

NOTICE OF COUNCIL MEETING

Pursuant to the provisions of section 84 (1) of the
Local Government Act 1999, the

Ordinary Meeting of the



will be held in

**Council Chamber
Redbanks Road
Mallala**

on

Monday 28 November 2022 at 6.00pm

A handwritten signature in black ink, appearing to be "James Miller", is positioned above the printed name and title.

James Miller
CHIEF EXECUTIVE OFFICER

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1 ATTENDANCE

2 OPENING ITEMS

2.1 DECLARATION OF OFFICE

Record Number: D22/50981

Author: General Manager - Governance and Executive Office

Authoriser: Chief Executive Officer

Attachments: Nil

OVERVIEW

Section 60 of the *Local Government Act 1999* states that a member of a council must, at or before the first meeting to be attended by the member, make an undertaking in the prescribed manner to discharge the member's duties conscientiously and to the best of his or her abilities.

The declaration is made in accordance with Form 2 of Schedule 1 to the *Local Government (General) Regulations 2013* and must be witnessed by a Justice of the Peace or another person authorised to take declarations under the *Oaths Act 1936*. The forms for completion will be provided at the meeting where there will be a Commissioner for Taking Affidavits present to act as a witness to the documents.

Once the declarations are made, the elected members will assume their office.

Pursuant to Section 65 of the *Local Government Act 1999* of the *Local Government (General) Regulations 2013*, when a person is first elected or appointed to a council, or elected or appointed after any period of absence during which time they were not an elected member, that person must submit a "primary return" to the chief executive officer **within six weeks** after the election or appointment.

RECOMMENDATION

"that Council, having considered Item 2.1 – *Declaration of Office*, dated Monday 28 November 2022, receives and notes the report."

2.2 GENERAL ELECTION RESULTS 2022

Record Number: D22/50794

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments:

1. Letter from Electoral Commissioner South Australia - Area Councillor Complex Count
2. Letter from Electoral Commissioner South Australia - Certified Results

Purpose

The purpose of this report is to formally present the results of the 2022 Adelaide Plains Council General Election.

Background

The General Election was conducted by the Electoral Commission of South Australia (ECSA). Voting closed at 5.00pm on Thursday 10 November 2022.

There were two (2) candidates for one (1) Mayoral vacancy and 15 candidates for nine (9) Area Councillor vacancies.

Discussion

Scrutiny and count for the Mayoral election occurred on Saturday 12 November 2022 at the Mallala Council Chamber, with a provisional declaration made at approximately 2.38pm.

ECSA determined that the election for Area Councillor was 'complex' (refer **Attachment 1** to this Report – notification from ECSA dated 18 October 2022) and, accordingly, the count to first preference was undertaken locally, at the Mallala Council Chamber, on Saturday 12 November 2022. ECSA then despatched all ballot material back to its Central Processing Centre where the remainder of the count took place on Thursday 17 November 2022. The provisional declaration for Area Councillors was made at approximately 2.02pm on the same day.

All election results were officially certified by ECSA on Friday 18 November 2022 as follows (and listed in the order elected):

Mayor

Mark Wasley

Area Councillors (9)

Alana Bombardieri

John Lush

Marcus Strudwicke

Kay Boon

Margherita Panella

David Paton

Dante Mazzeo

Terry-Anne Keen

Eddie Stubing

Provided as **Attachment 2** to this Report is a copy of the certified results received from ECSA, including the distribution of votes. The above-mentioned Elected Members will be officially 'sworn in' at the Ordinary Meeting to be held on 28 November 2022.

With the general election now concluded, the changes to Council's composition and elector representation arrangements as determined through Council's Representation Review (completed in December 2021) have now taken effect – previous ward structure is abolished and Council's composition is Mayor and nine (9) Area Councillors.

Conclusion

Results of the general election were officially certified by ECSA on Friday 18 November 2022, marking the conclusion of the election period and, indeed, the caretaker period for 2022.

RECOMMENDATION

"that Council, having considered Item 2.2 – *General Election Results 2022*, dated 28 November 2022, receives and notes the report."

References

Legislation

Local Government Act 1999

Local Government (Elections) Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Caretaker Policy

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18 October 2022

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Mr James Miller
Chief Executive Officer
Adelaide Plains Council
PO Box 18
MALLALA SA 5502

Dear James,

Re: Vote Counting Procedures – Data Entry Elections

I write to advise of arrangements for the preliminary scrutiny and count for elections in your council.

Following the close of nominations my office began an analysis of all elections to be conducted to identify elections likely to be the most complex under a Proportional Representation (PR) counting system. This is generally determined by reviewing the number of vacancies and number of candidates standing for each election. In these situations where both the number of vacancies and number of candidates is relatively high, the number and complexity of counts increases.

