Council on an ongoing monthly basis, or as operationally required.

OFFICER’S REPORT
See attachment.

ATTACHMENTS
1. Outstanding Action List January 2020
<table>
<thead>
<tr>
<th>Resolutions from Previous Meetings of Council</th>
<th>Officer</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>16/01/2019 Request from Cr T Harris that contact be made with the District Council of Franklin Harbour to</td>
<td>SMT</td>
<td>JANUARY 2019: Senior Management Team to contact District Council of Franklin Harbour to commence the process. MARCH 2019: CEO still waiting for response to request from CEO of District Council of Franklin Harbour. April 2019: in discussions with DPTI in respect to next steps and determining logistics to be considered. May 2019: A teleconference was held with Mike Wilde from DPTI on the 3rd May 2019 and the process is currently halted waiting on a potential traffic assessment report being prepared by T-Ports. August 2019: A follow up email has been sent to DPTI regarding the report but no response has been received.</td>
</tr>
<tr>
<td>investigate the possibility of facilitating the transfer of the Kimba-Cowell Road to DPTI in lieu of the possibility of increased traffic as a result of the T-Ports project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>08/05/2019 Powerline undergrounding</td>
<td>SMT</td>
<td>May 2019: Continue to investigate the feasibility of the project with a view to providing a more detailed report for decision at a later date. June 2019: Further investigation has commenced. August 2019: Follow up email sent but waiting on response.</td>
</tr>
</tbody>
</table>
| 13/11/2019 National Radioactive Waste Management Facility Community Benefits Programme                        |         | November 2019:The following list provides the potential projects presented to the workshop identified for further investigation:  
  - Recreation Reserve Toilet Upgrade.  
  - Institute upgrade – foyer upgrade, toilets, painting of the supper room, new PA System, roof.  
  - Upgrades to the Medical Centre  
  - Phone Tower – Kimba Cowell Road or other identified locations/black spots – further investigation to be undertaken  
  - Pony Club Toilet Upgrade  
  - Outdoor Movie Cinema  
  - Paving construction to enable the employment of locals on a
| Item 4.1 | short term casual basis  
|Town street furniture  
|Outdoor gym equipment  
|December 2019: Following December Council Meeting, potential projects were identified and prioritised;  
|Upgrades to Medical Centre  
|Phone Tower – Kimba/Cowell Road or other identified locations/black spots  
|Town Street Furniture  
|Outdoor Gym Equipment  
|Electronic Signage  
|Drone Project  
|Outdoor Movie Cinema  
|January 2020: Following discussion with CFS there may be a possibility to collaborate with them on a grant to assist with emergency services facilities. Further information will be provided to the meeting. |
5 CONFLICT OF INTEREST

Conflict of Interest Declarations

In accordance with s74 of the *Local Government Act 1999*:

1. A member of Council who has an interest in a matter before the Council must disclose the interest to the Council;

2. A member in making a disclosure under subsection (1) must provide full and accurate details of the relevant interest;

3. A disclosure made under subsection (1) must be recorded in the minutes of the Council (including details of the relevant interest).
6 ELECTED MEMBERS’ REPORTS

6.1 ELECTED MEMBER ACTIVITY REPORTS - JANUARY 2020

File Number: 9.24.01.01
Author: Emily Maxwell, Executive Assistant/Governance Officer
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives: 5.1 Fostering sound leadership in staff and elected members.

RECOMMENDATION
That Council receive and note the Elected Member activity reports for January 2020.

INTRODUCTION
This report is presented to provide information about the Council-delegated activities of Elected Members for January 2020.

OFFICER’S REPORT
See attachments.

ATTACHMENTS
1. Elected Member Activity Report January 2020 - Mayor Johnson
2. Elected Member Activity Report January 2020 - Deputy Mayor Lienert
3. Elected Member Activity Report January 2020 - Councillor Cant
4. Elected Member Activity Report January 2020 - Councillor Willmott
5. Elected Member Activity Report January 2020 - Councillor Rayson
**DELEGATED COUNCIL ACTIVITIES**

<table>
<thead>
<tr>
<th>ACTIVITY DATE</th>
<th>ACTIVITY DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/12/2019</td>
<td>Kimba Consultative Committee and KEWG Meeting</td>
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<tr>
<td>12/12/2019</td>
<td>EP Ag and Fert Opening</td>
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<tr>
<td>17/12/2019</td>
<td>ABC Radio Interview re: Heat changes for pageant night</td>
</tr>
<tr>
<td>17/12/2019</td>
<td>Phone Meeting RDA – Peter Scott and Brad Riddle re Business mentor programs</td>
</tr>
<tr>
<td>18/12/2019</td>
<td>EP Tribune interview re: 2020 outlook and vision</td>
</tr>
<tr>
<td>20/12/2019</td>
<td>Kimba Christmas Pageant (Opening Address)</td>
</tr>
<tr>
<td>30/12/2019</td>
<td>Several calls and emails to Optus and Telstra following Power Interruption. Also arranged CFS staging area at Council Office and Shane to close Middleback Road on request from SAPOL</td>
</tr>
<tr>
<td>3/1/2020</td>
<td>Met with CEO re: Drought Communities Projects</td>
</tr>
<tr>
<td>4/1/2020</td>
<td>Met with CFS Captain for overview of fires etc.</td>
</tr>
<tr>
<td>7/1/2020</td>
<td>Meeting with Dr Fleming and CEO</td>
</tr>
</tbody>
</table>

**NB:** Report is to be provided to the Manager Corporate Services by **12pm on the Thursday** before the Ordinary Meeting of Council in order for it to be included in the meeting agenda.
ELECTED MEMBER ACTIVITY REPORT FOR ORDINARY MEETINGS OF COUNCIL

ELECTED MEMBER: Deputy Mayor Megan Lienert

REPORT FOR MONTH: January 2020

<table>
<thead>
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<th>ACTIVITY DATE</th>
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<tr>
<td>15/01/2020</td>
<td>Ordinary Meeting of DC Kimba</td>
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ELECTED MEMBER ACTIVITY REPORT FOR ORDINARY MEETINGS OF COUNCIL

ELECTED MEMBER: Councillor Cant

REPORT FOR MONTH: January 2020

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ELECTED MEMBER ACTIVITY REPORT FOR ORDINARY MEETINGS OF COUNCIL

ELECTED MEMBER: Councillor Willmott

REPORT FOR MONTH: January 2020

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**DELEGATED COUNCIL ACTIVITIES**

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ELECTED MEMBER ACTIVITY REPORT FOR ORDINARY MEETINGS OF COUNCIL

ELECTED MEMBER: Councillor Baldock

REPORT FOR MONTH: January 2020

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<td>RESCISSION MOTION</td>
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<td>8</td>
<td>DEFERRED ITEMS</td>
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<tr>
<td>9</td>
<td>QUESTIONS WITHOUT NOTICE</td>
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</table>
13 OFFICERS’ REPORTS

13.1 REPORT ON ACTIVITIES - CHIEF EXECUTIVE OFFICER

File Number: 9.3.03.01
Author: Emily Maxwell, Executive Assistant/Governance Officer
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives: 5.1 Fostering sound leadership in staff and elected members.

INTRODUCTION

Information on activities of the Chief Executive Officer for the month is provided to members which will be supported by a verbal report at the meeting.

PREVIOUS COUNCIL CONSIDERATION

The activities of Senior Management are reported on a monthly basis with the Ordinary Council Meeting Agenda.

OFFICER’S REPORT

Key activities for period 12 December 2019 – 15 January 2020:

- 19 December 2019: Project meeting with John Mundy re Squiz Platform
- 02 January 2020: Meeting with Gateway Hotel re future Dry Areas signage locations
- 03 January 2020: Meeting with Mayor Johnson re Drought Communities Projects
- 07 January 2020: Meeting with Doctor Fleming and Mayor Johnson
- 14 January 2020: Meeting with Probus Club re possible grant funding Administration Meeting
- 15 January 2020: Ordinary Meeting of Council

RISK/LIABILITY

The risk to Council is that should the appropriate activities not be undertaken by the CEO the Council will not perform in an effective and efficient manner, and appropriate knowledge and engagement will not be facilitated.

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<th>Likelihood</th>
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</tbody>
</table>
Legend:  
E: Extreme risk; immediate action required
H: High risk; senior management attention needed
M: Moderate risk; management responsibility must be specified
L: low risk; manage by routine procedures

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

Nil
13.2 COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

File Number: 7.65.2.2
Author: Debra Larwood, Chief Executive Officer
Authoriser: Kate Francis, Senior Depot Administration Officer
Strategic Objectives:

- 2.1 Increased number of businesses & employment
- 4.5 Create an inclusive youth culture of participation in community activities
- 5.3 Maximise Council engagement with community.

RECOMMENDATION
For discussion/decision

INTRODUCTION

As part of the National Radioactive Waste Management Facility Community Benefit Programme, Council received a grant for the facilitation and development of a Community and Economic Development Strategy.

PREVIOUS COUNCIL CONSIDERATION

At an Ordinary Meeting of Council held on 8th November, 2017 it was decided that an application should be submitted to the National Radioactive Waste Management Facility Community Benefit Programme for the preparation of a Community and Economic Development Strategy. In August 2018, Peter Kenyon, lead consultant appointed to the project, met with several councillors and community members to discuss the process.

A week-long period of consultation was undertaken with Peter Kenyon and associates commencing Monday 25th February 2019. During this period, Peter Kenyon spent time with businesses and organisations such as the Senior Citizens and the Kimba Community Development Group to seek feedback and engage to provide information for the development of the strategy.

Further consultation was undertaken utilising Peter Kenyon’s services from Wednesday 8th May, 2019 and concluded on Friday evening 10th May 2019. Sessions included Community Conversation, a Business Session, as session with sporting organizations, subject specific sessions including attracting a doctor, a scavenger hunt for the kids and concluded with a community ‘Café Conversation’ event. All sessions were well attended and valuable feedback was received. The ‘Café Conversation’ event concluded with an opportunity for all present to prioritize the initiatives identified over the three days.

A final draft plan was received at the end of June 2019 and was assessed by members available at that time. Some further rework was undertaken and the amended draft was included in the Agenda for the December 2019 meeting of Council for member’s consideration.
OFFICERS REPORT

At this time grammatical changes identified have been forwarded to Peter Kenyon to ensure the project progresses. These amendments plus other suggested changes provided by elected members have been forwarded to all members for further consideration and/or further feedback on the document. Once the changes have been finalised they will be sent to Peter Kenyon and, once the changes have been made, will be provided to the February Council meeting for potential adoption. An implementation plan will then be developed to assist in recommendations from the plan being carried out.

To date the following changes have been suggested:

In order to streamline the process grammatical and correcting changed have not been included but can be provided if required or sourced from previous emails.

- Page 4 – third line of the first paragraph – replace loss with decline
- Page 5 – Suggested removal of strategy no. 4 “Establishment of a multiuse grain storage, handling and transport facility”. This suggestion has opposing views based on the ideal it was featured quite highly in the priorities of the public at the last community engagement forum and was identified as a strategic project. Feedback suggests this strategy should remain in the plan.
- Page 9 – Second line – query where the 50% plus came from.
- Page 10 – Under population demographics third line, should read 12 person increase not 10 person decline. Further investigation needs to be undertaken as to where the 2018 figure came from. The Cadence reports provides the figure at 1040.
- Page 12 – second to last point – Query where $85 median weekly rent came from. Believed it should be higher.
- Page 12 – Under Economic Snapshot amend “Approximately 50 are non-farming ventures” to “approximately 156 are farming ventures”. Is this change required or are members satisfied with the current format?
- Page 15 – There was a lot of conjecture in respect to naming all the sporting organisations as there are some missing.
- Page 15 – Buckleboo Club is listed but Kelly Hall and Waddikee Club are omitted.
- Page 15 – Under Physical assets remove Railway Line as it is no longer operating. Given the railway is still physically there does this need to be removed?
- Page 16 – Visitor Information Outlet is listed under Institutional Assets and Cultural Assets – remove it from Institutional Assets.
- Page 18 – Under Tourism challenges, first dot point change to ‘No formal Tourism Strategy however individual project s and support is exceptional. Suggested removal of the following dot points: “poor entry and directional signage”, “Paucity of tourism information and product promotion” and “Indigenous Tourism is non-existent”. Should this be reworded to reflect improvements required in a Tourism Strategy, communication and the implementation of tourism, including indigenous tourism.
- Page 24 – Recommended Action 1 – Kimba Community Development Group are currently doing it and it is hard to compile. Further discussion required on this item.
- Page 25 – Recommended Action 3 – No data on the gaps we have. It was felt the plan should have identified the gaps.
- Page 26, 29, 31, 33 and 38 – Should the CBF be removed from possible resources or should this be reworded?
• Page 27 – Recommended Action 1 – Needs a focus on existing business. Missing a mention of a mentor type program. Are members happy with the current wording or request changes as identified?
• Page 28 - Recommended Action 3 – Cannot find the link for BEAR and should be a direct link to the tools for BEAR not just the Band of Ideas link.
• Page 28 - Recommended Action 4 – What is it and direction is needed as to how we do it.
• Page 32 – Recommended Action 1 – Provide links to the three Western Australian Wheatbelt towns.
• Page 33 – Success indicators are generic. How do we do this?
• Page 34 – Second to last line of third paragraph should read “One of the best opportunity shops...” or should it remain as the best op shop?
• Page 34 - Recommended Action 1 – change audit to assessment.

In addition some general comments and feedback has been provided. The consensus appears to be that the strategy could be more comprehensive and additional resources could be included either as appendices or as embedded links in the document. It is also felt that post-secondary education/training has been omitted. The question has also been asked as to whether the document should be presented as is with the exception of grammatical changes and correction of data and additional ideas and thoughts of members be presented as an attachment.

**BUDGET IMPLICATIONS**

Funds were allocated in the 2018-19 budget for the preparation of the Strategy. Some funds allocated in the draft budget for 2019-20 to facilitate economic development within the community.

**RISK/LIABILITY**

The risk to Council is that if the appropriate level of community engagement has not been achieved then the resultant Community and Economic Development Strategy will not reflect the future needs and requirements of the Kimba community. An additional risk is that the completed plan will not fulfil Council expectations.

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<th>Likelihood</th>
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Legend:  E: Extreme risk; immediate action required  
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L: low risk; manage by routine procedures  

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

Nil
13.3 2020 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT

File Number: 9.3.02.01
Author: Debra Larwood, Chief Executive Officer
Authoriser: Kate Francis, Senior Depot Administration Officer
Strategic Objectives: 5.2 Prudential & strategic financial management of Council resources.

RECOMMENDATION
That Council endorse the attendance of __________ and __________ at the 2020 National General Assembly of Local Government in Canberra on 14-17 June 2020.

INTRODUCTION
This report is presented to seek direction from Council on which Elected Members and, if applicable, staff will represent the organisation at the 2020 National Assembly of Local Government ("NGA"), which will be held in Canberra on 14-17 June 2020.

