

Your Say
Adelaide

The Adelaide City Council invites
engagement from the community about

By-law Amendments – Phase 2

2013

Project Summary

By-laws are Local Government Law administered by Council to support the good rule and governance of the area, and for the convenience, comfort and safety of its constituents.

In September 2013 Council undertook public consultation for proposed amendments to all By-laws, by introducing By-law 12 - Miscellaneous Variation By-law 2013.

Council received community feedback which highlighted a need to make some further changes. Included in these changes are proposed amendments which will affect food businesses that front onto the public realm.

In line with the *Local Government Act 1999*, Council must once again undertake full public consultation if any part of the By-law concerned has proposed changes.

Consultation closes **5pm, Thursday 30 January 2014**

Included in this consultation pack:

- Project Information
- Submission Form
- Frequently asked questions
- By-law proposed amendments (attached)
- Current By-laws (attached)

For enquiries, please call **Team Leader Community Safety - Trevor Battersby 8203 7400** or email t.battersby@adelaidecitycouncil.com

By-law Amendments 2013

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Project Information

Purpose

We have By-laws to help promote a safe and enjoyable environment by encouraging the responsible use of the city and its places. Residents and visitors to the City can then enjoy a quality of life that meets the general expectations of the community.

The purpose of this project is to update and amend Council's existing By-laws by considering all the feedback received through the first consultation phase carried out in September 2013.

Background

In February 2013 the High Court of Australia handed down its decision in the case *Attorney General (SA) v Corporation of the City of Adelaide (the Street Preachers)*. This case had significant implications for Local Government's By-law making powers and the interpretation of legislation applicable to Councils, including the Local Government Act 1999 and Local Government Act 1934.

The High Court held that that the Local Government Act empowers Council to exercise its statutory power to make By-laws for the good rule and governance of the area, and for the convenience, comfort and safety of its constituents.

From the constructive feedback received through Phase 1 of this consultation, Council identified a community driven need to amend the By-laws again so that they more correctly reflect Councils intentions for amending them in the first place.

In Phase 1 we asked the community to provide comments on the By-Law amendments. We received overwhelming feedback about the clause relating to bikes tied to infrastructure. As a result of constructive feedback, we have made further changes to the By-law amendments. We hope this will help the community to better understand how we intend to enforce this By-law.

Benefits of the project

Council is committed to creating a Safer City for all its users by providing By-laws that support the good governance of its area in conjunction with stakeholder and community feedback.

Project Impacts

These By-law amendments allow for the improved management and regulation of activities in the City of Adelaide.

There are some proposed amendments in this second phase of this project that may directly affect a greater portion of the community than the amendments in Phase 1. Specifically the addition of a Clause 8 in By-law 1, Permits and Penalties, which will require the proprietor of a food business (that fronts onto the Public Realm) to display proof that the business has complied with their obligations pursuant to Section 86 of *The Food Act 2001* and the *Food Safety Standards 3.2.2 Clause 4*.

Timeline

Consultation opens on Thursday January 9, 2014 and closes 5:00 pm Thursday 30 January 2014.

Frequently Asked Questions

Q. Why is there a second phase of consultation?

A. The *Local Government Act 1999* requires Councils to undertake public consultation if and when any portion of a By-law is being amended. That is, if any portion of By-law 12 has proposed amendments then the whole by-law must be taken out for public consultation again.

Q. Are there any significant changes proposed in phase 2 that were not considered in phase 1?

A. Yes. Council has included a clause in By-law 1, Permits and Penalties that will require the proprietor of a food business (that fronts onto the public realm) to display proof that the business has complied with their obligations pursuant to Section 86 of *The Food Act 2001*.

Q. Why was this aforementioned inclusion to By-law 1 not considered during phase 1?

A. This clause was developed as a result of stakeholder feedback received during Phase 1.

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How do I provide my feedback?

There are a number of ways in which you can provide feedback:

Submission Form

Complete the Submission Form to provide your feedback. Submissions must include the name and residential address of the respondent, and will be included in a report to Council which will be publically available. For projects that have a legislative requirement to consult such as this, including your name and residential address are mandatory.

Online/ Website

Council has a dedicated website that provides an opportunity for quick and efficient online feedback. Visit yoursay.adelaidecitycouncil.com for information about the project and online ways to provide your comments. Alternatively comments can be emailed to yoursay@adelaidecitycouncil.com

Written Submissions

All written submissions must be received by 5.00 pm Thursday 30 January 2014 and should be addressed to:

Community Consultation
By-Law Amendments 2013
GPO Box 2252, Adelaide SA 5001

What happens to my feedback?

All written submissions that are received with all the relevant contact information will be duly considered and presented to Council in the form of a report containing any amendments recommended as a result of consultation.

This report will be presented to Council summarising the overall result of the consultation with a copy of each submission, including the respondents name and address. The report will become available on Councils web site.

Community input to Council decisions not only promotes strong working relationships between Council and its stakeholders, it also maximises the knowledge and experience upon which decisions are based, and leads to better outcomes for all

How do I know my feedback has been received?

All feedback forms, submissions or correspondence will be acknowledged either by email or in writing so that you know your comments/feedback have been received.

Contact Person

For more information, please contact:

Name: Trevor Battersby
Title: Team Leader Community Safety
Phone: 8203 7400
Email Address: t.battersby@adelaidecitycouncil.com