Based on this analysis, I have determined the election for Area Councillor to be deemed complex which will involve the conduct to first preference count to be undertaken locally, and then all ballot material despatched back to ECSA to be completed by data entry to finalise the result at the Electoral Commission SA Central Processing Centre.

Once in Adelaide, they will be processed through EasyCount, software ECSA has licensed from the Australian Electoral Commission. In a complex count election, preferences from each ballot paper are manually data entered into EasyCount which then calculates the distribution of preferences and determines the elected candidates.

I have written to all candidates who are contesting this election and they have been provided the following information.

They may appoint scrutineers to view the process which involves considering all envelopes that have been rejected, the detaching of declaration flaps from accepted envelopes, the opening of those declaration envelopes and removal of ballot papers, and the counting votes to first preference. These processes will be

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conducted from 9 am on Saturday 12 November 2022, at the location advised previously in writing by the Deputy Returning Officer for your council.

Candidates may appoint any number of scrutineers to observe the count to first preference, but only two may be in the counting centre at any one time. A scrutineer must present their completed Scrutineers Authority Form (signed by the appointing candidate) to the officer in charge of the counting centre.

Following the first preference count, I will arrange for the ballot materials to be securely transported to the Electoral Commission SA Central Processing Centre, at 41-55 Holden Street, Hindmarsh, where each ballot paper will be entered into a computer program by a data processing operator and then re-entered by a different operator.

The computerised count centre will be managed by senior staff of the Electoral Commission SA and the count will be conducted within a shorter overall time frame and provide reports on calculated transfer values and exclusions.

Scrutineers can witness the data entry process in Adelaide if they wish and candidates have been provided the attached schedule to determine when each election will be data entered. Data entry will not commence prior to the time indicated.

Scrutineers who attend the processing centre will be bound by the same rules as those in the local count centres and will only be admitted after providing their signed Scrutineers Authority Form to the Count Centre Manager.

Following the conclusion of each election the local Deputy Returning Officer will make arrangements to conduct the provisional declaration and reports will be made available to all candidates.

Should you have any further queries on the conduct of the computer scrutiny and count or the scheduled data entry process, please contact the Deputy Electoral Commissioner, Mr Wayne Harlock, on 7424 7431.

Yours sincerely,



Mick Sherry
Returning Officer

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Computer Count Schedule - November 2022

Saturday 12 November 2022			
AM		PM	
1 st Preference counts conducted in Councils		Receive and batch	
Sunday 13 November 2022			
8:00 AM		3:00 PM	
Adelaide	Central Ward	Onkaparinga	South Coast Ward
Adelaide	South Ward	Onkaparinga	Mid Coast Ward
Gawler	Area Councillor	Onkaparinga	Knox Ward
Adelaide Hills	Ranges Ward	Onkaparinga	Southern Vale Ward
Monday 14 November 2022			
8:00 AM		3:00 PM	
Playford	Ward 1	Alexandrina	Alexandrina South Ward
Playford	Ward 2	Victor Harbor	Area Councillor
Walkerville	Area Councillor	Murray Bridge	Area Councillor
Loxton Waikerie	Area Councillor	Barossa	Area Councillor
Port Pirie	Area Councillor		
Tuesday 15 November 2022			
8:00 AM		3:00 PM	
Mount Gambier	Area Councillor	Ceduna	Area Councillor
Naracoorte	Area Councillor	Whyalla	Area Councillor
Tatiara	Area Councillor	Port Augusta	Area Councillor
Coorong	Area Councillor	Adelaide Plains	Area Councillor
Wednesday 16 November 2022			
8:00 AM	TBC	3:00 PM	TBC

It is envisaged that each count should be completed within the allocated six hours, however, should there be a delay with a count scheduled for 8:00 am, the commencement time for a count scheduled for 3:00 pm may be similarly delayed.

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1811/2022



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Mr James Miller
Chief Executive Officer
PO Box 18
MALLALA 5502

jcmiller@apc.sa.gov.au

Dear Mr Miller

Re: 2022 Council Election Results

In accordance with section 50 of the *Local Government (Elections) Act 1999* (the Act), I enclose the results for the November 2022 council elections.

The council elections were conducted by post and telephone assisted voting for blind and low vision electors, and electors who are interstate or overseas. Voting material comprising of ballot papers, candidate profiles, a postal voting guide, a ballot paper envelope containing the elector's declaration and return envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5pm on Thursday 10 November with the scrutiny and count commencing at 9am on Saturday 12 November 2022 at Mallala Council Chamber - Redbanks Road, Mallala.