PREVIOUS COUNCIL CONSIDERATION
At the meeting of Council held on the 13th March 2019 the following resolution was passed:

RESOLUTION C030/19
Moved: Cr Brian Cant
Seconded: Cr Peta Willmott
That Council endorse the attendance of Mayor Dean Johnson, Deputy Mayor Megan Lienert and Chief Executive Officer Deb Larwood at the 2019 National General Assembly of Local Government in Canberra on 16-19 June 2019.

OFFICER’S REPORT
Over the past several years Council has chosen to send delegates each year to the NGA. This comes at a significant cost in terms of registration, flights and accommodation and estimates of these costs per person for the 2020 NGA are as follows:

- Accommodation - $1,400 for 5 nights (depending on availability) – this is subject to attendance at the Regional Forum.
- Flights - $600 return
- Congress Early Bird Registration - $989
- Networking Dinner - $115
- Congress Dinner - $150
- Regional Forum (on the Sunday prior to the conference) - $225
- Total costs to Council per person - $3,479
This is based on attendance to all events and does not include any accommodation in Adelaide which may not be necessary given the suggested flights. There is the opportunity for some savings particularly with early bookings and flights and accommodation have been generously costed. A copy of the program will be provided to members when it becomes available.

**BUDGET IMPLICATIONS**

Costs can be accommodated in the approved budget for Elected Member training in the 2019-20 financial year, which currently has about 80 per cent of its allocation uncommitted and staff training which has 85% uncommitted. There is also adequate funds in the accommodation and travel budgets for both elected members and staff.

**RISK/LIABILITY**

The risk of sending delegates to the 2020 National General Assembly of Local Government is that the expenditure associated with doing so has the potential to exceed the approved 2019-20 budget allocation if multiple Elected Members and/or staff wish to represent Council at the event.

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Extreme and High Risk Issues require a Risk Assessment to be undertaken

**ATTACHMENTS**

Nil
13.4 DISTRICT COUNCIL OF KIMBA TOURISM COMMITTEE COMMUNITY REPRESENTATIVE VACANCY

**File Number:** 9.14.01  
**Author:** Debra Larwood, Chief Executive Officer  
**Authoriser:** Emily Maxwell, Executive Assistant/Governance Officer  
**Strategic Objectives:**  
5.1 Fostering sound leadership in staff and elected members.  
5.3 Maximise Council engagement with community.

---

**RECOMMENDATION**

That Council calls for Expressions of Interest for a community representative to fill the current vacancy on the District Council of Kimba Tourism Committee.

---

**INTRODUCTION**

Membership of the District Council of Kimba Tourism Committee consists of 2 elected members, a minimum of 3 community representatives and a representative from the Kimba Community Development Group. Nominations for community representatives shall be called for in early December following an election of Council and will be appointed for a term of 2 years. Further nominations will be called for prior to the conclusion of this 2 year term.

**PREVIOUS COUNCIL CONSIDERATION**

In December 2018, following the 2018 Local Government Elections Expressions of Interest were called for persons interested in being a part of the Tourism Committee as community representatives. At the conclusion of this process Council passed the following resolution:


Cr P S Rayson/Cr P L Willmott  
CARRIED

**OFFICER’S REPORT**

A letter was received dated 6th November 2019 from Sue Woolford formally advising of her resignation from the Tourism Committee. This letter was presented to the Tourism Committee at its meeting held on 10th December 2019. As a result of her resignation the committee now consists of only 2 community representatives which falls below the required 3 as identified in the District Council of Kimba Tourism Committee Terms of Reference. Therefore it is my recommendation that Expressions of Interest be called seeking persons interested in filling this role. It is my suggestion that this position be appointed until January 2021 at which time all community representative positions will become vacant and further Expressions of Interest will be sought.
RISK/LIABILITY

The risk of not filling the community representative vacancy on the Tourism Committee is that the committee will then be functioning in conflict with the adopted Terms of Reference. In addition it will reduce the ability of the community to have input into future Tourism initiatives of Council.

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Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

1. Letter of Resignation - S Woolford
District Council of Kimba
PO Box 189
Kimba SA 5641

November 8th 2019

RE: Tourism Committee;

After much consideration and angst I would like to formally submit my resignation from the tourism committee.

Regards,

[Signature]

Sue Woolford

[Email] susanpeterwoolford@gmail.com
0427274058
13.5 REVIEW OF COUNCIL POLICIES

File Number: 9.63.01.1.2
Author: Emily Maxwell, Executive Assistant/Governance Officer
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives: 5.1 Fostering sound leadership in staff and elected members.

RECOMMENDATION
That Council adopt the reviewed policies as presented:
(i) Mobile Food Vendor Location Rules Policy

INTRODUCTION
This report is presented to provide Elected Members with the reviewed draft of Council’s policies for adoption in accordance with the schedule identified in the District Council of Kimba Policy Index.

OFFICER’S REPORT
Apart from minor grammatical and style changes, changing date references to 2020 and version information, the following amendments have been made:
Mobile Food Vendor Location Rules Policy
Mobile Food Vendor Permit has been included in the policy.

RISK/LIABILITY
The types of policies Council is required to maintain are largely dictated by the statutory obligations of its various functions, and can be loosely categorised into two categories: statutory policies and general policies. A failure to review policies at the scheduled time, or when statutory or operational changes dictate it, represents a minor, however unlikely, risk to Council.

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Likelihood Consequences
ATTACHMENTS

1. 1.27 Mobile Food Vendor Location Rules
1.27 Mobile Food Vendor Location Rules

District Council of KIMBA
EST. 1924

Adopted: January 2020 | Review Date: January 2022
This document has been endorsed and approved for use by:

Debra Larwood
Chief Executive Officer

Document Version Control

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<th>Document Name</th>
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<td>Document Status</td>
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<td>Version Number</td>
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<tr>
<td>Author</td>
<td>Deb Larwood, CEO</td>
</tr>
<tr>
<td>Authorised By</td>
<td>Deb Larwood, CEO</td>
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Change History

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<td>D Larwood</td>
<td>New Policy</td>
<td>February 2020</td>
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<td>2</td>
<td>15/01/2020</td>
<td>D Larwood</td>
<td>Review</td>
<td>January 2022</td>
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This document sets out a location rules for the purposes of section 225A of the Local Government Act 1999 (LG Act) and regulation 25C of the Local Government (General) Regulations 2013.

1. Introduction
A mobile food vending business requires a permit under section 222 of the Local Government Act 1999 to operate a business on a public road in the Council area.
A condition of a permit authorising a mobile food vending business to operate on a public road in the Council area is that the permit holder complies with location rules adopted by the Council under section 225A of the Local Government Act.
The District Council of Kimba has adopted the location rules set out in this document.

2. Council determined mobile food vending business sites
The District Council of Kimba has determined that mobile food businesses may operate from the sites shown on the attached map as long as they hold a permit issued by the Council.
The permit holder must comply with these location rules and any other requirements of its permit as below:

- A mobile food vending business holding a permit issued by the Council may operate subject to complying with these location rules and any other requirements of its permit.
- A mobile food vending business must select a site for operation which allows for a reasonable distance between the mobile food vending business and fixed food businesses during the operating hours of the fixed food businesses.
- A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business on:
  (a) vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities;
  (b) the requirements relating to, and availability of, parking spaces; and
  (c) residents and businesses.
- A mobile food vending business must select a site for operation where the mobile food vending business will not unduly interfere with:
  (a) vehicles driven on roads;
  (b) vehicles parking or standing on roads;
  (c) a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
  (d) public transport and cycling infrastructure (including bus zones, taxi zones and bike lanes);
  (e) other road related infrastructure; or
  (f) infrastructure designed to give access to roads, footpaths and buildings.
3. Council Fees
Council applies the following fee structure for the Mobile Food Vendor Permit
- 1 month - $100
- 12 months - $1,000

4. Compliance with legislative requirements
A mobile food vending business must select a site for operation which does not breach any relevant requirements under:
- the Food Act 2001
- the South Australian Public Health Act 2011;
- the Environment Protection Act 1993;
- the Local Nuisance and Litter Control Act 2016;
- the Motor Vehicle Act 1959 and the Road Traffic Act 1951;
- legislation relating to electrical or gas installations or appliances; and
- relevant legislation relating to health, safety or the environment

5. Disputes may be referred to the Small Business Commissioner
If an operator of a food business in the Council area is directly adversely affected by these location rules then the operator may apply to the Small Business Commissioner for a review of the location rules.

6. Amendment of these location rules
The location rules may be amended from time to time by the Council. The location rules must be amended by the Council if directed to do so by the Small Business Commissioner or to satisfy a requirement of the Minister for Local Government.

7. Review of Policy
The effectiveness of the policy will be reviewed and evaluated annually. The CEO will report to Council on the outcome of the evaluation, and make recommendations for amendment, alteration or substitution of a new policy. Council has the right to review this policy at any time, if considered desirable.

8. Adoption of Policy
This policy was adopted by Council at its Ordinary Meeting on
## Attachment 1 – Locations

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<tr>
<th>Locations</th>
<th>Site Description</th>
<th>Constraints</th>
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<tbody>
<tr>
<td>Lions/Apex Central Park</td>
<td>Along the verge of the road from the edge of the playground to the north to the edge of the carpark to the south on Park Terrace and Schaefer Avenue.</td>
<td>Maximum No. of Sites: 1</td>
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<td>No. of operators (at any one time): 1</td>
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<td>Trading period: 9am to 9pm 7 days/week</td>
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<tr>
<td>Silo Art Viewing Platform</td>
<td>Adjacent to the viewing area to a depth of 6 metres from the edge of the road.</td>
<td>Maximum No. of Sites: 1</td>
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<td></td>
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<td>No. of operators (at any one time): 1</td>
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<td>Trading period: 9am to 9p7 days/week</td>
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**Lions/Apex Central Park** – Park Terrace and Schaefer Avenue, Kimba

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Additional content: W:\Documents \GOVERNANCE\GOVERNANCE POLICIES\Statutory Policies\pa.pdf 1.27 Mobile Food Vendor Location Policy 2020.docx
The Silo Art Viewing Platform — Railway Terrace Kimba
Mobile Food Vendor Permit

Issued under section 232, Local Government Act 1999
By the District Council of Kimba (Council)

Permit Holder: _______________________________

(Name of individual making application)

Mobile Food Vending Business: ____________________________

(Organisation, Business, Group)

Vehicle type: ______________________________

Vehicle registration: ______________________________

Permit Fee:
1 Month Fee: $100.00
12 Months Fee: $1,000.00

Telephone: ________________________________ Facsimile: __________________________

Commencement Date(s): ____________________________ Times of Use: __________________________

Insurance: ______________________________

CONDITIONS OF USE:

1. The Permit Holder is authorised to conduct the Mobile Food Vending Business from the vehicle identified above on a public road in the Council area subject to the conditions set out in this permit.

2. The permit is subject to the payment of a permit fee. The Permit Holder may elect to pay either an annual fee or a monthly fee.

3. The permit will operate from the Commencement Date and will expire:
   3.1 in respect of a permit for which the Annual Fee has been paid, 12 months after the Commencement Date; and
   3.2 in respect of a permit for which a Monthly Fee has been paid, 1 month after the Commencement Date, unless cancelled earlier by the Council in accordance with the Local Government Act and the Local Government (General) Regulations 2013.

4. The Permit Holder may only operate the Mobile Food Vending Business from a location which is consistent with the location rules for mobile food vending businesses published by the Council (available at the Council Administration Office).

5. This permit does not provide the Permit Holder with exclusive access to any location in the Council area from which to operate the Mobile Food Vending Business.
6. The Permit Holder must vacate the location in which the Mobile Food Vending Business has operated at the end of each trading period.

7. The Permit Holder must ensure that the operation of the Mobile Food Vending Business does not unreasonably interfere with:
   7.1. vehicles driven on the road;
   7.2. vehicles parking or standing on roads;
   7.3. a parking area for people with disabilities (within the meaning of rule 203(2) of the Australian Road Rules);
   7.4. public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes);
   7.5. other road related infrastructure; or
   7.6. infrastructure designed to give access to roads, footpaths and buildings.

8. The Permit Holder must comply with requirements of:
   8.1. the Local Government Act 1999 and the Local Government (General) Regulations 2013;
   8.2. the Food Act 2001;
   8.3. the South Australian Public Health Act 2011;
   8.4. the Environment Protection Act 1993;
   8.5. the Local Nuisance and Litter Control Act 2016;
   8.6. the Motor Vehicles Act 1959 and Road Traffic Act 1961;
   8.7. any law or legislative provision relating to electrical or gas installations or appliances; and
   8.8. any other relevant law or legislative provision relating to health, safety or the environment, when operating the Mobile Food Vending Business.

9. The Permit Holder is responsible for all waste and litter created by the Mobile Food Vending Business or its customers. The Permit Holder must ensure that all waste and litter caused by the Mobile Food Vending Business or its customers is removed from the location in which the Mobile Food Vending Business has operated prior to leaving that location. Council provided rubbish bins may not be used by the Permit Holder for the disposal of waste or litter.

10. The Permit Holder must hold insurance as specified above whenever the Mobile Food Vending Business is operating. Evidence of the insurance held by the Permit Holder must be provided to the Council or an authorised person on request.

11. A breach of a condition of this permit may result in a penalty of up to $2,500 or the cancellation of this permit.

12. If the permit is cancelled, the Permit Holder must inform any council which has also issued a current mobile food vending permit to the Permit Holder of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to $500.
 Item 13.5 - Attachment 1

13. If this permit is cancelled, the Permit Holder may be prohibited by the Council from applying for a mobile food vending business permit for a period of up to 6 months (Prohibited Period). The Permit Holder must inform a council to which the Permit Holder makes an application for a mobile food vending business permit during the Prohibited Period of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to $500.

14. This permit is personal to the Permit Holder and may only be transferred with the prior written approval of the Council.

15. The Permit Holder must be able to produce this permit at all times when conducting the Mobile Food Vending Business, if requested to do so by an authorised person.

16. In this permit:

authorised person means an authorised person appointed by the Council pursuant to the Local Government Act 1999.

operating a mobile food vending business includes:
(a) the handling and preparation of food intended for sale;
(b) the selling of food;
(c) transporting the mobile food vending business to, from and within the Council area;
(d) parking the mobile food vending business; and
(e) setting up and dismantling the mobile food vending business.

public road has the meaning given in the Local Government Act 1999.

________________________________________
Dated

________________________________________
Signature of Applicant

Approved by: ____________________________
(Chief Executive Officer/Works Manager)

Fee: $________________

Mobile Food Vendor Permit

Version No: 1.0
Adopted: Jan 2020
Next Review: Jan 2022
13.6 2020 AUSTRALIA DAY BREAKFAST & AWARD PRESENTATIONS

File Number:  2.84.2.3  
Author:  Emily Maxwell, Executive Assistant/Governance Officer  
Authoriser:  Debra Larwood, Chief Executive Officer  
Strategic Objectives:  
  5.1 Fostering sound leadership in staff and elected members.  
  5.2 Prudential & strategic financial management of Council resources.  
  5.3 Maximise Council engagement with community.

