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19 May 2021

South Australian Productivity Commission
By Email: sapc@sa.gov.au

Dear Sir/Madam

**SA Productivity Commission Inquiry Issues Paper – submission from
Campbelltown City Council**

Council and its Economic Development Advisory Committee have considered the matters associated with the Commission's inquiry into South Australia's regulatory framework and provide the following comments for consideration:

Council supports the aims of the **inquiry**, namely:

- to institutionalise ongoing better practice approaches for the establishment and review of regulations and subordinate legislation including Local Government by-laws
- to incorporate better regulation for jobs growth, productivity improvements and sustainable economic growth, and
- the establishment of a clear, fit for purpose, whole of government accountability framework for ongoing improvement to the state-wide regulation system.

It is recommended that a review of State Government websites be conducted to improve the accessibility of information to non-government stakeholders, including business owners. Currently information to explain practical implementation of regulations can be arranged across an array of webpages and websites making it difficult for business owners and other stakeholders to access information on matters such as working with children, events management (including safe food handling requirements), fireworks regulations, competition policy and liquor licensing. These arrangements are ineffective and create confusion for stakeholders trying to comply with legislation. Where multiple page/site arrangements are required, it is recommended that fact sheets, guides for business owners or similar be created for each set of regulations to improve accessibility for non-government stakeholders and maintained in one, easy to find location.

Where State Government agencies are preparing or reviewing regulations that impact the work of Local Government, it is recommended that considered and lengthy (at least one month) consultation be undertaken directly with Councils on the proposed regulations rather than consulting only with the Local Government Association. An example of quality consultation approach would be the Office of Local Government's direct consultation over several months with the Governance and Policy Officers Network (a network of Staff from all SA Councils) on the establishment of regulations for Informal Gatherings.

Where principal legislation (Acts) anticipate regulations to enact sections of an Act, there should be a requirement to implement regulations within a reasonable timeframe (eg in the Local Government Act where regulations have never been introduced – Section 245A Bonds).

In relation to the **Development Referral review**, Council provides the following comments for consideration:

2.1 The Development Assessment Process

- The requirement for a referral to a referral body is made clear at the beginning of the process through the allocation of a fee for referral to that body. However, the role that the referral body plays in the process and the direction that they may make in relation to an application is not made clear at the beginning of the process.
- The process for an applicant engaging with a referral body prior to lodging an application is not clearly understood by a number of applicants.
- Very rarely do applicants engage directly with referral bodies.
- Direct engagement with a referral body through a pre lodgement agreement would result in a similar outcome, however would be quicker once the application is lodged.

2.2 Relevant Authorities

- Referral bodies having a direction role mean that the relevant authority will have no discretion as to whether to apply conditions or require amendments to a development. This may result in illegal conditions being imposed, making them impossible to comply with.
- The introduction of overlays provides a higher level of certainty for applicants because all relevant provisions are accessed up front.
- The impacts of appealing a decision for an applicant will be unchanged.

Council's Economic Development Advisory Committee specifically recommend that the State Government:

- centralise access to forms and assist navigating red tape in respect to their processes/agencies
- digitise and provide access to processes required by businesses

- provide more support for businesses with respect to COVID-19 requirements (eg sanitiser, COVID Marshalls, QR Codes) and the impact of public holidays causing businesses not to open due to restrictions
- balance regulations to allow small business accommodation operators to work the same way gig economy operators do (eg Airbnb don't have to comply like existing operators do in this space – balance regulations for gig economy operators such as Airbnb etc to improve tourism outcomes).

The matters discussed above for submission were resolved by Council's Economic Development Advisory Committee at its meeting on 17 May 2021, and by Council at its meeting on 18 May 2021.

Further to Council's submission to this process, Council invites the Chief Executive Officer and Chair of the Commission to a future Economic Development Advisory Committee meeting to discuss on-ground business experiences in more detail with business representatives on the Committee.

I look forward to hearing from you.

Yours sincerely



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Chief Executive Officer

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