In accordance with section 50 of the Act, I, Mick Sherry, Returning Officer, confirm the provisional declarations and certify the results for the following elections, with the following candidates being elected:

Mayor

Vacancies 1

WASLEY, Mark

Elected

Election of Area Councillors

Vacancies 9

BOMBARDIERI, Alana Rose

Elected 1

LUSH, John Wilton

Elected 2

STRUDWICKE, Marcus

Elected 3

BOON, Kay

Elected 4

PANELLA, Margherita

Elected 5

PATON, David

Elected 6

MAZZEO, Dante Isaiah

Elected 7

KEEN, Terry-anne

Elected 8

STUBING, Eddie

Elected 9

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All candidates will be notified in writing of the results of the elections. Copies of the reports and copies of the full scrutiny and count details are available on the ECSA website.

Yours sincerely



Mick Sherry
RETURNING OFFICER

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2.3 ACKNOWLEDGEMENT OF ELECTED MEMBERS' SERVICE

Record Number: D22/50980

Author: General Manager - Governance and Executive Office

Authoriser: Chief Executive Officer

Attachments: Nil

Purpose

The purpose of this report is to acknowledge the service of elected members who are not continuing with Adelaide Plains Council beyond the 2022 General Election.

Discussion

With the completion of the 2022 General Election, the term of several of Council's serving elected members officially concluded.

It is therefore appropriate that the Council take the time to reflect briefly on the service given by these dedicated individuals to both the Council itself and the community that Council represents.

- Mr Peppino (Joe) Daniele served as a Councillor from 1975 to 2022 for the Two Wells Ward. Joe has been a driving force behind development and the provision of community services in the Two Wells area during his impressive 47 years of service to the sector. Joe played a pivotal role in the establishment of a Kindergarten in the township and lobbied to get a new Primary School built at Two Wells. He also supervised the construction of St. Joseph's Catholic Church and assisted with building the Two Wells Community Centre. A passionate Councillor who served on various committees during his time, always striving to be a responsible representative of the ratepayers.
- Mr Carmine Di Troia served as a Councillor from late 2016 to 2022, having first been elected via a supplementary election and then again via the general election in 2018. Representing the Lewiston Ward, Carmine was passionate about various issues, ranging from development assessment to Council's infrastructure and asset management programs. Carmine is a proud local farmer and during his time with Council, displayed an interest in preserving Council's animal husbandry area.
- Mr Frank Maiolo served as a Councillor from 2018 to 2022 for the Two Wells Ward. During his term with Council, Frank served as a member of Council's Infrastructure and Environment Committee – actively providing direction in relation to Council's infrastructure and asset management programs. He also had a keen interest in Council's development assessment portfolio in light of his passion to see the region grow.
- Mr Brian Parker served as a Councillor from 2018 to 2022 for the Lewiston Ward. Brian had a strong interest in the development and regulatory field, particularly animal-related matters, and filled the role of Council Deputy Member on the Council Assessment Panel. Brian also served as a member of Council's Infrastructure and Environment Committee, and was passionate about making a difference during his term with Council.

Conclusion

It is recommended that Council acknowledge the service and contributions of the above-mentioned former elected members.

RECOMMENDATION

“that Council, having considered Item 2.3 – *Acknowledgement of Elected Members' Service*, dated 28 November 2022, receives and notes the report and in doing so acknowledges the contributions of Mr Peppino (Joe) Daniele, Mr Carmine Di Troia, Mr Frank Maiolo and Mr Brian Parker in the service of Council and Community during their respective tenures as elected members of Adelaide Plains Council.”

ReferencesLegislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

3 CONFIRMATION OF COUNCIL MEETING MINUTES

3.1 Confirmation of Minutes - Ordinary Council Meeting - 24 October 2022

RECOMMENDATION

“that the minutes of the Ordinary Council Meeting held on 24 October 2022 (MB Folios 17673 to 17680 be accepted as read and confirmed.”

3.2 Confirmation of Minutes - Special Council Meeting - 9 November 2022

RECOMMENDATION

“that the minutes of the Special Council Meeting held on 9 November 2022 (MB Folios 17681 to 17683 be accepted as read and confirmed.”