INTRODUCTION
This report is presented to Elected Members to provide information pertaining to the upcoming Australia Day Breakfast and Awards Presentations.

OFFICER’S REPORT
Sunday, 26th January 2020, marks Kimba’s 22nd Annual Australia Day Breakfast and Awards Presentations. Held at the Lions/Apex Central Park, the day kicks off with breakfast being served at 8.00am, followed by:

- 8.45am Sing Australia Group
- 9.00am Official Welcome
- 9.15am Presentation of Australia Day Awards
  - Outstanding Achievement
  - Community Events of the Year
  - Young Citizen of the Year
  - Citizen of the Year
- 9.45am Cutting of Australia Day Cake
- 10.00am – Close of Australia Day Award Ceremony

Traditionally the Barbeque Breakfast has been cooked by the Elected Members and Council Staff. Council is seeking assistance from the Elected Members to volunteer their time throughout the day.

RISK/LIABILITY
The Australia Day Breakfast and Presentations offers an opportunity for community members to get together to acknowledge Australia Day as well as the achievements of the award recipients. Low volunteer numbers could affect the overall running of the day, posing a reputational risk to the organisation.
<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Consequences</th>
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<tbody>
<tr>
<td></td>
<td>Insignificant</td>
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<td>A (almost certain)</td>
<td>H</td>
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<td>B (likely)</td>
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<td>L</td>
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<tr>
<td>E (rare)</td>
<td>L</td>
</tr>
</tbody>
</table>

Legend:  
- **E**: Extreme risk; immediate action required  
- **H**: High risk; senior management attention needed  
- **M**: Moderate risk; management responsibility must be specified  
- **L**: Low risk; manage by routine procedures  

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

1. Australia Day Programme 2020
Members of the public are invited to attend Kimba’s 22nd Annual:

AUSTRALIA DAY BREAKFAST & AWARD PRESENTATIONS

Sunday 26th January 2020 at the Lions/Apex Central Park

Breakfast will be served at 8:00 am

The following presentations will be made at approximately 9:15 am:

- Citizen of the Year
- Young Citizen of the Year
- Community Event of the Year
- Outstanding Achievement

Please join us to celebrate Australia Day and to recognise the efforts of our Australia Day Award Recipients!

Please BYO Chair

Australia Day Council of South Australia, Media Sponsor, SARAH, OTR Support Sponsors
### Item 13.7 DROUGHT COMMUNITIES EXTENSION PROGRAMME

**File Number:** 9.41.01  
**Author:** Michael Inglis, Works Manager  
**Authoriser:** Kate Francis, Senior Depot Administration Officer  

**Strategic Objectives:**  
1.7 Community buildings maintained in excellent condition and well utilised.  
1.12 Quality public toilets & visitor facilities constructed & maintained  
1.14 Improve Township Aesthetics.  
5.3 Maximise Council engagement with community.

#### RECOMMENDATION
That Council does/does not apply for grant funding for the Mens Shed/Camp Kitchen Project.

#### RECOMMENDATION
- a) That Council does/does not apply for grant funding for the Institute Upgrade Stage 2.  
  and;  
- b) That Council does/does not include the replacement of the main hall roof in this application.

#### RECOMMENDATION
- a) That Council does/does not apply for grant funding for the pavilion toilet replacement.  
  and;  
- b) That Council does/does not use the same amenity block from a supplier listed on the Local Government Association Vendor Panel as the previous building.

#### RECOMMENDATION
- a) That Council does/does not apply for the grant funding for the Pony Club toilet replacement.  
  and;  
- b) That Council does/does not use the same building product for the replacement from a supplier listed on the Local Government Association Procurement Panel.  
  and;  
- c) That Council does/does not include Solar Lights in this application.

#### RECOMMENDATION
- a) That Council does/does not apply for grant funding for footpath paving within the
b) That Council source the pavers from a local supplier consistent with the clay pavers Council has been using. Subject to pricing received in September.

INTRODUCTION

This report is presented to members to assist in making informed decisions relating to the Drought Communities Extension Programme that Council is eligible for.

OFFICER’S REPORT

Council staff have been busy preparing projects for possible funding. Following on from Council Meetings and Workshops, we have been able to progress these projects to the stage where we are now seeking formal ratification from Council. I would like to provide this information on these projects so that we can move forward and submit applications.

1. Mens Shed/ Camp Kitchen – Request for proposals closed on Wednesday, 18th December 2019, for this project. Council has received the return proposals from 2 local builders on Council’s preferred Contractors list. At the time of writing this report, we are still reviewing the proposals.

2. Institute Upgrade – Request for proposals closed on Wednesday, 18th December 2019, for this project. Council has received return proposals from 2 local builders on Council’s preferred Contractors list. Only 1 proposal included the replacement of the hall roof due to the scope of the work. Although this roof does appear to have some useful life left, I believe it would be a great opportunity to complete this as well, knowing that Council will have to replace it in the near future. It will also improve the overall appearance of the building following on from the new paintwork last year. Not included in the RFP’s is any work on upgrading of the internal toilets. At this point in time, I am awaiting some information to be supplied from Penna Planning and Design.

3. Pavilion Toilets – I have received a quote for a replacement building that is identical to the one recently constructed. This increase in pricing from the previous unit was marginal. I believe there are benefits in staying with the same style of building, including construction costs, replacement parts and the positive feedback we have received regarding the building.

4. Pony Club Toilet – I have received a quote for the replacement of these toilets keeping in line with the previous amenities block. Any replacement must now have disabled access, of which the proposed new building will have. I am still awaiting quotes for the construction of the building.

5. Footpath Paving – To date we have received 5 names from interested persons to assist with these works. We will continue to advertise further in the view of increasing this number. This will be an ideal project that will create some casual employment and offer training opportunities for locals.

RISK/LIABILITY

The risk to Council is that should appropriate investigation not be undertaken grant applications may not be successful and opportunities will be lost. In addition should appropriate management
of the process not be facilitated then this could result in the stretching of resources resulting in the inability for Council to achieve its objectives.

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Consequences</th>
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<tbody>
<tr>
<td></td>
<td>Insignificant 1</td>
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<tr>
<td>A (almost certain)</td>
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<td>L</td>
</tr>
</tbody>
</table>

Legend:  
E: Extreme risk; immediate action required  
H: High risk; senior management attention needed  
M: Moderate risk; management responsibility must be specified  
L: low risk; manage by routine procedures  

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

Nil
13.8 SOLAR POWER

File Number: 9.41.01
Author: Michael Inglis, Works Manager
Authoriser: Kate Francis, Senior Depot Administration Officer

Strategic Objectives:
5.2 Prudential & strategic financial management of Council resources.
4.1 Maximise and promote the use of Community Buildings

INTRODUCTION

This report is presented to provide members information only on Solar Power.

PREVIOUS COUNCIL CONSIDERATION

Council previously considered budgeted funds from the General Reserves to be allocated for the purpose of purchasing and installing solar at the Works Depot.

13.14 SOLAR POWER

RESOLUTION C188/19

Moved: Cr Tom Harris
Seconded: Cr Peta Willmott

1. That the Council authorises the budgeted funds of up to $18,000.00 be allocated from General Reserves for the purpose of purchasing and installing solar at the depot.

and;

2. In the event that no further quotes are received by 12 midnight Thursday, 12th December 2019, that Council proceeds with the supplied quotation.

CARRIED

OFFICER’S REPORT

Following the December Council Meeting and resolution C188/19, no further quotes were received within the stated closing time. I can also advise that at the time of writing this report, I still have not received a quote from the company contacted. An order was placed with the successful company for the supply of a 3 phase, 21 kilowatt Solar System to be installed at the Works depot for a cost of $16,999.00 as per quotation 2335.

RISK/LIABILITY

The risk to Council is minimal as funds have now been allocated to the project.

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant 1</th>
<th>Minor 2</th>
<th>Moderate 3</th>
<th>Major 4</th>
<th>Catastrophic 5</th>
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<tr>
<td>B (likely)</td>
<td>M</td>
<td>H</td>
<td>H</td>
<td>E</td>
<td>E</td>
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<tr>
<td>C (moderate)</td>
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<td>E</td>
<td>E</td>
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<tr>
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<td>E</td>
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<tr>
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Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS
Nil
13.9 DEVELOPMENT REPORT - JANUARY 2020

File Number: 3.71.01.01
Author: Laurie Collins, Manager Development Services
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives: 5.1 Fostering sound leadership in staff and elected members.

INTRODUCTION
This report is presented to provide Elected Members with information about the status of building applications received for January 2020.

OFFICER’S REPORT
See attachment.

BUDGET IMPLICATIONS
Nil.

RISK/LIABILITY
The risk to Council is that if building applications are not approved in the appropriate manner pursuant to the applicable legislation, then development within the Kimba local government area will be undertaken on an ad hoc basis to the detriment of the long-term amenity of the town.

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant 1</th>
<th>Minor 2</th>
<th>Moderate 3</th>
<th>Major 4</th>
<th>Catastrophic 5</th>
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<tbody>
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<tr>
<td>C (moderate)</td>
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<td>E</td>
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<td>E (rare)</td>
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<td>M</td>
<td>H</td>
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L: low risk; manage by routine procedures

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS
Applications Approved, Currently in System and Values

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Applicant</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>900/018/2019</td>
<td>Kimba &amp; Gawler Ranges Historical Society</td>
<td>Showroom (Administration Centre) <em>PLANNING APPROVAL ONLY</em></td>
</tr>
<tr>
<td>900/019/2019</td>
<td>Jamie Docking</td>
<td>Storage Shed Extension</td>
</tr>
</tbody>
</table>

APPLICATIONS CURRENTLY IN SYSTEM - PENDING APPROVAL

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Applicant</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>900/002/2019</td>
<td>District Council of Cleve</td>
<td>Erect Advertising Signage</td>
</tr>
</tbody>
</table>

Year to Date (calendar year) value of Development Applications

<table>
<thead>
<tr>
<th>Zone</th>
<th>No.</th>
<th>New Dev.</th>
<th>Alt. or Add.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Production</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Residential</td>
<td>6</td>
<td>$20,000.00</td>
<td>$66,999.00</td>
<td>$86,999.00</td>
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<tr>
<td>Recreation</td>
<td>1</td>
<td>-</td>
<td>$250,000.00</td>
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<tr>
<td>Industrial</td>
<td>4</td>
<td>$400,000.00</td>
<td>$9,500.00</td>
<td>$409,500.00</td>
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<tr>
<td>Commercial</td>
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<td>$123,000.00</td>
<td>$90,000.00</td>
<td>$213,000.00</td>
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<tr>
<td>Town Centre</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rural</td>
<td>5</td>
<td>$438,959.70</td>
<td>-</td>
<td>$438,959.70</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>19</strong></td>
<td><strong>$981,959.70</strong></td>
<td><strong>$416,499.00</strong></td>
<td><strong>$1,398,458.70</strong></td>
</tr>
</tbody>
</table>

Land Divisions

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Applicant</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><em>Nil since previous meeting</em></td>
</tr>
</tbody>
</table>

Crown Development – SECTION 49 & 49A

<table>
<thead>
<tr>
<th>Application No.</th>
<th>Applicant</th>
<th>Location &amp; Description</th>
</tr>
</thead>
</table>
| 900/V002/2019  | DPTI      | ▪ 13-15 Martin Terrace, Kimba Hospital  
▪ Installation of new standby electricity generator |

Deb Larwood, Chief Executive Officer
14 CORRESPONDENCE

14.1 INCOMING AND OUTGOING CORRESPONDENCE - JANUARY 2020

File Number: 9.14.01
Author: Emily Maxwell, Executive Assistant/Governance Officer
Authoriser: Debra Larwood, Chief Executive Officer
Strategic Objectives:

5.1 Fostering sound leadership in staff and elected members.
5.3 Maximise Council engagement with community.

RECOMMENDATION
That Council receive and note the Incoming and Outgoing Correspondence Report for January 2020.

INTRODUCTION
This report is presented to provide elected members with information relating to relevant incoming and outgoing correspondence for the period ending 10 January 2020.

OFFICER’S REPORT
As per the attachments, the following correspondence is provided for the reference of Elected Members:

Incoming
1. LGA Circulars - Weekly Summary Report 49, 5 December 2019
2. LGA Circulars - Weekly Summary Report 51, 19 December 2019
3. LGA Circulars - Weekly Summary Report 02, 02 January 2020
4. Regional News - December 2019
5. Local Government Professionals re Save the date 2020 National Congress
6. Letter from The Hon Tim Whetstone MP re Drought Support Programme
7. Letter from Sally Smith re 2019-20 Open Space and Places for People Grant Programme
8. Letter from Minister David Speirs re funding programs Waste and Resources Recovery Modernisation
9. Letter from Eyre and Far North LHN Governing Board re Community Consultation
10. Letter from Recreational Fishing Advisory Council re request for feedback
11. Letter from Local Government Association re Recycling
12. Australian Banking Association re Bushfire Assistance
13. Freedom of Information Amendment Bill 2019
Outgoing

1. Letter to Eyre and Far North Local Health Network Board re Community Consultation

ATTACHMENTS

1. LGA Circulars - Weekly Summary Report 49, 5 December 2019
2. LGA Circulars - Weekly Summary Report 51, 19 December 2019
3. LGA Circulars - Weekly Summary Report 02, 02 January 2020
4. Regional News - December 2019
5. Local Government Professionals re Save the date 2020 National Congress
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11. Letter from Local Government Association re Recycling
12. Australian Banking Association re Bushfire Assistance
13. Freedom of Information Amendment Bill 2019
14. Letter to Eyre and Far North Local Health Network Board re Community Consultation
Local Government Movement and Transport Planning Network - seeking members

Member councils are invited to join a newly established Local Government Movement and Transport Planning Network. This Circular provides further information and a draft Terms of Reference.

View Circular

Enrol now: 2020 Elected Member Leadership Forum

After a very successful ‘Mayors Leadership Forum’ scheduled at LG House this week, LGA Training is pleased to announce an ‘Elected Members Leadership Forum’ in Adelaide in February 2020. Places are limited! For further information about this training offering and to enrol please refer to the contents of this circular.

View Circular

Registrations are now open for 2020 Audit Committee training

LGA Training has scheduled Audit Committee training for Audit Committee Members, Elected Members and council staff in February 2020. For further information about this training offering and to enrol please refer to the contents of this circular.

View Circular

Consultation now open on the LGA’s draft stormwater discussion paper

Member councils are invited to provide the LGA with comment on how to improve stormwater management arrangements in South Australia. Feedback is open until 17 January 2020, which will be followed by a workshop in mid-February subject to council interest.

View Circular

IAP2 Foundations in Public Participation Program- claim your place in this internationally recognised program.

