

# Special Council Meeting Agenda & Reports

**22 March 2023**

## **Our Vision**

*A City which values its heritage, cultural diversity,  
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable  
and socially cohesive, with a strong community spirit.*

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175 The Parade, Norwood SA 5067

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City of  
Norwood  
Payneham  
& St Peters

17 March 2023

## To all Members of the Council

### NOTICE OF SPECIAL MEETING OF COUNCIL

I wish to advise that pursuant to Section 83 of the *Local Government Act 1999*, the next Special Meeting of the Norwood Payneham & St Peters Council, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

**Wednesday 22 March 2023 commencing at 7.00pm.**

Please advise Tina Zullo on 8366 4545 or email [tzullo@npsp.sa.gov.au](mailto:tzullo@npsp.sa.gov.au), if you are unable to attend this meeting or will be late.

Yours faithfully



Mario Barone  
**CHIEF EXECUTIVE OFFICER**

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City of  
**Norwood  
Payneham  
& St Peters**

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**VENUE** Council Chambers, Norwood Town Hall

**HOUR**

**PRESENT**

**Council Members**

**Staff**

**APOLOGIES**

**ABSENT**

1. **CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 6 MARCH 2023**

2. **STAFF REPORTS**

## 2.1 REINSTATEMENT OF OFFICE – WARD COUNCILLOR FOR THE MAYLANDS/TRINITY WARD - CR SCOTT SIMS

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**REPORT AUTHOR:** General Manager, Governance & Civic Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** qA115010  
**ATTACHMENTS:** A

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of the reinstatement of Cr Scott Sims to the Office of Councillor for the Maylands/Trinity Ward.

### BACKGROUND

As Elected Members will recall, at the Council Meeting held on 6 March 2023, the Council was advised that Cr Scott Sims had lost his office as Ward Councillor for the Maylands/Trinity Ward, on the basis that he had failed to lodge his Campaign Donation Return by the due date with the Electoral Commission of South Australia (ECSA).

As Members are aware, as part of the Election process, all Candidates, (including those Candidates who were elected and those Candidates who were not elected), must complete and lodge two (2) Campaign Donation Returns forms with ECSA in accordance with Section 81 of the *Local Government (Elections) Act 1999*.

A total of 45 Elected Members (including some Mayors), lost office as result of their failure to lodge their second Campaign Donation Return with ECSA by the due date.

### DISCUSSION

On 22 February 2023, the Minister for Local Government, the Hon Geoff Brock, announced that legislation would be introduced into Parliament to provide those former Elected Members with an additional ten (10) days to submit their Returns.

The Minister, in a media release issued on 27 February 2023, stated that the decision to introduce legislation to address the matter was made on the basis of the “*unprecedented scale of the issue*” and the subsequent financial impact for Councils and their communities who would be responsible for the costs associated with addressing the vacancies (ie holding supplementary elections).

The *Local Government (Casual Vacancies) Amendment Act 2023* (the Amendment Act) came into operation on 9 March 2023. The Amendment Act provides for the reinstatement of Council Members whose positions had become vacant and allows additional time for the lodgement of Campaign Donation Returns by those Council Members who have not yet lodged their Return with ECSA.

The Amendment Act also includes amendments to the *Local Government Act 1999*, to ensure the validity of the Council decisions which have been made during the period of the vacancies. The Amendment Act also ensures the validity of functions and duties undertaken by defaulting Elected Members during their period of vacancy and clarifies the entitlement to allowances and expenses during this period.

Essentially, the effect of the Amendment Act is to provide that the office occupied by the former Council Members are taken to have never been vacant.

On 9 March 2023, the Electoral Commissioner of South Australia forwarded a letter to the Council’s Chief Executive Officer, confirming that Cr Scott Sims has lodged the required Campaign Donations Returns and as such, has been reinstated to the Office of Ward Councillor for the Maylands/Trinity Ward.

A copy of the letter dated 9 March 2023, from the Electoral Commissioner of South Australia is contained within **Attachment A**.

## RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

## RECOMMENDATION

1. That the Council notes that the *Local Government (Casual Vacancies) Amendment Act 2023*, commenced operation on 9 March 2023; and
2. That the Council notes that the effect of the *Local Government (Casual Vacancies) Amendment Act 2023*, is to provide that the office occupied by Cr Scott Sims is taken not to be and to have never have been, vacant as a result of the ordinary operation of Section 54(1)(h) of the *Local Government Act 1999*.

# Attachment A

## Reinstatement of Office Ward Councillor for the Maylands/Trinity Ward Cr Scott Sims

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City of  
Norwood  
Payneham  
& St Peters

9 March 2023

Mr Mario Barone  
Chief Executive Officer  
City of Norwood Payneham & St Peters

Level 6, 60 Light Square  
Adelaide SA 5000  
GPO Box 646  
Adelaide SA 5001  
T +61 8 7424 7400  
W [ecsa.sa.gov.au](http://ecsa.sa.gov.au)  
ABN 99 891 752 468

By email [mbarone@npsp.sa.gov.au](mailto:mbarone@npsp.sa.gov.au)

Dear Mr Barone

**Re: 2022 Local Government Periodic Elections – Casual Vacancy**

I refer to my previous correspondence concerning casual vacancies created in your council area as a result of the failure by certain members to lodge campaign disclosure returns on time.

The *Local Government (Casual Vacancies) Amendment Act 2023* (the Amendment Act) came into operation today. It provides for the reinstatement of members whose positions had become vacant and additional time for the lodgement of required returns by any members who have not yet done so.

I confirm that as at the date of this letter, Scott Sims has lodged two campaign donation returns required under the *Local Government (Elections) Act 1999*.

The Office of Local Government and the Local Government Association will be providing guidance on the effect and implementation of the Amendment Act and the reinstatement of members whose offices had become vacant.

A letter advising the members in question of the status of their disclosure returns will also be issued.

If you have any queries concerning these disclosure returns, please contact Mr Nicholas Evans, Manager Funding Disclosure & Registrations (tel: 8429 3084, email: [ecsa.returns@sa.gov.au](mailto:ecsa.returns@sa.gov.au)).

Yours sincerely



Mick Sherry  
**ELECTORAL COMMISSIONER**



**3. CONFIDENTIAL REPORTS**

### 3.1 AUDIT & RISK COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS

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#### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

#### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report and attachments be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the discussion and minutes be kept confidential until the announcement of the appointment is made.

### 3.2 APPOINTMENTS TO THE BUSINESS & ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

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#### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

and the Council is satisfied that, in principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussions/consideration of the information confidential.

#### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, attachments and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the minutes be kept confidential until the announcement in respect to the positions of Independent Members of the Business & Economic Development Advisory Committee is made.

### 3.3 COUNCIL RELATED MATTER

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#### RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999*, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

#### RECOMMENDATION 2

Under Section 91(7) and (9) of the *Local Government Act 1999*, the Council orders that the report, discussion and minutes be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12) months.

**4. CLOSURE**