4 BUSINESS ARISING

5 DECLARATION OF MEMBERS' INTEREST

6 ADJOURNED BUSINESS

Nil

17673

MINUTES

of

Ordinary Council Meeting



Pursuant to the provisions of Section 84 (1) of the
Local Government Act 1999

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Monday 24 October 2022 at 6.30pm

17674

The Mayor formally declared the meeting open at 6.30pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley	
Councillor Marcus Strudwicke	Mallala/Dublin Ward
Councillor Terry-Anne Keen	Mallala/Dublin Ward
Councillor John Lush	Mallala/Dublin Ward
Councillor Kay Boon	Two Wells Ward
Councillor Joe Daniele	Two Wells Ward
Councillor Frank Maiolo	Two Wells Ward
Councillor Carmine Di Troia	Lewiston Ward
Councillor Brian Parker	Lewiston Ward

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager – Governance and Executive Office	Ms Sheree Schenk
General Manager – Development and Community	Mr Darren Starr
General Manager – Finance and Business	Mr Rajith Udugampola
Manager Governance and Administration	Ms Alyssa Denicola
Property Officer	Mr Maurice Park
Marketing and Communications Officer	Ms Clarisse Semler-Hanlon
Administration and Executive Support Officer	Ms Stacie Shrubsole
Administration Support Officer – Infrastructure and Environment/ Minute Taker	Ms Lauren Bywaters
Information Technology Support Officer	Mr Sean Murphy
Principal, Alinea Group (for Item 14.2)	Mr Ben Koop
Transaction Manager, Alinea Group (for Item 14.2)	Ms Ashlyn Shearer
Director, Jensen PLUS (for Item 14.2)	Mr Michael McKeown

1.2 Apologies

Councillor Margherita Panella	Lewiston Ward
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17675

2. CONFIRMATION OF MINUTES

2.1 Confirmation of Council Minutes – Ordinary Council Meeting held 26 September 2022

Moved Councillor Lush Seconded Councillor Maiolo **2022/ 327**

“that the minutes of the Ordinary Council Meeting held on 26 September 2022 (MB Folios 17665 to 17672 inclusive) be accepted as read and confirmed.”

CARRIED

3. BUSINESS ARISING

Nil

4. DECLARATION OF MEMBERS' INTEREST

Nil

5. ADJOURNED BUSINESS

Nil

6. MAYOR'S REPORT

6.1 Reporting Period – Wednesday 21 September 2022 to Wednesday 19 October 2022

Wednesday 21 September 2022

Meeting – Mayor and Chief Executive Officer – Various Matters

Sunday 25 September 2022

Dublin Cemetery Shelter Official Opening

Monday 26 August 2022

Pre-Council Meeting – Mayor, Chief Executive Officer and Executive Management Team

Ordinary Council Meeting

Wednesday 28 September 2022

SA Coastal Councils Alliance – 2022 Coastal Forum

Thursday 29 September 2022

Attendance at retirement function for Light Regional Council outgoing Chief Executive Officer,
Mr Brian Carr

Friday 14 October 2022

Meeting with the Northern and Yorkes Landscape Board – Levy Rates

17676

7. REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

8. DEPUTATIONS

Nil

9. PRESENTATIONS/BRIEFINGS

Nil

10. PETITIONS

Nil

11. COMMITTEE MEETINGS

11.1 Adelaide Plains Council Historical Committee Meeting – 4 October 2022

Moved Councillor Keen Seconded Councillor Strudwicke **2022/ 328**

“that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 4 October 2022.”

CARRIED UNANIMOUSLY

12. SUBSIDIARY MEETINGS

Nil

13. REPORTS FOR DECISION

13.1 Adoption of Annual Report 2021-2022

Moved Councillor Daniele Seconded Councillor Boon **2022/ 329**

“that Council, having considered Item 13.1 – *Adoption of Annual Report 2021-2022*, dated 24 October 2022, receives and notes the report and in doing so:

- 1. Adopts the Annual Report 2021-2022 as presented in Attachment 1 to this Report, subject to endorsement of the 2021-2022 Audited Annual Financial Statements; and**
- 2. Authorises the Chief Executive Officer to make any necessary final minor and administrative amendments to the Annual Report.”**

CARRIED

17677

- 13.2 Exclusion of Land from Community Land Classification – Two Wells
- Moved Councillor Keen Seconded Councillor Parker 2022/ 330
- “that Council, having considered Item 13.2 – Exclusion of Land from Community Land Classification – Two Wells, dated 24 October 2022, receives and notes the report and in doing so:**
- 1. Resolves to exclude the subject land being Section 180 Old Port Wakefield Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record Volume 6273, Folio 716 and Section 716 Buckland Park Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record volume 6274, Folio 514, from community land classification pursuant to Section 193(4)(a) of the Local Government Act 1999;**
 - 2. Notes that the settlement date has changed to 27 October 2022; and**
 - 3. Authorises the Chief Executive Officer to publish notice of this resolution in the Gazette.”**
- CARRIED**
- 13.3 Annual Review of Confidential Items
- Moved Councillor Boon Seconded Councillor Parker 2022/ 331
- “that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, receives and notes the report and acknowledges that a formal review of Council's confidential items has been undertaken.”**
- CARRIED**
- 13.3 Moved Councillor Keen Seconded Councillor Parker 2022/ 332
- “that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 13 December 2021 in relation to Item 21.1 – Australia Day Awards 2022 be revoked.”**
- CARRIED**
- 13.3 Moved Councillor Di Troia Seconded Councillor Strudwicke 2022/ 333
- “that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 23 May 2022 in relation to Item 21.3 – Council Owned Units – Mallala, Rent Review be revoked.”**
- CARRIED**
- 13.3 Moved Councillor Lush Seconded Councillor Di Troia 2022/ 334
- “that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 23 May 2022 in relation to Item 21.5 – Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme be revoked.”**
- CARRIED**