LGA Training has scheduled an ‘IAP2 Foundations in Public Participation program’ in 2020. Places are limited for this training so please register ASAP. Further information about this program can be found in this circular.

View Circular

New Heatwave Warnings
An improved warning system for Heatwaves has been developed based on South Australia’s weather forecast districts.

**View Circular**

**2020 National Awards for Local Government**

Administered by the Department of Infrastructure, Transport, Cities and Regional Development, the National Awards for Local Government (NALG) are an annual celebration of the best of Australian local government achievements. The Awards highlight innovative and resourceful solutions implemented by local governments to make a difference to their local communities. The Department sends out notifications to the local government sector to advise them when the Awards are open for applications.

**View Circular**

**LGA Training- What’s coming up!**

LGA Training is scheduling a wide selection of training programs in 2020 to meet the skills and knowledge requirements of the sector. Coming up: a free GDS40 training offer in January, an Elected Member Leadership Forum and an Audit Committee session in February and a Community Engagement program in March. Please see this circular for further information.

**View Circular**

- To view all Circulars by number
- To view LGA media releases

Click here to unsubscribe
2020 Council Best Practice Showcase

The LGA are calling for expressions of interest from councils interested in presenting on their case studies, projects or services on Thursday 2 April. More information is in this circular.

**View Circular**

Nominations for the 2020 Joy Baluch Awards are open

Nominations for the 2020 Joy Baluch Awards are open. Further information can be found in this circular.

**View Circular**

Do you need Audit Committee training? Register now for a session in early 2020.

LGA Training has scheduled Audit Committee training for both new and continuing Audit Committee Members, Elected Members and council staff in February 2020. For further information about this training offering and to enrol please refer to the contents of this circular.

**View Circular**

2020 Elected Member Leadership Forum registrations are now open! Enrol today. Limited spaces available!

After a most successful ‘Mayors Leadership Forum’ scheduled at LG House this month, LGA Training is pleased to announce an ‘Elected Members Leadership Forum’ in Adelaide in February 2020. Places are limited! For further information about this training offering and to enrol please refer to the contents of this circular.

**View Circular**

Report Writing training hosted at Lower Eyre Peninsular Council in January 2020. Enrolments open now!

LGA Training has scheduled a ‘Report Writing’ session at the District Council of Lower Eyre Peninsula on the 29th January 2020. This workshop will assist Local Government Officers develop strategies to write effective ‘reader oriented’ reports. Further details about this full-day session can be found in this circular.

**View Circular**
LGA Procurement Professional Training

Our core modules are in high demand and can provide attendees procurement skills and learning that assist the sector in managing procurement risk and achieving value for money.

**View Circular**

Will electric vehicles make a difference in your fleet?

Is your council interested in introducing electric vehicles to your fleet? LGA Procurement have an opportunity for you in 2020!

**View Circular**

Planning, Development and Infrastructure Act - Delegations Information Session

The LGA will be holding an information session on the PDI Act delegations package which will be provide to councils in January 2020

**View Circular**

LGA Training - What's coming up in 2020!

LGA Training is scheduling a wide selection of training programs in 2020 to meet the skills and knowledge requirements of the sector. Coming up: a Report Writing session on the Eyre Peninsular and a free GDS40 training offer in January; an Elected Member Leadership Forum, an Audit Committee session and two financial sessions in February and a Community Engagement program in March. Please see this circular for further information.

**View Circular**

Do you need training to assist in preparing and updating Long-Term Financial & Asset Management Plans?

LGA Training has scheduled training for CEO’s, Asset Managers and Senior Finance Officers keen to learn more or update their skills around preparing and updating Long-Term Financial & Asset Management Plans. Further information can be found in this circular.

**View Circular**

Traffic Management Industry Briefing 20 January 2020

Councils need to be aware of the significant update to the Australian Standard for Traffic Control and the new Codes of Practice that will commence early 2020.

**View Circular**

Draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019 released for consultation

Green Industries SA has released draft legislation that will implement the ban on single-use plastic products in South Australia. The draft legislation will have some implications for local government bodies and the LGA is encouraging all councils to make a submission by the closing date of 7 February 2020.

**View Circular**
Opportunity to provide feedback: ‘Guide to nationally protected species significantly impacted by paddock tree removal’

The Commonwealth Government’s Department of the Environment and Energy is seeking feedback on the draft ‘Guide to nationally protected species significantly impacted by paddock tree removal’. The Guide has been developed to assist landholders to determine if removing their paddock trees will need approval under national environmental law.

View Circular

Climate Ready City: Preparing for the impacts of climate change on infrastructure

On Wednesday 12 February 2020, the City of Adelaide is partnering with IPWEA to present the Preparing for the impacts of climate change on infrastructure through Applying Practice Note 12.1 “Impact of Climate Change on the Useful Life of Infrastructure” seminar. This Circular provides more information on this event.

View Circular

‘Safe Places’ Emergency Accommodation capital grants now open

The Commonwealth Government’s Department of Social Services has announced a $60M ‘Safe Places’ Emergency Accommodation capital grant program which is now open and will close 11 pm on Friday 14 February 2020. It is designed to provide new or expanded emergency and crisis accommodation for women and children experiencing domestic and family violence.

View Circular

Council power to remove abandoned vehicles which pose a fire risk

Abandoned vehicles on roadsides can be the target of opportunistic property damage, including arson. Councils have power to remove the vehicle immediately under the Road Traffic Act if the vehicle is causing harm or creating a risk of harm to public safety.

View Circular

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CIRCULARS BY WEEK

CIRCULARS FOR WEEK STARTING 02 JANUARY 2020

2.9 Feedback sought on LGA advocacy for stronger regulation of confude election signs

Following a decision of members at the LGA’s 2019 Annual General Meeting, the LGA will shortly commence advocacy to the State Government for stronger regulation of confude election signs, seeking a complete ban or at least additional measures to restrict use. LGA seeks suggestions from councils on possible measures for restricting use of confude election signs.

2.8 Consultation open - Water Allocation Plan for the River Murray Prescribed Watercourse - draft plan

The SA Murray-Darling Basin Natural Resources Management Board has released a draft Water Allocation Plan for the River Murray Prescribed Watercourse for public consultation. This Circular provides further details on opportunities for affected councils to provide feedback, including information sessions.

2.7 Feedback sought on Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill

The LGA seeks feedback on the proposed Fines Enforcement and Debt Recovery (Miscellaneous) Amendment Bill 2020, by 10 February 2020.

2.6 LGA Training - 2020 Program (What’s coming up)

What’s coming up in 2020!

2.5 COAG Waste Export Ban Regulatory Impact Statement released for consultation

The Council of Australian Governments Waste Export Ban Regulatory Impact Statement (RIS) has been released for consultation. The LGA is seeking council information and comments on the RIS by 17 January 2020.

2.4 Green Industries SA grants program open – Circular Economy Market Development Grants

Green Industries SA (GISA) has recently opened round 2 of its Circular Economy Market Development Grants Program. The objectives of the grants program are to facilitate ongoing increase in the quality, performance and market demand for recycled materials and recycled content products. Up to $100,000 in funding is available per applicant.

2.3 Annual Report Guidelines Updated – electronic deposit recognition by State Library

The Libraries Board of South Australia has advised the LGA that a council’s annual report is submitted to the National Library through the electronic legal deposit process the council will be considered to have met its deposit obligations to the State Library also.

2.2 Grant funding for drought affected councils to manage pests and weeds

Round two for the Communities Combating Pest and Weed Impacts During Drought Program – Biosecurity Management of Pests and Weeds is now open.

2.1 You spoke - we listened... NEW Temporary Recruitment product – briefing session February 2020

Following significant negotiation by LGA Procurement we now invite you to a product briefing to hear and discuss the NEW temporary recruitment product. cnet Essential.
The RDAWEP Board and Staff wish you a happy and healthy festive season and look forward to 2020.

The RDAWEP Whyalla and Eyre Peninsula offices will be closed from 12.30pm Friday 20 December and reopen on Monday 6 January 2020.
Welcome to our regional newsletter

Find out more
- RDAWEP
- Eyre Peninsula
- Seafood
- EP Business Builder

RDAWEP Update

RDAWEP Community Solar Project

To boost its region's economic activity, Regional Development Australia Whyalla and Eyre Peninsula (RDAWEP) developed the Community Solar Project (the Project) to inject dollars from electricity savings into the local economy while also supercharging the region's solar and home battery sector. Community surveys showed that consumers wanted choice of solar providers and services, and that [...]

RDAWEP Space Economy

The world has seen a transformation of the global space economy. Space technology is getting smaller, access to space is becoming cheaper and innovation cycles are shortening. All of this means that companies of all sizes can make significant contributions to the space economy, which is resulting in a rapidly growing space industry, worth around [...]

RDAWEP Board Seeking Applications for Deputy Chair and Committee Members

Make a difference in your region. Would you like to give something back to your community? Are you interested in leading/contributing to a committee of motivated locals who will focus on driving economic development on Eyre Peninsula? Regional Development Australia Whyalla & Eyre Peninsula (RDAWEP) is seeking regional leaders with vision, drive and business experience [...]

2
Economic Development

Quantum Graphite and Iron Road Limited Sign MOU

Quantum Graphite Limited (QGL, the Company) is pleased to announce that it has entered into a Memorandum of Understanding (MOU) with Iron Road Limited (IRD) in connection with the company's interest in the utilisation of the proposed Cape Hardy port facility as a logistics solution for the export of its natural flake graphite production from [...]”

Senator Rex Patrick speaks on Cape Hardy Port proposal

Crossbench Centre Alliance Senator Rex Patrick continues strong advocacy for the development of Cape Hardy and Eyre Peninsula. Senator Rex Patrick’s Speech

Environment

Snapper Closures

New Snapper management measures are in place from 1 November 2019 to 31 January 2023. Snapper closure locations and times – see MAP. Two Snapper fishing closures are in place to help stocks recover. During these closures the taking, take and possession of Snapper is prohibited in the following waters, West Coast / Spencer Gulf [...]

Drought Management for Livestock Businesses

Making decisions in a drought is difficult and getting some perspective on the issue is important before you can implement effective measures. Having a plan for the long dry summer is critical for livestock management, as well as maintaining soil cover. Decisions farm businesses make will vary depending on individual circumstances. Regenerative Agriculture Project Officer [...]

SA’s Disaster Resilience Strategy 2019-2024
Stronger Together – South Australia’s Disaster Resilience Strategy. This strategy provides a foundation for State and local government, businesses, and the non-government and community sectors to collectively strengthen the resilience of South Australians to survive, adapt and grow, no matter what happens. South Australia’s Disaster Resilience Strategy 2019 – 2024

Changing Natural Resource Management in SA

The Landscape South Australia Bill 2019 has passed through Parliament, after consensus was reached between the House of Assembly and the Legislative Council on all amendments. Subject to assent by the Governor, the new Landscape South Australia Act 2019 will replace the Natural Resources Management Act 2004, which will enable the establishment of new regional landscape boards and [...]”

Government Releases Round 4 – Building Better Regions Fund

Funding to build or improve infrastructure and improve community capabilities in drought affected areas has been announced by the Australian Government. The Department of Infrastructure, Transport, Cities and Regional Development have announced $200 million in the 2019-20 Budget for Round Four of the Building Better Regions Fund (BBRF). Round Four will support drought-affected regions by targeting [...]”

Events

Successful Rodeo By The Sea

RDAWEP was a proud sponsor of the inaugural Streaky Bay Rodeo By the Sea on Saturday 23 November. A crowd at the Streaky Bay Race Course had swelled to about 2,500 people who were hungry for some action and for many this was their first rodeo. They were delighted by the fast paced action of the [...]”

Tourism

Port Lincoln Cruise Ship Schedule 2019/20
The City of Port Lincoln is ready to welcome the thirteen cruise ships for the 2019/2020 summer season. Four new ships will be visiting Port Lincoln, the Vasco Da Gama, San Princess, Albatros, and the Pacific Aria. Approximately 60 volunteers are ready to assist with the Cruise Ship Welcome Program. Some volunteers have been volunteering

[...]

**Education and Training**

**EP Pilot Program for 20 Tourism Trainees**

Tourism Industry Council of South Australia (TiCSA), City of Port Lincoln, TAFE SA, Career Employment Group (CEG) and Regional Development Australia Whyalla & Eyre Peninsula (RDAWEP) have collaborated with the Department of Innovation and Skills, are promoting 20 tourism traineeships to businesses in Port Lincoln and Eyre Peninsula in a pilot program, with the potential [...]

**Back to School Vouchers 2020**

The Eyre Peninsula Community Foundation has an opportunity to take up matched funding for Back to School Vouchers for 2020 and would like to direct the extra vouchers to schools in the drought affected areas of Eyre Peninsula. If you would like to contribute to this funding opportunity which is available right now, you can [...]

**Small business training**

In collaboration with Adelaide Business Hub, RDAWEP has been extremely busy in the second half of 2019 facilitating building digital capability within Eyre Peninsula small businesses. For more workshops on Eyre Peninsula in 2020 check out RDAWEP Events or around South Australia Adelaide Business Hub.

**Awards**

**EP businesses shine brightly**
Eyre Peninsula tourism stars shines brightly on Friday 8 November 2019. Five outstanding tourism businesses secured awards at the 2019 South Australian Tourism Awards. See all the winners here.

Congratulations goes to: Meninga Tours
QANTAS Award for Excellence in Aboriginal and Torres Strait Islander Tourism – GOLD

For more upcoming regional events visit www.rdwep.org.au/events

Training Opportunities

CEG Port Lincoln:
Forklift - 16-17 December

For more training opportunities visit https://www.rdwep.org.au/news/training-opportunities/

Funding Opportunities

Featured Funding / Grants

Regional Airports Program - provides regional airports or aerodrome owners/operators with grants of up to $5 million to enhance aviation safety and accessibility. Closes 12 December 2019.

- improve the safety of aircraft, operators and passengers using regional airports or aerodromes.
- facilitate improved delivery of essential goods and services such as food supplies, health care and passenger air services.
- improve the connectivity of Australia’s regions to domestic and global market opportunities.
- meet the operational requirements of aeromedical and other emergency services in the region.

Regional Agricultural Show Development Grants Program - funding will be available to eligible regional show societies for the maintenance and upgrade of existing infrastructure and the building, purchase, rent or construction of new infrastructure related to the running of an agricultural show. Closes 12 December 2019.

Regional Agricultural Show Development Grants - Agricultural shows provide an authentic and accessible showcase of Australian farming. They are at the very heart of regional communities, bringing rural and urban communities together, showcasing new technology, and promoting competition and improvement in agricultural sectors.