17678

- 13.3 Moved Councillor Di Troia Seconded Councillor Keen **2022/ 335**
 “that Council, having considered Item 13.3 – *Annual Review of Confidential Items*, dated 24 October 2022, resolves that the Section 91(7) of the *Local Government Act 1999* order made on 25 July 2022 in relation to Item 21.1 – Gawler River Floodplain Management Authority – Charter Review 2 be revoked.”

CARRIED

- 13.3 Moved Councillor Parker Seconded Councillor Di Troia **2022/ 336**
 “that Council, having considered Item 13.3 – *Annual Review of Confidential Items*, dated 24 October 2022, resolves that:

1. Pursuant to Section 91(9)(a) of the *Local Government Act 1999*, having reviewed the confidential order made on 7 July 2022 under Sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the *Local Government Act 1999* orders that Attachment 1 and Attachment 2 relating to Item 4.1 – Summary Report on Chief Executive Officer Annual Performance Review dated 7 July 2022 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that the item contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person, being information regarding the performance of the Chief Executive Officer pursuant to their contract of employment, and that resolution 2022/199 be released and made available for public inspection; and
2. Pursuant to Section 91(9)(c) of the *Local Government Act 1999*, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order.”

CARRIED

14. REPORTS FOR INFORMATION

14.1 Council Resolutions – Status Report

- Moved Councillor Boon Seconded Councillor Di Troia **2022/ 337**
 “that Council, having considered Item 14.1 – *Council Resolutions – Status Report*, dated 24 October 2022, receives and notes the report.”

CARRIED

14.2 Crown Land, Two Wells – October 2022

Mr Ben Koop, Principal, Alinea Group, Ms Ashlyn Shearer, Transaction Manager, Alinea Group and Mr Michael McKeown, Director, Jensen PLUS connected to the meeting by electronic means at 6.51pm.

Mr Koop and Mr McKeown gave a 21 minute presentation to Council Members in relation to the Two Wells Town Centre Expressions of Interest and Information Memorandum.

- Moved Councillor Parker Seconded Councillor Keen **2022/ 338**

“that Council, having considered Item 14.2 – *Crown Land, Two Wells – October 2022*, dated 24 October 2022, receives and notes the report.”

CARRIED UNANIMOUSLY

17679

Mr Koop, Mr McKeown and Ms Shearer disconnected from the meeting at 7:16pm.

15. QUESTIONS ON NOTICE

Nil

16. QUESTIONS WITHOUT NOTICE

Not recorded in Minutes in accordance with Regulation 9(5) of the *Local Government (Procedures at Meetings) Regulations 2013*.

17. MOTIONS ON NOTICE

17.1 Acknowledgement of Service for Councillor Daniele

Moved Mayor Wasley Seconded Councillor Boon **2022/ 339**

“that Council acknowledge the 47 years of continuous service as a Councillor on the Adelaide Plains Council and his contribution to Council and the community.”

CARRIED UNANIMOUSLY

17.2 Request for Report – Civic/Community Centre

Moved Councillor Maiolo Seconded Councillor Parker **2022/ 340**

“that Council instructs the Chief Executive Officer to bring back a report to a subsequent meeting of Council regarding the concept of developing a new civic/community centre which includes the following:

- **An overview of the Holmes Dyer Review of Council Accommodation;**
- **Opportunities to leverage off the soon to be acquired Crown Land at Two Wells to fund the centre; and**
- **Timing and next steps to achieve the outcome.”**

CARRIED UNANIMOUSLY

18. MOTIONS WITHOUT NOTICE

Nil

19. URGENT BUSINESS

Nil

17680

20. CONFIDENTIAL ITEMS

Nil

There being no further business, the Mayor declared the meeting closed at 7.28pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____

Subject to confirmation

17681

MINUTES

of

Special Council Meeting



Pursuant to the provisions of Section 84 (1) of the
Local Government Act 1999

HELD IN

**Council Chamber
Redbanks Road
Mallala**

on

Wednesday 9 November 2022 at 6.00pm

17682

The Mayor formally declared the meeting open at 6.00 pm.