Shows that collect less than $20,000 in gate receipts from each annual show will be considered to be a small show. Shows that collect $20,000 or more in gate receipts from...
each annual show will considered a large show. Closes 13 December 2019.
The small grant stream will be used for projects seeking up to $124,999 ex-GST in grant
funding and includes:
Category 1 - Small grants for small shows
Category 2 - Small grants for large shows
The large grant stream will be used for projects seeking between $125,000 and $500,000
ex-GST of grant funding and includes:
Category 3 - Large grants for small shows
Category 4 - Large grants for large shows

**Ageing Well Community Grants** - if you're part of an incorporated, non-profit organisation
working together with older people, you are invited to apply for Grants for Seniors and
Positive Fellowship Grants. Local Governments are invited to apply for Age Friendly SA

**Grants SA - Minor Round** - a one-off project funding program that provides grants to not-
for-profit community organisations to improve community participation, wellbeing and
quality of life for people living and working in South Australia. The Minor Round grants of
between $100 - $10,000 are available for:
Community activities | One-off programs or services | Volunteer development: Minor Round
2 opens on 1 December 2019 and closes on 31 January 2020.

**Drought Communities Program - Extension** - On 7 November the Australian Government
committed to provide an additional $1 million each to 122 drought-affected councils under
the Drought Communities Program. The government also committed $1 million each to 6
new drought-affected councils. The Drought Communities Programme - Extension is now
open for applications.

The extension of the Drought Communities Programme will provide total funding of $250
million over three years from 2018-19 to Eligible Councils to deliver immediate economic
stimulus and other benefits to targeted drought-affected regions of Australia. The program
will support local community infrastructure and other drought relief projects for communities
who have been impacted by drought.

Funding will target infrastructure and other projects that:

- provide employment for people whose work opportunities have been impacted by
  drought
- stimulate local community spending
- use local resources, businesses and suppliers
- provide a long-lasting benefit to communities and the agricultural industries on
  which they depend.

Each Eligible Council can receive funding for projects up to $1 million. Eligible Councils are
listed on [business.gov.au/dip]. The minimum grant amount per application is $25,000.
Eligible Councils announced for funding up to and including September 2019 may submit
more than one application. Eligible Councils announced for funding from November 2019
may only submit one application. The grant amount will be up to 100 per cent of eligible
project costs. Projects must be completed by 31 December 2020. Projects must be in addition to the normal planned activities of the Council.

**Dept of Veteran Affairs Veteran and Community Grants** - to maintain and improve the independence and quality of life for members of the veteran community by funding projects that sustain or enhance health and wellbeing. Closes 27 February 2020.

**Fishing for Tourism - Charter Boat Diversification Program** - has been established to:

* expand and strengthen the charter boat sector by co-investing in projects to enhance charter boat operators' offering as a tourism experience
* broaden tourism offerings that will be attractive to the domestic and international tourism and visitor market
* position the sector for strong future growth in the nature-based tourism sector.

Through the ‘Fishing for Tourism’ program, the State Government is committing $500,000 to support diversification in the charter boat sector. Closes 28 February 2020.

**Medical Research Future Fund (MRFF)** - On the 29 November, the Minister for Health the Hon Greg Hunt MP released the guidelines for the Medical Research Future Fund (MRFF) - National Critical Infrastructure Initiative: 2019 Rural, Regional and Remote Clinical Trial Enabling Infrastructure Grant Opportunity.

The objective of this competitive, national grant opportunity is to support new and innovative approaches to enhancing and improving clinical trial infrastructure (including facilities, research equipment, systems and services), and to extend existing or provide new clinical trials into rural, regional and remote areas.

Activities based outside of rural, regional and remote areas will be considered, provided the proposal can demonstrate the benefit to patients in rural, regional and remote areas.

However, preference will be given to trial activities provided in rural, regional and remote areas.

Up to $100 million is available over five years from 2020-21 to 2024-25. The minimum grant amount is $5 million and the maximum grant amount is $100 million.

Applications for the 2019 Rural, Regional and Remote Clinical Trial Enabling Infrastructure Grant Opportunity will open on 10 December 2019 and close at 5:00pm AEDT on 3 March 2020.

**On-Farm Emergency Infrastructure Rebate Scheme** - a rebate to drought affected farmers who invest in urgently needed on-farm water infrastructure. Closes 31 March 2021.

**Dan van Holst Pellekaan MP e-grants newsletter seeks to provide individuals and community groups with an update on open grants.**

[Click Here](#) to view the e-grants newsletter for December 2019.

**Grants SA** - Grants for community organisations
Community Grants Hub - offers a simplified grant experience by improving how grants are administered across Government for the benefit of stakeholders and the community.

Grant Connect - provides centralised publication of forecast and current Australian Government grant opportunities.

SA Tenders and Contracts - provides easy to use access to all publicly available bidding opportunities within the South Australian Government.

For more funding opportunities visit https://www.rda.wen.org.au/news/grant-funding-opportunities/

Handy Links

PIRSA - stay informed about Primary Industries and Regions SA news. CLICK HERE to view PIRSA's latest newsletter.

To stay up to date, find us on Facebook!

Regional Development Australia - Whyalla & Eyre Peninsula Inc.

Port Lincoln Office
89 Liverpool Street,
Port Lincoln SA 5606
T: (08) 8662 6588
E: reception@rdawep.org.au

Whyalla Office
127 Nicolson Avenue,
Whyalla Norrie SA 5608
T: (08) 8645 7811
E: whyallareception@rdawep.org.au

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Item 14.1 - Attachment 5
Mr Dean Johnson
Mayor
District Council of Kimba
PO Box 189
KIMBA SA 5641

Email: dean.johnson@members.kimba.sa.gov.au

Dear Mayor Johnson,


The Drought Support Program offers both immediate financial relief to address current impacts and long-term resilience for drought-affected farmers and farming communities.

With the drought now impacting about 70 per cent of South Australia and the long-range forecasts predicting ongoing hot and dry conditions, we are continuing to work with industry and the Commonwealth and local governments through the Dry Conditions Working Group to provide targeted support for those most in need.

As well as direct assistance for our farmers, we have included increased support for small rural businesses in drought-affected communities feeling the ripple effects of prolonged drought conditions.

The following new and increased initiatives are part of our Drought Support Program for 2019/20 and 2020/21:

- $1 million to Rural Business Support for a number of support activities which includes assisting small rural and regional businesses and increasing the Rural Financial Counselling Services to meet growing demand.

- $5 million to match the Commonwealth Government’s On-farm Emergency Water Infrastructure Rebate Scheme. We will increase the rebate from 25 per cent to 50 per cent (or up to $50,000) which will provide a greater incentive for eligible primary producers to purchase and install new water infrastructure and improve drought resilience.
- $1.7 million in increased funding for the Family and Business (FaB) support mentor program. This will boost wellbeing and business advice to farmers, farming families and small businesses in drought-affected regions.

- $13.16 million in immediate financial relief by offering a 50 per cent rebate for council rates or pastoral lease rent for any primary producer currently receiving Farm Household Allowance. These rebates will be funded by the Government of South Australia and will not impact local council revenue.

This support is in addition to the number of initiatives already in place to assist drought affected farmers and communities by both the State and Commonwealth governments.

Furthermore, as one of the 32 councils in South Australia that have been identified as eligible for the Drought Communities Program, I want to encourage you to consider projects which create an enduring economic value to the state’s drought affected communities. I also encourage you to consider strategic collaborations with other councils and the Government of South Australia to enable the pooling of resources and funds that might create additional value and efficiency.

The Government would be happy to consider collaborating with your council on any projects that will have enduring benefit for those impacted by drought. Should you wish to discuss potential collaboration opportunities, please contact Mr Brett Bartel, Assistant Director, Agribusiness Initiatives, Primary Industries and Regions SA, by phone on (08) 8429 0353 or by email at brett.bartel@sa.gov.au.

I encourage you to consider this opportunity to help ensure this drought funding is used to its maximum benefit in our drought-affected communities.

Yours sincerely,

[Signature]

Hon Tim Whetstone MP
MINISTER FOR PRIMARY INDUSTRIES
AND REGIONAL DEVELOPMENT

29/12/2019

Attachment: South Australian Drought Assistance Guide
Attachment: On-Farm Emergency Water Infrastructure Rebate Scheme - 2019 Guidelines
Attachment: South Australian Drought Support Package, Council Rate Rebate - 2019 Guidelines
Attachment: South Australian Drought Support Package, Pastoral Lease Rent Rebate - 2019 Guidelines
Possible projects or collaborations for your consideration and discussion in your council area:

- Multiple council alliance/program to fund dedicated regional mental health drought program - i.e. work with local SA Health or Country SA PHN or Red Cross to roll out counselling services or programs.
- Multiple council alliance/program to fund programs aimed at delivering improved business planning and risk management skills to primary producers and agribusinesses. Programs such as Rural Business Support's Farm Business Strategic Review and other industry providers already exist.
- Co-funded water infrastructure projects with SA Water to improve ongoing regional/community resilience.
- Collaboration to deliver regional biosecurity projects that would help with control of pests and weeds in drought-affected regions.
- Collaboration to identify and develop soil and land management projects that would address concerns related to soil drift or other drought-related issues.
- Collaboration to deliver forums on related economic development issues such as agriculture opportunities, and/or climate-ready agriculture information and extension.
- Opportunities to co-fund a Family and Business support mentor.
- Any other initiatives to support drought-affected farmers and communities.
Dear Ms Larwood,

I refer to my correspondence of 9 December 2019 advising of the opening of the 2019-20 Open Space and Places for People grant programs.

For clarification purposes and following discussions with the Minister for Planning, I would like to confirm that the closing date for applications is 31 March 2020.

Should you wish to further discuss potential projects or have any questions about the application process please do not hesitate to contact Mr Robert Kleeman by telephone 7109 7059, or email DPTI.PublicSpaceGrants@sa.gov.au.

Yours sincerely,

Sally Smith
Executive Director
Planning and Land Use Services

23 December 2019
I write regarding the release of three funding programs as part of the Waste and Resources Recovery Modernisation and Council Transition Package.

The Marshall Liberal government announced earlier this year an overall package of $10 million of new funding dedicated to helping councils modernise their waste management practices and reduce the amount of rubbish sent to landfill. I am pleased to inform you that the second tranche of this funding is now being released.

The new Council Modernisation Grants Program has been developed to encourage local government to progress improvements in waste management and resource recovery through investment in technological and other innovation. This funding is available to all South Australian councils and subsidiaries that manage waste and recycling services, including organics, for residential and small business ratepayers.

The Regional Transport Subsidies Program is again available to regional councils that seek assistance offsetting some of the costs associated with processing and transporting collected recyclables.

The Local Government Program (Food Waste Incentives) will also again be opened. This program supports the rollout of food waste recycling systems by providing incentive funding to councils, which goes towards the cost of kitchen caddies and compostable bags and includes performance incentives to help maintain related food waste collection systems.

The guidelines to assist with applying for these programs and the related application forms are available on the Green Industries SA website: www.greenindustries.sa.gov.au/funding, and I strongly encourage you to take up the opportunities available to your council. For further information regarding this matter, please contact Mr Justin Lang, Manager Local Government and Infrastructure, within Green Industries SA on justin.lang@sa.gov.au or 8204 2634.

Yours sincerely,

DAVID SPEIRS MP
Minister for Environment and Water

Date: 29 Jan 2020
Mr Dean Johnson
Mayor
District Council of Kimba
PO Box 189
KIMBA SA 5641

Dear Dean,

Thank you for your letter dated 3 December 2019 regarding your concerns about the consultation process for Eyre and Far North Local Health Network’s (EFNLHN) strategic plan development; the Board not having met in Kimba; the physical state of the Kimba Hospital; and the service profile in Kimba.

I would like to address each of these concerns individually.

With regard to consulting with the Kimba community in developing the strategic plan, the consultation plan was devised in collaboration with the Health Advisory Councils’ Presiding Members. Strong advice was provided that consulting in late November, early December would not be beneficial to farming communities, such as Kimba, and due to the majority of the population being involved in harvest, it was suggested by the HAC that the consultation be held after the January school holidays.

The dates for the consultation in Kimba and other similar communities are yet to be determined, but will most likely occur in February. The Kimba Council is one of EFNLHN’s key stakeholders and we hope you will be involved in ensuring the voices of the community are heard.

The EFNLHN Board has now met on five (5) occasions; three of these have been in EFNLHN communities. To date the Board has met in Port Lincoln, Coober Pedy and Ceduna; and the Board will continue to visit communities across the LHN every two months. February’s Board meeting is in Wudinna and we are already planning a visit to Kimba in 2020.

The Board agrees that many of the health units in EFNLHN are in need of maintenance and/or upgrade. The EFNLHN leadership team continuously assesses maintenance needs across the 14 locations that are in our catchment, and prioritises work in line with budget allocations.
In addition, EFNLHN has started a process to assess priorities for upgrading existing properties in the event that capital funding becomes available to the LHN, the highest priority will be safety upgrades to accident and emergency spaces. The EFNLHN Board and leadership team will continue to strongly advocate for capital funding from both the State and Commonwealth governments.

With regard to the services delivered across the LHN, there are two service planning activities occurring at present - one in Port Lincoln, to consider what range of services should be delivered to improve service availability across Eyre Peninsula.

The second is in Ceduna where birthing services are currently difficult to maintain. A number of options are being considered by the Board - if possible, the most desirable outcome will be to maintain services but also to increase the service profile, which will assist in the maintenance of birthing.

Outside of these two communities, there are no current plans to change service profiles; any consideration of changing service profiles would be underpinned by the principles of improving the quality and safety of, and access to, services for our communities.

You would also be aware that EFNLHN continue to work with local communities and the State, Commonwealth and Local Governments, to develop more sustainable medical services with the view to recruiting and supporting GPs across the Eyre Peninsula.

Should you require more detail on any of these matters please contact Verity Paterson, Chief Executive Officer on 0421 615 444.

Yours sincerely

Michele Smith
Chairperson
Eyre and Far North LHN Governing Board

20 December 2019
MINISTER’S RECREATIONAL FISHING ADVISORY COUNCIL

38 December 2019

District: Council of Kimba

PO Box:189
SA.

Dear Sir or Madam,

Engagement with Minister’s Recreational Fishing Advisory Council

I write to provide an update on establishment of the Minister’s Recreational Fishing Advisory Council (MRFAC) and to request feedback from your organisation about the best way for us to build, and maintain, ongoing engagement and consultation with your group and community.

The Government has committed to improving recreational fishing representation and has established the MRFAC to provide feedback and advice direct to the State Government on recreational fishing development issues, initiatives and policies. For additional information on the MRFAC please see www.pir.sa.gov.au/mrfac.

The MRFAC had its first meeting on 17 April 2019 in Port Pirie where it was agreed that a key role of the MRFAC will be to work closely with regional Recreational Fishing Committees and recreational fishers generally.

The MRFAC is currently considering the most appropriate ways to establish strong links with South Australian recreational fishing communities. Our initial thoughts are to:

- Encourage correspondence from Recreational Fishing Committees (RFCs), and other groups, directly to our Chair or PIRSA secretariat on issues that are raised through the RFCs and other groups. This could be regarding state-wide or regional specific concerns or ideas.
- Seek feedback from RFCs and other groups on relevant issues raised through the MRFAC process as they arise.
- Hold a number of MRFAC meetings in the regions and invite local fishers and groups to meet with us while we are there.