1. ATTENDANCE RECORD

1.1 Present:

Mayor Mark Wasley	
Councillor Terry-Anne Keen	Mallala/Dublin Ward
Councillor John Lush	Mallala/Dublin Ward
Councillor Kay Boon	Two Wells Ward
Councillor Joe Daniele	Two Wells Ward
Councillor Brian Parker	Lewiston Ward
Councillor Carmine Di Troia	Lewiston Ward

Also in Attendance:

Chief Executive Officer	Mr James Miller
General Manager – Finance and Business	Mr Rajith Udugampola
Manager Governance and Administration	Ms Alyssa Denicola
Administration and Executive Support Officer/Minute Taker	Ms Stacie Shrubsole
Information Technology Support Officer	Mr Sean Murphy

1.2 Apologies

Councillor Marcus Strudwicke	Mallala/Dublin Ward
Councillor Frank Maiolo	Two Wells Ward
Councillor Margherita Panella	Lewiston Ward

17683

2. ADJOURNED BUSINESS

Nil

3. DECLARATION OF MEMBERS' INTEREST

Nil

4. REPORTS FOR DECISION

4.1 Adoption of Draft Audited Annual Financial Statements 2021/2022

Moved Councillor Parker Seconded Councillor Keen **2022/ 341**

"that Council receives and notes the minutes of the Audit Committee Meeting held on 7 November 2022 as presented at Attachment 1 to this Report."

CARRIED UNANIMOUSLY

4.1 Moved Councillor Di Troia Seconded Councillor Boon 2022/ 342

"that Council, having considered Item 4.1 – Adoption of Draft Audited Financial Statements 2021/2022, dated 9 November 2022, receives and notes the report and in doing so:

- 1. Endorses Audit Committee Resolution 2022/059 and adopts the 2021/2022 Audited Financial Statements and notes forming part of the statements, and authorises the Mayor and Chief Executive Officer to certify same on behalf of Council; and**
- 2. Notes that the Audit Committee has, through its Resolution 2022/060, authorised the Audit Committee Chairman to sign the Certification of Auditor Independence."**

CARRIED UNANIMOUSLY

5. CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.09pm.

Confirmed as a true record.

Mayor:

Date: ____/____/____

7 MAYOR'S REPORT

7.1 MAYOR'S REPORT

Record Number: D22/51757

Prepared for: Mayor Mark Wasley

Reporting Period – Friday 18 November 2022 to Wednesday 23 November 2022

Monday 21 November 2022

Meeting – Mayor and Chief Executive Officer – Various Matters

Regional Development Australia Barossa Gawler Light and Adelaide Plains Annual General Meeting

Wednesday 23 November 2022

Council Members Induction Session 1

8 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

9 DEPUTATIONS

9.1 DEPUTATION - ANNA WHITE - TWO WELLS TWINKLING CHRISTMAS CELEBRATIONS

Record Number: D22/51128

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: 1. Deputation Request Form - Anna White - Two Wells Twinkling Christmas Celebrations



Adelaide
Plains
Council

RECEIVED

2 - NOV 2022

DEPUTATION REQUEST FORM

Please complete this request and return to the principal office of Adelaide Plains Council **five (5) clear days*** before the date of the Council meeting at which you wish to appear.

Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted **by 5pm on the Tuesday prior**

To: Chief Executive Officer

DETAILS

I/~~We~~ hereby request to be heard at the next meeting of Council on 28 /11 /2022

Surname:	White		
Given Name(s):	Anna Cornelia Theodora Maria		
Address:	93 Hayman Road		P/Code 5501
	Suburb Two Wells SA		
Postal Address:			
(if different from above)	Suburb		P/Code
Contact Number:	Home	Work	
	Mobile 0449 579 334		
Email Address:	jathedeabos@gmail.com		

I will be speaking on my own behalf ☒ Yes

or

As the spokesperson of a group of persons ☒ Yes

Name/Details of Person or Group Representing: (if applicable)	Two Wells Twinkling Christmas Celebrations
--	--

If you have a set of Rules by which the group is governed, please provide a copy of these.

TOPIC OR ISSUE

Adelaide Plains Council - PO Box 18, MALLALA SA 5502
 Website: www.apc.sa.gov.au Email: info@apc.sa.gov.au
 Ph: (08) 8527 0200 Fax: (08) 8527 2242

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The topic or issue I wish to speak about is: *(please give sufficient details of the matter to enable consideration of your request for a deputation)*

- * to update councillors on forth coming Christmas Celebrations
- * to notify new councillors of activities
- * to encourage involvement
- * to invite all to the Two Wells Twinkling Launch
- * to request lights be erected in the main street as per last year & hopefully add to these

It is strongly encouraged that Council's administration receives a copy of any notes or other relevant information regarding your Deputation Request.