These are our initial thoughts and I welcome your views about the best way for us to build, and maintain, ongoing engagement and consultation between your group, and community, and the MRFAC. The Council will consider the feedback from organisations in designing our engagement plan. It would be appreciated if all suggestions and comments are returned no later than February 7th 2020 to allow for the feedback to be discussed at the next scheduled MRFAC meeting.

With your help we can develop a strong relationship to improve representation of recreational fishers to the responsible Minister.
MINISTER'S RECREATIONAL FISHING ADVISORY COUNCIL

Thank you for your consideration of this matter.

Regards,

Graham Keegan
Chair, Minister's Recreational Fishing Advisory Council
PIRSA_MRFAC@sa.gov.au

Cc: Skye Barrett
Recreational Fishing Manager, Dept. Primary Industries and Regions South Australia.
skye.barrett@sa.gov.au
17 December 2019

Mayor Johnson
District Council of Kimba
PO Box 189
Kimba SA 5541

Dear Mayor Johnson
Are you really recycling?

In addition to our recent success in securing significant savings on your electricity costs, LGA Procurement have developed a suite of options for your council that reuse paper, cardboard, glass and plastics from your yellow bins and your used vehicle tyres and toner cartridges.

Purchasing these products gives your council the ability to claim you are truly recycling and closing the loop, not just emptying bins. With the national waste export ban soon to commence, there has never been a better time to be part of the solution – and your community will love you for it because ALGA surveys show 90% community support for government led recycling.

Move beyond trials and pilots and make full circle recycling part of your core business. LGA Procurement have a range of market ready options that include recycled materials, and have been professionally assembled by our terrific team ready for procurement by your staff, including:

- office stationary/paper;
- street furniture, drinking fountains, bollards, fencing, decking, garden edging, planter boxes, fitness equipment, wheel stops, speed humps, bins, pipes, signage; and
- construction materials such as road base, asphalt, and spray seal.

All conveniently available through LGA Procurement’s VendorPanel platform which your staff should be familiar with or our friendly LGA Procurement staff are on hand to assist if required.

For example many of the prequalified suppliers listed on our recently developed Bitumen and Minor Civil Works panel have market ready and industry proven recycled material options for your road network. The hard work has been done and LGA Procurement have made it easy for you to take the lead and demonstrate to your community that not only does good recycling start at home, it can pave the road to their home as well.

Want to go a step further?

LGA Procurement’s new electricity contracts commencing 1 January 2020 provide councils with SA based renewable energy options. Electric trucks, vans, buses and passenger vehicles are now ready for purchase, as are a range of quality, locally sourced solar array and battery installation options.
LGA Procurement is committed to providing efficient, market leading procurement solutions across a wide range of products and services to your council.

If you would like to learn more, ask us to visit by contacting the team or me directly, click on www.lgaprocurement.sa.gov.au or connect with the team at procurement@lga.sa.gov.au.

In the interim, I sincerely wish you, your family and your council team a very Merry Christmas and a wonderful 2020.

Happy recycling!

Mayor David O’Loughlin

Chair, LGA Procurement Board
If you’re dealing with the impact of the bushfires there are practical ways your bank can help

Australian banks have hardship teams ready to assist homeowners, small business owners and volunteers with financial arrangements, depending on circumstances.

Assistance could include:

- deferred loan payments
- waiving fees and charges
- helping with debt consolidation
- waiving penalties for early withdrawal of a term deposit
- deferring upcoming credit card payments
- increasing emergency credit card limits

Call your bank today
or find your bank’s hardship team at:
www.ausbanking.org.au/doingittough
South Australia

**Freedom of Information (Miscellaneous) Amendment Bill 2019**

A BILL FOR

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Schedule 1—Transitional provisions

1 Application of amendments

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the Freedom of Information (Miscellaneous) Amendment Act 2019.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.
Draft

Part 2—Amendment of *Freedom of Information Act 1991*

4—Substitution of sections 3 and 3A

Sections 3 and 3A—delete the sections and substitute:

3—Principles and objects of Act

- (1) This Act is based on the following principles:
  - (a) that representative democratic government is supported and enhanced by ensuring that proper public scrutiny of government activities occurs;
  - (b) that documents and information held by government agencies are a public resource;
  - (c) that, consistently with the above principles, members of the public should have an enforceable, presumptive right to access such documents and information, subject only to such restrictions as are consistent with the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions) and the preservation of personal privacy.

- (2) The objects of this Act are—
  - (a) to authorise and encourage the proactive public release of government information by agencies; and
  - (b) to enable community scrutiny and review of government activities and otherwise promote openness in government; and
  - (c) to promote and enhance the accountability of government agencies; and
  - (d) to further the good government of the State.

- (3) It is the intention of Parliament—
  - (a) that this Act be interpreted and applied so as to further the principles and objects of this Act; and
  - (b) that the discretions conferred by this Act be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government documents and information.

5—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *accredited FOI officer*—delete the definition and substitute:
  
  *accredited FOI officer*—see section 4B;

- (2) Section 4(1), definition of *agency*—delete "but does not include an exempt agency";
(3) Section 4(1)—after the definition of court insert:

disclosure log—see section 28A;

disclosure log policy—see section 28A;

(4) Section 4(1), definition of document—delete the definition and substitute:

document includes—

(a) anything in which information is stored or from which information may be reproduced, and

(b) information stored in an electronic form by means of a digital data storage device;

electronic backup system includes any electronic system that copies and archives data as a form of secondary storage of the data;

(5) Section 4(1), definition of exempt agency—delete the definition and substitute:

exempt agency—see section 4A;

(6) Section 4(1), definition of personal affairs—delete the definition and substitute:

personal information, of a person, means information or an opinion about the person, where the person is reasonably identifiable (whether the information or opinion is true or not);

(7) Section 4(3), (4), (5) and (6)—delete subsections (3), (4), (5) and (6)

6—Insertion of sections 4A, 4B and 4C

After section 4 insert:

4A—Exempt agencies

(1) The agencies listed in Schedule 2 are exempt agencies to the extent described in that Schedule.

(2) The regulations may declare that an agency is an exempt agency, or is an exempt agency in respect of functions or classes of information specified in the regulation.

(3) If an agency takes over functions of, or receives information of, another agency that has ceased to exist but that was an exempt agency in respect of those functions or that class of information, the agency that takes over those functions or that receives that information will be taken to be an exempt agency in respect of those functions or classes of information.

(4) Subject to subsection (5), if an agency—

(a) is an exempt agency, this Act does not apply to the agency;

or

(b) is an exempt agency in respect of particular functions or classes of information, this Act does not apply to the agency with respect to those functions or classes of information.
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Freedom of Information (Miscellaneous) Amendment Bill 2019
Amendment of Freedom of Information Act 1991—Part 4

(5) A reference in Schedule 1 to an agency includes an exempt agency or an exempt agency in respect of particular functions or classes of information.

4B—Accredited FOI officers

(1) A person is an accredited FOI officer of an agency for the purposes of an application under this Act if the person—
   (a) is the principal officer of the agency; or
   (b) subject to subsection (2), is an officer of the agency who has been designated as an accredited FOI officer of the agency by the principal officer of the agency for the purposes of such applications in accordance with this section.

(2) If the principal officer of an agency (agency 1) is satisfied that, due to the small size of the agency, it is not practicable for any officer of the agency to be the accredited FOI officer, the principal officer of agency 1 may enter into an agreement or arrangement with another agency (agency 2) whereby the principal officer of agency 2 would designate an officer of agency 2 as the accredited FOI officer of agency 1.

(3) The principal officer of an agency may only designate a person as an accredited FOI officer if—
   (a) the person has completed training of a type approved by the Minister for an accredited FOI officer; and
   (b) subject to subsection (4), the person—
      (i) in the case of an agency that is an administrative unit of the Public Service—is an executive employee or an employee who usually reports to an executive employee; or
      (ii) in the case of South Australia Police—is an officer in South Australia Police or is an employee who usually reports to an officer in South Australia Police; or
      (iii) in the case of any other agency—is employed in a position that usually reports to the principal officer of the agency or to the deputy or immediate delegate of the principal officer.

(4) The principal officer of an agency may designate a person as an accredited FOI officer for the purposes of applications under Part 4 despite the fact that the person is not a person described in subsection (3)(b).
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4C—When document is held by an agency

(1) A reference in this Act to documents held by or in the possession of an agency extends only to documents made or received by the agency in the exercise of its functions or in the conduct of its business.

(2) A reference in this Act to documents held by or in the possession of an agency is, where the agency is a Minister, a reference only to such of those documents as relate to agencies for which the Minister is responsible.

(3) An agency is to be taken to hold a document at a particular time if the agency has a right of access to the document at that time.

(4) An agency is not to be taken to hold a document while the document is held by or in the possession of an exempt agency for which the agency is responsible.

(5) An agency will only be taken to hold a document stored in an electronic backup system if the document has otherwise been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1997 or contrary to the agency's established record management procedures.

(6) An agency that maintains an electronic backup system on behalf of other agencies is taken not to hold documents stored in the electronic backup system on behalf of those other agencies.

7—Amendment of section 8—Defunct and restructured agencies

Section 8—before subsection (1) insert:

(1) Where an agency takes over some, but not all, of the functions of another agency, the responsibilities under this Act in respect of documents at any given time will lie with the agency that holds the documents at that time.

8—Insertion of Part 1A

After Part 1 insert:

Part 1A—Proactive disclosure

8A—Proactive disclosure principles

For the purposes of this Part, the proactive disclosure principles are as follows:

(a) documents and information held by government agencies are a public resource;

(b) government agencies are committed to being open and accountable, engaging with the community and encouraging public participation in the making of decisions, policies and laws;
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(c) government agencies are committed to enhancing the flow of information from government agencies by releasing information, unless there is good reason not to, without the need for an access application under this Act;

(d) proactive publication of documents and information held by government agencies—
(i) puts information into the community faster and at lower cost; and
(ii) reduces agency time and resources spent processing individual access applications; and
(iii) demonstrates a commitment to openness, accountability and transparency, which in turn may increase confidence in government.

8B—Proactive disclosure policy

(1) The Premier must, consistently with the proactive disclosure principles, issue a proactive disclosure policy directing agencies specified in the policy to publish information relating to the agency or held by the agency (other than personal information of a person).

(2) The proactive disclosure policy must be published in the Gazette and on a website.

(3) An agency to which the proactive disclosure policy applies must ensure that information is published in compliance with that policy.

9—Amendment of section 9—Publication of information concerning agencies

(1) Section 9(2)—delete “personal affairs” wherever occurring and substitute in each case:

   personal information

   manner in which

(2) Section 9(2)(f)(i)—delete “designation of the officer or officers to whom” and substitute:

   manner in which

(3) Section 9(2)(f)(ii)—delete “address or addresses at” and substitute:

   manner in which

(4) Section 9(3)(c)—delete “designation of the officer or officers to whom” and substitute:

   manner in which

(5) Section 9(3)(d)—delete “address or addresses at which, and the times during which,” and substitute:

   manner in which

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Prepared by Parliamentary Counsel
10—Substitution of section 13

Section 13—delete the section and substitute:

13—Applications for access to agencies' documents

(1) An application for access to an agency's document under this Act—

(a) must be in writing and contain such information as is reasonably necessary to enable the document to be identified; and

(b) must specify a postal address in Australia, or an email address, to which notices under this Act should be sent; and

(c) must be accompanied by such application fee as may be prescribed; and

(d) may request that access to the document be given in a particular way; and

(e) must be lodged in a manner determined by the agency.

(2) If an application—

(a) is for access to documents received or produced by an agency, or part of an agency, during a specified period of time; and

(b) does not provide further identifying information about the documents,

the application will not be taken to contain sufficient information for the purposes of subsection (1)(a).

(3) If the application is for access to a document that contains personal information of the applicant, the application must indicate that fact and the applicant must provide with the application, or within 14 days after receipt of the application by the agency—

(a) evidence of identity for the applicant; and

(b) if an agent is acting for the applicant—evidence of the agent's authorisation to so act and evidence of identity for the agent.

11—Amendment of section 14—Dealing with applications

(1) Section 14(1)—after "the agency" insert:

and all determinations required to be made by the agency under this Act in relation to the application must be made by an accredited FOI officer of the agency

(2) Section 14(2)—delete "30 days" and substitute:

45 days
(3) Section 14—after subsection (2) insert:

(3) An application is not taken to be received by an agency for the purposes of subsection (2) unless it complies with the requirements of section 13(1).

(4) An accredited FOI officer dealing with an application made after the commencement of this subsection must ensure that the applicant is given a written notice specifying the date on which the application was received by the agency and providing the applicant with information about the time within which the application is required to be dealt with under this Act, the applicant’s rights of review under this Act and the information required under section 2.4B.

12—Amendment of section 14A—Extension of time limit

(1) Section 14A(1)—after “section 14 if” insert:

the applicant consents to an extension or if

(2) Section 14A(1)—after paragraph (b) insert:

or

(c) the agency is dealing with an unusually high number of applications under this Act and does not have sufficient resources to deal with the applications within that period; or

(d) the agency is dealing with a number of related applications under this Act (whether involving the same applicant or applicants who are acting in concert in connection with those applications) and dealing with all of the related applications within that period would unreasonably divert the agency’s resources from their use by the agency in the exercise of its functions.

13—Insertion of section 14B

After section 14A insert:

14B—Searches for documents held by agency

(1) The obligation of an agency to provide access to documents in response to an application is limited to documents held by the agency when the application is received.

(2) An agency must undertake such reasonable searches as may be necessary to find any of the documents applied for that were held by the agency when the application was received.

(3) The agency’s searches must be conducted using the most efficient means reasonably available to the agency.

(4) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of documents and information stored electronically.
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(5) An agency is not required to search for documents in an electronic backup system unless the agency is taken to hold the documents in that system by virtue of section 4C(5).

(6) An agency is not required to undertake any search for documents in the circumstances set out in section 18(1).

14—Amendment of section 17—Agencies may require advance deposits

(1) Section 17(4)—delete subsection (4) and substitute:

(4) A request for an advance deposit must be accompanied by a notice that specifies—

(a) the basis on which the amount of the deposit has been calculated; and

(b) the day on which the determination to request the advance deposit was made; and

(c) the designation of the officer by whom the determination was made; and

(d) contact details for the agency; and

(e) the rights of review conferred by this Act; and

(f) the procedures to be followed for the purpose of exercising those rights.

(2) Section 17—after subsection (6) insert:

(7) A request for an advance deposit (or for a further advance deposit) under this section is a determination for the purposes of this Act.

15—Amendment of section 18—Agencies may refuse to deal with certain applications

(1) Section 18(2)—after "its functions" insert:

(and the period within which the application is required to be decided stops running while the applicant is being given an opportunity to amend the application).