GUIDELINES

Adelaide Plains Council - PO Box 18, MALLALA SA 5502
Website: www.apc.sa.gov.au Email: info@apc.sa.gov.au
Ph: (08) 8527 0200 Fax: (08) 8527 2242

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Please note the following guidelines:

- a. You will be allocated up to 10 minutes to speak. You do not need to use the whole 10 minutes.
- b. Your presentation will be limited to the topic or issue which you have nominated above.
- c. If you wish to use digital media for your presentation you have the following options to ensure a smooth meeting:

Option 1: Leave your PowerPoint presentation at the Council Office to be scanned before loading to Council's network ready for presentation ☐ Yes ☒ No

Option 2: Email (*please note - files are not to exceed 10mb*)

☒ Yes ☒ No

Option 3: Connect straight from your tablet/laptop to the projector ☒ Yes ☐ No

☐ No

- d. After your presentation, be prepared to respond to any questions the Council Members may have of you.
- e. You should be aware that Council meetings are open to the public. There is unlikely to be any legal protection or other privilege in relation to any statements that you may make in this forum. This means that anything you say would be subject to the normal laws of defamation. Consequently, you should take care in how you make your address.
- f. **If you are seeking funding from Council, please be aware that this needs to occur through Council's budget and forward planning processes and can only be achieved through a resolution of Council at a formal meeting.**

DECLARATION

I have read and understood the Deputation Guidelines and Information Sheet, and agree to abide by them.

Name: Anna C T M White

(In full – Please Print)

Signature: 

Date: 31/10/22

Once completed, please return to the Adelaide Plains Council, either in person, by post, facsimile or email (info@apc.sa.gov.au)

DEPUTATION INFORMATION SHEET

1. Speaking to Council

There is the ability, in many cases for an individual (or group) to appear before a Council in order to address the Council on a particular matter of concern to either themselves or a group of people whom they represent. This is called a Deputation. You can apply to do so by following the procedures set out below and completing the Deputation Request Form.

This Form can be obtained from:-

Principal Office: Adelaide Plains Council, 2a Wasleys Road, Mallala

Sub Office: Two Wells Service Centre, Old Port Wakefield Road, Two Wells

Telephone: (08) 8527 0200

Facsimile: (08) 8527 2242

Email: info@apc.sa.gov.au or

Website: www.apc.sa.gov.au

Further information on the process can be found in Council's document 'Code of Practice for Meeting Procedures'.

2. Making a Request

You can make a request for a deputation by filling in all details on the Deputation Request Form and lodging that Form with Council's Chief Executive Officer via the principal office at least five (5) clear days before the meeting at which you nominate to speak.

Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted **by 5pm on the Tuesday prior**

You are required to provide sufficient information on the Deputation Request Form regarding the issue keeping details clear in stating the topic and how this is relevant to matters to which Council has responsibility.

3. What will happen to your request once you give it to the Council?

Once the completed Deputation Request Form has been received, it is entered into Council's records system and provided to the Chief Executive Officer and the Presiding Member.

4. How will I know when my request is going to be heard by Council?

The Presiding Member will confer with the Chief Executive Officer and advise him/her whether or not the deputation is allowed. You will be contacted by a member of staff to advise if the request to address Council has been approved and to confirm the date, day, time and location of the relevant meeting.

The decision whether to allow a deputation is made by the Presiding Member in accordance with the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice – Meeting Procedures*

If a deputation request is refused, the Presiding Member will report that decision at the next Council meeting. The Council (or Council Committee) may allow a deputation despite a contrary ruling by the Presiding Member.

Adelaide Plains Council - PO Box 18, MALLALA SA 5502

Website: www.apc.sa.gov.au Email: info@apc.sa.gov.au

Ph: (08) 8527 0200

Fax: (08) 8527 2242

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Clause 11 of Council's *Code of Practice – Meeting Procedures* is provided for below. The full document is available on Council's website.

Clause 11 – Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the council **five (5) clear days before the date of the meeting at which the person(s) wishes to appear.**
 - (a) **If the matter relates to an item of business on the Agenda, the written request may be received at the principal office of the Council up until 5.00pm on the day of the meeting.**
- (2) The CEO must transmit a request received under sub-clause (1) to the Presiding Member.
- (3) The Presiding Member may refuse to allow the deputation to appear at a meeting **or may offer those requesting a deputation the opportunity to appear at a relevant Committee (as per sub-clause (7)).**
- (4) The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the Council or Council committee (as the case may be).
- (6) The Council or Council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
- (7) A council may refer the hearing of a deputation to a council committee.
- (8) **A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of ten (10) minutes. The Presiding Member may allow for additional time or speakers.**

5. At the Meeting

Once you have received confirmation of the time and date of the deputation you are ready to attend the Council/Committee meeting.