(2) Section 18—after subsection (2) insert:

(2aa) For the avoidance of doubt, an agency will be taken to have endeavoured to assist an applicant in compliance with subsection (2) if the agency has contacted or attempted to contact the applicant for that purpose but the applicant has not responded or has not satisfactorily amended their application within 21 days or such longer period as the agency may allow in the circumstances.

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(2ab) In deciding whether dealing with an application would substantially and unreasonably divert an agency’s resources for the purposes of subsection (1), the agency is entitled to consider 2 or more applications (including any previous application) as the 1 application if the agency determines that the applications are related and are made by the same applicant or by applicants who are acting in concert in connection with those applications.

(2ac) If an agency determines that more than 40 hours of work is likely to be required in dealing with an application, it will be taken to be the case that the work involved in dealing with that application would substantially and unreasonably divert the agency’s resources for the purposes of subsection (1).

(3) Section 18(2a)—after “the application is” insert:

irrelevant or vexatious or is otherwise

(4) Section 18—after subsection (2a) insert:

(2b) An agency may refuse to deal with an application if the document to which the application relates is or has been the subject of a subpoena or other order of a court or tribunal for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order.

(2c) An agency may refuse to continue dealing with an application if the applicant is prevented from making the application by a declaration of the Ombudsman under section 18A.

(2d) An agency may refuse to deal with, or to continue dealing with, an application if the agency has already decided a previous application for the documents concerned (or for documents that contain substantially the same information) made by the same applicant or by other applicants who are acting in concert with the applicant and there are no reasonable grounds for believing that the agency would make a different decision on the application.

(2e) An agency may refuse to continue dealing with an application if the agency has spent a total of 40 hours undertaking activities in dealing with the application.

16—Insertion of section 18A

After section 18 insert:

18A—Vexatious applicants

(1) The Ombudsman may, on the Ombudsman’s own initiative or on the application of 1 or more agencies, declare in writing that a person is a vexatious applicant.

(2) The Ombudsman may make the declaration in relation to a person only if the Ombudsman is satisfied that—

(a) the person has repeatedly made applications under this Part or Part 5 (or both); and

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(b) the repeatedly made applications are an abuse of the right of access or made for a purpose other than to obtain access to information.

(3) An applicant may be found to have repeatedly made applications for the purposes of subsection (2) whether the applications were made to the same agency or to different agencies.

(4) The Ombudsman must not make the declaration in relation to a person without giving the person an opportunity to make written or oral submissions.

(5) A declaration has effect subject to the terms and conditions, if any, stated in the declaration.

(6) Without limiting the conditions that may be stated, a declaration may include a condition that the vexatious applicant may make an application under this Part or Part 5 only with the written permission of the Ombudsman.

(7) The Ombudsman may publish—

(a) a declaration and the reasons for making the declaration; and

(b) a decision not to make a declaration and the reasons for the decision.

(8) The Ombudsman may publish the name of a person the subject of a declaration under this section when publishing the declaration and the reasons for making it.

17—Amendment of section 19—Determination of applications

Section 19(2)(b)—delete “30 days” and substitute:

45 days

18—Insertion of section 19A

After section 19 insert:

19A—Determining when disclosure is contrary to public interest

For the purposes of Schedule 1, disclosure of a document would, on balance, be contrary to the public interest if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

Note—

The following are examples of public interest considerations in favour of disclosure:

(c) disclosure of the document could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance;
(b) disclosure of the document could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public;

(c) disclosure of the document could reasonably be expected to ensure effective oversight of the expenditure of public funds;

(d) the document is personal information of the person to whom it is to be disclosed;

(e) disclosure of the document could reasonably be expected to reveal or substantiate that an agency (or an officer of an agency) has engaged in corruption, misconduct or misadministration;

19—Amendment of section 20—Refusal of access

Section 20(1) and (2)—delete subsections (1) and (2) and substitute:

(1) An agency may refuse access to a document—

(a) if it is otherwise publicly available (whether or not availability of the document is by inspection only and whether or not availability is subject to a charge); or

(b) if access to the document has previously been given to the applicant, or

(c) if it is a document that—

(i) was not created or compiled by the agency itself; and

(ii) genuinely forms part of library material held by the agency; or

(d) if, having taken all reasonable steps to find the document, the agency is satisfied that it is not possible to give access to the document because the document cannot be found or does not exist.

(2) An agency must refuse access to an exempt document referred to in Schedule 1 Part 1 and may refuse access to any other exempt document.

20—Amendment of section 22—Forms of access

Section 22—after subsection (3) insert:

(3a) If giving access to a document in accordance with an application will disclose to the applicant information that the agency reasonably considers is not relevant to the application, the agency may delete the irrelevant information from a copy of the document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.

(3b) For the purposes of subsection (3a), information that is relevant to an application includes information that gives context to, or otherwise aids in the interpretation of, other information that is directly relevant to the application.
21—Amendment of section 23—Notices of determination

(1) Section 23(2)(b)(i)—delete subparagraph (i) and substitute:

(i) the designation of the officer by whom the determination was made; and

(ba) contact details for the agency; and

(2) Section 23(2)—after paragraph (b) insert:

(ba) the documents (identified in accordance with any requirements prescribed by the regulations) to which the application relates that are held by the agency; and

22—Amendment of section 25—Documents affecting inter-governmental or local governmental relations

(1) Section 25(1)—delete subsection (1) and substitute:

This section applies to a document that contains matter concerning the affairs of a council (including a council constituted under a law of another State) or any government (whether of Australia or elsewhere).

(2) Section 25—delete "Government" wherever occurring and substitute in each case: government

(3) Section 25(2a)—delete subsection (2a)

23—Amendment of section 26—Documents containing personal information

(1) Section 26(1)—delete subsection (1) and substitute:

This section applies to a document if—

(a) it contains personal information of any person (whether living or dead); and

(b) the nature of the personal information is such that it might be an exempt document by virtue of Schedule 1 clause 6.

(2) Section 26—after subsection (3) insert:

(3a) The requirement to give notice and defer giving access to the document in accordance with subsection (3)(c) and (d) does not apply where the agency has taken reasonable steps to obtain the views of the person concerned but has been unable to locate the person.

(3) Section 26(4)(e)—delete "is of the opinion that disclosure of the information to the applicant may" and substitute:

has a reasonable expectation that disclosure of the information to the applicant will
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(4) Section 26(5)—delete subsection (5) and substitute:

(5) A reference in this section to the person concerned is—

(a) in the case of a deceased person—a reference to the personal representative of that person or, if there is no personal representative, the closest relative of that person of or above the age of 18 years; or

(b) in the case of a child under the age of 16—a reference to a guardian of the child.

24—Insertion of Part 3 Division 2A

Part 3—after Division 2 insert:

Division 2A—Disclosure logs

28A—Requirement for disclosure log

(1) An agency must keep a record (a disclosure log) of information about applications made to the agency under this Part that the agency determines by deciding to provide access (to some or all of the documents applied for), if the agency considers that such information may be of interest to other members of the public.

(2) A disclosure log must be kept and made available to the public in accordance with any directions issued by the Premier in a disclosure log policy.

(3) A disclosure log policy must be published in the Gazette and on a website.

(4) A disclosure log policy may deal with any matter relating to disclosure logs including, without limitation, record keeping requirements in relation to a disclosure log (and the making of decisions as to what information is to be included in a disclosure log), the period during which information is to be retained on a disclosure log, requirements as to the destruction of information and fees for access to a disclosure log in specified circumstances.

(5) A disclosure log policy may provide that a matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the principal officer of the agency or an accredited PO1 officer.

28B—Required information about applications

(1) The information about an application that is required to be recorded in an agency’s disclosure log is as follows:

(a) the date the application was decided;

(b) a description of all documents to which access was provided in response to the application.
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(c) a statement as to whether any of the documents are now available from the agency to other members of the public and (if so) how they can be accessed;

(d) any other information required to be kept in the disclosure log in accordance with the disclosure log policy.

(2) No details are required to be recorded in the agency’s disclosure log—

(a) if no objection is made under section 28C to the inclusion of information in the log before the application for access to the documents is decided—until the application is decided; or

(b) if an objection is made under section 28C to the inclusion of information in the log before the application for access is decided—until the agency is entitled, under that section, to include the information in the log.

(3) An agency is not required to include in its disclosure log information about any application for a document—

(a) containing personal information about the applicant (the applicant being a natural person) or any other natural person; or

(b) in respect of which any factors particular to the applicant were otherwise a consideration in the agency’s determination of the public interest in connection with the disclosure of the document to the applicant.

(4) An agency is not required to include in its disclosure log information about an application if the application has been determined to be exempt in accordance with any provisions in the disclosure log policy.

28C—Objections

(1) Each of the following persons (an authorised objector) can object to the inclusion in the agency’s disclosure log of all or specified information concerning an application:

(a) the applicant;

(b) any other person with whom the agency has consulted (or is required to consult) under this Act before providing access to any document sought in the application.

(2) An objection can include reasons for the objection and, in the case of an objection by an applicant, can be made as part of the application or separately.
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(3) The grounds on which an authorised objector is entitled to object to the inclusion of information in an agency’s disclosure log are limited to any 1 or more of the following:

(a) the information includes personal information about the authorised objector (or a deceased person for whom the authorised objector is the personal representative);
(b) the information concerns the authorised objector’s business, commercial, professional or financial interests;
(c) the information concerns research that has been, is being, or is intended to be, carried out by or on behalf of the authorised objector;
(d) the information concerns the affairs of a government or a council (and the authorised objector is that government or council).

(4) An agency’s notice under section 14(3) (acknowledging receipt of an application) is to include the following statements about the inclusion of information in the agency’s disclosure log (unless the agency considers it unlikely that information about the application will be included in the disclosure log):

(a) a statement that information concerning the application will be included in the agency’s disclosure log and that the applicant can object to this;
(b) a statement about the rights of review under this Act of a determination by the agency to include information in its disclosure log despite the applicant’s objection.

(5) If an applicant for access to a document has objected to the inclusion of information in the agency’s disclosure log, the agency’s notice of determination under section 23 must indicate—

(a) the agency’s determination about whether the applicant was entitled to object; and
(b) if the agency has determined that the applicant was entitled to object—the agency’s determination on whether to include the information in its disclosure log.

(6) If a person referred to in subsection (1)(b) has objected to the inclusion of information in the agency’s disclosure log, the agency must, as soon as is reasonably practicable after the determination concerned is made (and in any event within 7 days after the determination is made), give the person a written notice that indicates—

(a) the agency’s determination about whether the person was entitled to object; and
(b) if the agency has determined that the person was entitled to object—the agency’s determination on whether to include the information in its disclosure log.
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(7) An agency that determines that an authorised objector was not entitled to object to the inclusion of information in the agency’s disclosure log is entitled to immediately include the information in the disclosure log.

(8) An agency that determines that an authorised objector was entitled to object to the inclusion of information in the agency’s disclosure log but determines to include the information despite the objection must not include the information while the objector is entitled to apply for a review of the agency’s determination (ignoring any period that may be available by way of extension of time to apply for review), or while any review duly applied for is pending.

25—Amendment of section 29—Internal review

(1) Section 29(2)(e)—delete “at an office of the agency” and substitute:

    with the agency

(2) Section 29—after subsection (2) insert:

    (2a) For the avoidance of doubt, where the determination the subject of the review is a deemed determination under section 19(2), the application for review may be lodged at any time after the agency is to be taken to have determined the application in accordance with that provision (whether or not the applicant has been given notice of the deemed determination) and the time limitation specified in subsection (2)(e) only applies if the applicant is given notice of the deemed determination.

    (2b) The principal officer of the agency must ensure that an applicant for review is given a written notice specifying the date on which the application was received by the agency and providing the applicant with information about the operation of subsection (5) and the applicant’s further rights of review under this Act.

(3) Section 29(5)—delete “14 days” and substitute:

    20 days (or within any extension of that period granted under subsection (5b))

(4) Section 29—after subsection (5) insert:

    (5a) However, nothing prevents an agency from making a determination to give access to a document the subject of an application for review under this section after the period within which it was required to deal with the application for review (and any such determination is to be taken to have been made under this Act).

    (5b) The principal officer of an agency that is dealing with an application for review may extend the period within which the application would otherwise have to be dealt with under subsection (5) (the usual period)—

        (a) by a further period of up to 14 days if satisfied that—
(i) the application relates to a large number of documents or necessitates additional searches through a large quantity of information and dealing with the application for review within the usual period would unreasonably divert the agency’s resources from their use by the agency in the exercise of its functions; or

(ii) the application relates to a document in relation to which consultation is required under Division 2 and it will not be reasonably practicable to comply with Division 2 within the usual period; or

(iii) the agency is dealing with an unusually high number of applications under this section and does not have sufficient resources to deal with the application within the usual period; or

(iv) the agency is dealing with a number of related applications under this section (involving the same applicant or applicants who are acting in concert in connection with those applications) and dealing with all of the related applications within the usual period would unreasonably divert the agency’s resources from their use by the agency in the exercise of its functions; or

(b) by a further period agreed with the applicant.

(5) Section 29—after subsection (6) insert:

(7) A refusal to allow further time within which to lodge an application for review (under subsection (2)(e)) is subject to review as if it were a determination made by an agency under any other provision of this Part.

26—Amendment of section 30—Right to apply for amendment of agencies’ records

Section 30(a)—delete “information concerning the person’s personal affairs” and substitute:

personal information of the person

27—Substitution of section 31

Section 31—delete the section and substitute:

31—Applications for amendment of agencies’ records

(1) An application for the amendment of an agency’s records under this Act—

(a) must be in writing and contain such information as is reasonably necessary to enable the agency’s document to which the applicant has been given access to be identified; and
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(b) must specify the respects in which the applicant claims the information contained in the document to be incomplete, incorrect, out-of-date or misleading; and

(c) if the applicant claims that the information contained in the document is incomplete or out-of-date—must be accompanied by such information as is necessary to complete the agency’s records or to bring them up-to-date; and

(d) must specify a postal address in Australia, or an email address, to which notices under this Act should be sent; and

(e) must be lodged in a manner determined by the agency.

(2) The applicant must also provide with the application, or within 14 days after receipt of the application by the agency—

(a) evidence of identity for the applicant; and

(b) if an agent is acting for the applicant—evidence of the agent’s authorisation to so act and evidence of identity for the agent.

28—Amendment of section 32—Dealing with applications

(1) Section 32(1)—after “the agency” insert:

and all determinations required to be made by the agency under this Act in relation to the application must be made by an accredited FOI officer of the agency

(2) Section 32(2)—delete “30 days” and substitute:

45 days

(3) Section 32—after subsection (2) insert:

(3) An accredited FOI officer dealing with an application must ensure that the applicant is given a written notice specifying the date on which the application was received by the agency and providing the applicant with information about the time within which the application is required to be dealt with under this Act and the applicant’s rights of review under this Act.

29—Amendment of section 34—Determination of applications

Section 34(2)—delete “30 days” and substitute:

45 days

30—Amendment of section 35—Refusal to amend records

(1) Section 35(a) and (b)—delete “it is satisfied that” wherever occurring

(2) Section 35—after paragraph (c) insert:

or

(d) if the application is frivolous or vexatious or is not made in good faith; or
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(e) if the agency has already decided a previous application made by the applicant that was substantially the same.

31—Amendment of section 36—Notices of determination

(1) Section 36(2)—delete "must specify"

(2) Section 36(2)(a)—before "the day" insert:

must specify

(3) Section 36(2)—after paragraph (a) insert:

(ab) must include a list of all of the documents (identified in accordance with any requirements prescribed by the regulations) to which the application relates that are held by the agency; and

(4) Section 36(2)(b)—after "is refused" insert:

, must specify

(5) Section 36(2)(b)(i)—delete subparagraph (i) and substitute:

(i) the designation of the officer by whom the determination was made; and

(ia) contact details for the agency; and

32—Amendment of section 37—Notations to be added to records

Section 37(1)—delete "at an office of" and substitute:

with

33—Amendment of section 38—Internal review

(1) Section 38(2)(d)—delete "at an office of the agency" and substitute:

with the agency

(2) Section 38—after subsection (2) insert:

(2a) For the avoidance of doubt, where the determination the subject of the review is a deemed determination under section 34(2), the application for review may be lodged at any time after the agency is to be taken to have determined the application in accordance with that provision (whether or not the applicant has been given notice of the deemed determination) and the time limitation specified in subsection (2)(d) only applies if the applicant is given notice of the deemed determination.

(2b) The principal officer of the agency must ensure that an applicant for review is given a written notice specifying the date on which the application was received by the agency and providing the applicant with information about the operation of subsection (4) and the applicant's further rights of review under this Act.

(3) Section 38(4)—delete "14 days" and substitute:

20 days
(4) Section 38—after subsection (5) insert:

(6) A refusal to allow further time within which to lodge an application for review (under subsection (2)(d)) is subject to review as if it were a determination made by an agency under Division 1.

34—Amendment of section 39—External review

(1) Section 39(1), definition of relevant review authority—delete the definition

(2) Section 39—delete “the relevant review authority” wherever occurring and substitute in each case:

the Ombudsman

(3) Section 39(4)—delete “The relevant review authority may, in its” and substitute:

The Ombudsman may, in the Ombudsman’s

(4) Section 39(5)(b)—delete paragraph (b) and substitute:

(b) may, if it appears to the Ombudsman that the agency has failed to properly search for, sort or compile documents relevant to the review or to undertake consultations relevant to the review that should have been undertaken by the agency—

(i) require the agency to provide information relating to the manner in which it searched for, sorted or compiled the documents or undertook the consultations; or

(ii) require the agency to search for, sort or compile the documents or undertake the consultations; or

(ii) require officers of the agency to attend at a time and place specified by the Ombudsman for the purpose of sorting and compiling the documents or undertaking the consultations; and

(5) Section 39(8)—delete subsection (8) and substitute:

(8) If the Ombudsman has reason to believe that an agency or the applicant has a document relevant to the review, the Ombudsman may give to the agency or the applicant a written notice requiring them to produce the document to the Ombudsman in a manner specified in the notice and within a reasonable period specified in the notice.

(8a) No obligation to maintain secrecy or other restriction on the disclosure of information applies for the purposes of an investigation under this section, except an obligation or restriction designed to keep the identity of an informant secret.

(6) Section 39(10) and (15)—delete “A relevant review authority” wherever occurring and substitute in each case:

The Ombudsman
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(7) Section 39(11)—delete subsection (11) and substitute:
   (1) On an application under this section, the Ombudsman may (based on
   the circumstances existing at the time of the review)—
   (a) if the determination the subject of the review arose by
   operation of section 19(2) or 34(2) or the Ombudsman is
   satisfied that the determination was not properly
   made—refer the matter back to the agency for the making of
   a new determination; or
   (b) in any case—confirm, vary or reverse the determination the
   subject of the review.

(8) Section 39(12)—delete “it thinks fit, offer, together with its reasons for its” and
   substitute:
   the Ombudsman thinks fit, offer, together with the reasons for the
   reasons

(9) Section 39(15)—delete “its reasons” and substitute:

(10) Section 39(16) and (17)—delete “a relevant review authority” wherever occurring and
   substitute in each case:
   the Ombudsman

(11) Section 39—after subsection (16) insert:

   (16A) The Ombudsman may dismiss an application if the Ombudsman
   considers that the applicant has failed to comply with subsection (7)
   or with a notice under subsection (8).

35—Amendment of section 40—Reviews by SACAT

(1) Section 40(1a) and (2)—delete subsections (1a) and (2) and substitute:
   (1a) However, a review by SACAT under subsection (1) may only relate
   to—
   (a) a determination that a document was not an exempt
   document; or
   (b) a question of law (in which case the application for review
   must be referred to a Presidential member of the Tribunal
   under section 26 of the South Australian Civil and
   Administrative Tribunal Act 2013).

(2) A person (other than an agency) who is aggrieved by a determination
made on a review under Division 1 (other than a determination
relating to the sufficiency of the agency’s searches for documents)
may apply for a review under section 34 of the South Australian
Civil and Administrative Tribunal Act 2013 of the determination by
SACAT

(2) Section 40(4)—delete subsection (4)

(3) Section 40(5)(b) and (c)—delete paragraphs (b) and (c) and substitute:
   (b) the applicant for the review under Division 1.

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Prepared by Parliamentary Counsel
(4) Section 40(6)—after "section" insert:
but is entitled to be notified of the proceedings and to make written
submissions to SACAT in relation to the proceedings.

36—Substitution of section 47

Section 47—delete the section and substitute:

47—Service

A notice, determination or other document required or authorised to
be given or served under this Act may be given or served personally,
by post or by transmitting it by email to an email address provided
by the intended recipient for that purpose (in which case the notice,
determination or document will be taken to have been given or
served at the time of transmission).

37—Insertion of section 49A

After section 49 insert:

49A—Improper direction or influence

A person must not—

(a) direct an accredited FOI officer to make a decision or
determination for the purposes of this Act that the person
knows, or ought reasonably to know, is not a decision or
determination that the officer should, in the circumstances,
make; or

(b) improperly influence (whether directly or indirectly) the
making of a decision or determination for the purposes of
this Act by an accredited FOI officer.

Maximum penalty: 55 000.

38—Substitution of sections 50 and 51

Sections 50 and 51—delete the sections and substitute:

50—Protection in respect of liability

(1) This section applies to the following acts:

(a) the publishing of information relating to an agency or held
by an agency (other than personal information of a person) if
the person publishing the information honestly believes that
a proactive disclosure policy under Part 1A permits or
requires the information to be published;

(b) the making of a determination if the person making the
determination honestly believes that this Act permits or
requires the determination to be made;

(c) the giving of access to a document pursuant to a
determination referred to in paragraph (b).
(d) the publishing of any information in accordance with section 18A;
(e) the disclosure of information in a disclosure log if the person disclosing the information honestly believes that this Act permits or requires the disclosure to be made.

(2) If this section applies to an act—
(a) no action for defamation or breach of confidence lies against the Crown, an agency or an officer of an agency, by reason of the act; and
(b) no action for defamation or breach of confidence in respect of any publication involved in, or resulting from, the act lies against the author of the information or document or any other person by reason of the author or other person having supplied the information or document to an agency or Minister; and
(c) the act does not constitute, for the purposes of the law relating to defamation or breach of confidence, an authorisation or approval of the publication of the information or document by another person; and
(d) no offence is committed by an agency or an officer of an agency merely by reason of the act.

39—Amendment of section 53—Fees and charges

(1) Section 53(2aa)—delete subsection (2aa) and substitute:

(2aa) A fee or charge (other than an application fee prescribed under section 13(1)(c)) can only be required by an agency under this Act in respect of the costs to the agency of finding, retrieving, sorting, compiling and copying documents, and removing exempt matter from documents, as may be necessary for the proper exercise of a function under this Act and undertaking any consultations required by this Act in relation to the exercise of that function.

(2) Section 53—after subsection (4) insert:

(4a) If section 19(2) applies in relation to an application, the agency is, in respect of the application, entitled to any application fee prescribed under section 13(1)(c) but may not require the payment of any other fee or charge for dealing with the application.

40—Amendment of section 55—Regulations

Section 55—after its present contents (now to be designated as subsection (1)) insert:

(2) The regulations may—

(a) be of general or limited application; and
(b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
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(c) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister or another person.

41—Amendment of Schedule 1—Exempt documents

(1) Schedule 1, clauses 1 and 2—delete clauses 1 and 2 and substitute:

1—Cabinet and Executive Council documents

(1) A document is an exempt document—

(a) if it is a document that has been specifically prepared for submission to Cabinet or Executive Council (whether or not it has been so submitted); or

(b) if it is a preliminary draft of a document referred to in paragraph (a); or

(c) if it is a document that is a copy of or part of, or contains an extract from, a document referred to in paragraph (a) or (b); or

(d) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet or Executive Council, or

(e) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet or Executive Council.

(2) A document is not an exempt document by virtue of this clause—

(a) if it merely consists of—

(i) matter that appears in an instrument that has been made or approved by the Governor and that has been officially published (either in the Gazette or elsewhere); or

(ii) factual or statistical material (including public opinion polling) that does not disclose information concerning any deliberation or advice of Cabinet or Executive Council or relate directly to a contract or other commercial transaction that is still being negotiated; or

(b) merely because it was attached to a document described in subclause (1); or

(c) if 20 years have passed since the end of the calendar year in which the document came into existence.

(3) A document is not an exempt document by virtue of this clause if—

(a) the document has been submitted to Cabinet or Executive Council by a Minister; and
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(b) a Minister has certified that Cabinet or Executive Council have approved the document as a document to which access may be given under this Act.

(4) In this clause, a reference to Cabinet includes a reference to a committee of Cabinet and to a subcommittee of a committee of Cabinet.

(2) Schedule 1, clause 4(2)(a)—after subparagraph (vi) insert:

(vii) to put at risk—

(a) any endangered, vulnerable or rare species (within the meaning of the National Parks and Wildlife Act 1972 or any threatened species or threatened ecological community (within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth), or

(b) rare items of cultural or scientific importance; and

(3) Schedule 1, clause 4(3)—delete “has been created or is held by the State Intelligence Section of South Australia Police” and substitute:

the former State Intelligence Section of South Australia Police or has been created or is held by the State Intelligence Branch of South Australia Police

(4) Schedule 1, clause 6, heading—delete “affecting personal affairs” and substitute:

containing personal information

(5) Schedule 1, clause 6(1)—delete “information concerning the personal affairs” and substitute:

personal information

(6) Schedule 1, clause 6(2)—delete subclause (2)

(7) Schedule 1, clause 13(6)—delete “, as soon as practicable, notify the Minister administering this Act, in writing, of that fact” and substitute:

notify the Minister administering this Act, in writing, of that fact within the period determined by that Minister

(8) Schedule 1, clause 16—after subclause (1) insert:

(1a) A document is an exempt document if it was prepared for the purposes of an audit, examination or other statutory function required to be undertaken by the Auditor-General.

(1b) A document is not an exempt document by virtue of subclause (1a) if—

(a) the document is identified by the Auditor-General as a Management letter or an agency’s response to a Management letter; and

(b) the Auditor-General has reported to the Parliament in respect of the period to which the Management letter or response relates.
(9) Schedule 1, clause 16(2)—delete subclause (2)

42—Amendment of Schedule 2—Exempt agencies

(1) Schedule 2—after paragraph (k) insert:

{lax} the Office of Parliamentary Counsel in relation to information that

would be privileged from production in legal proceedings on the

ground of legal professional privilege;

(2) Schedule 2, paragraph (n)—delete "South Australian Superannuation Fund Investment

Trust" and substitute:

Superannuation Funds Management Corporation of South Australia

(3) Schedule 2, paragraph (p)(iii)—delete subparagraph (iii) and substitute:

(iii) the former Operations Intelligence Section, or

(iiiia) the State Protective Security Branch (or a body substituted for the

State Protective Security Branch), or

Schedule 1—Transitional provisions

1—Application of amendments

(1) Subject to subclause (2), an amendment to the Freedom of Information Act 1991 (the

principal Act) effected by a provision of this Act applies in relation to an application

under the principal Act, or review proceedings relating to an application under the

principal Act, if the application or proceedings are determined after the

commencement of that provision (whether the application was lodged before or after

that commencement).

(2) Part 3 Division 2A of the principal Act (as amended by this Act) only applies to an

application made after the commencement of section 11(3) of this Act.
Ms Michelle Smith
Governing Board Chair
Eyre and Far North Local Health Network Board

By email c/- Verity Paterson@sa.gov.au

3 December 2019

Dear Michele,

I am disappointed at what I feel is a lack of respect shown for my community. In fact, I'm incredulous that Kimba will yet again be ignored by our health system. It's worse this time in that it's Eyre Peninsula and the very board that is supposed to give us a local voice on this occasion.

I was pleased to see community consultation would be a key performance requirement for the new LHN boards established in regional areas of our state and thought that would be a serious undertaking. Instead it's consultation in name only in unfortunately keeping with traditions of the past. Our community has no planned consultation in our town and we are not the only community shunned in the process, with two of the three communities in our cluster not chosen for consultation. Why? Kimba has a long history of being ignored and forced to accept inadequate health services. We have been a proactive community in finding and funding our own solutions and I'm hurt that we are yet again being ignored by the very board we were told would give us a voice. It's not good enough.

As we fight for the most basic of health services our hospital is falling into an appalling state of disrepair. The entrance road and car park should be condemned. The kitchen I believe, has been. There is no possible way the current kitchen would pass even basic accreditation standards. I don't know how it's still open. It seems there is no budget or even plans to fix the problems as the state's asset deteriorates day by day. As council allocates increasing budgets year on year to health, which is in no way a local government responsibility, health continues to step away and leave our substantial community in crisis. Our community sought and received grant funding for an amazing Palliative Care unit, yet it remains unfinished and unused with no communication to our community about reasons or plans.

Consultation will be held in our regional major cities of Port Lincoln and Ceduna even though the board and staff of the EFNLHN regularly meet and attend these communities and they have local representation on the board, yet Kimba is left forgotten and decaying with no visit at all.
My requests for the board are:

1). A long-term guarantee of GP and emergency health care for Kimba,
2). An audit and needs assessment completed for infrastructure at Kimba,
3). A 5-year fully funded plan to repair and upgrade the Kimba hospital to a fit for purpose state, that is endorsed and approved by our community,
4). Public consultation sessions held by the board in Kimba and in line with IAP2 guidelines,

Yours sincerely,

Dean Johnson
Mayor

Ref Dc: 2019-078 (L)
17.14.03.45
15 LATE/OTHER BUSINESS
16 CONFIDENTIAL
17 UPCOMING MEETINGS/EVENTS
18  NEXT MEETING

Wednesday, 12 February 2020 at 2.00pm in the Council Chambers, Kimba

19  CLOSURE