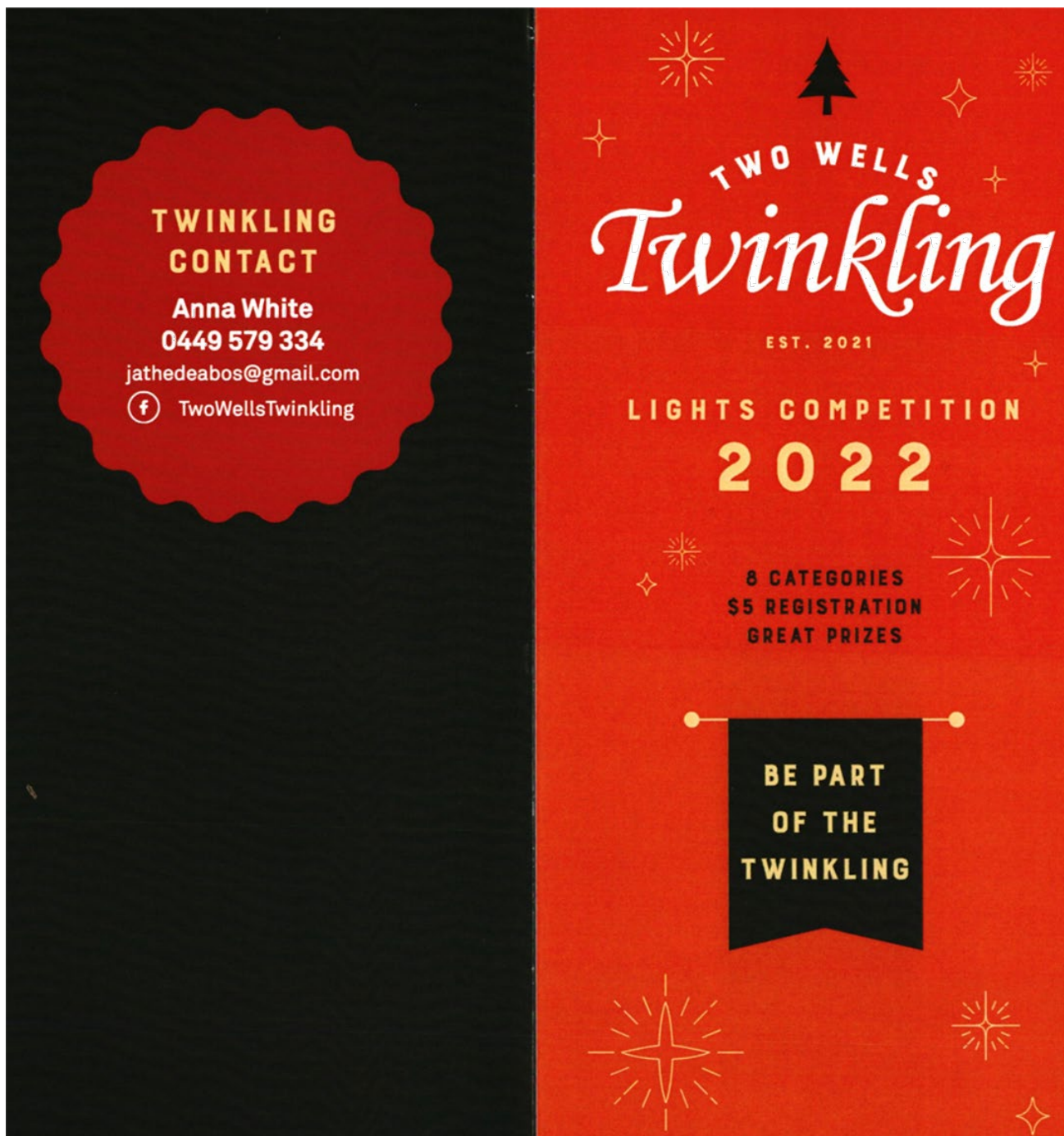
At the appropriate time during the meeting you will be invited by the Presiding Member to come forward and make your deputation on the topic or issues which you have nominated.

You will be asked to state your name and topic(s) to discuss, which will be recorded in the minutes, and you will be given 10 minutes speaking time. At the completion of your address, the Presiding Member may invite members of Council to ask you questions in relation to your deputation.

You will be expected to conduct yourself in an orderly and respectful manner and to be mindful of the level of formality appropriate to the meeting. During the meeting you will be expected to address Council Members by the titles of the offices that they hold (i.e. the Presiding Member is to be addressed as "Mayor" and the Elected Members as "Councillor").

Please refrain from making defamatory or derogatory comments. Council meetings are open to the general public and there are no privileges protecting you in relation to defamation.

You may find it helpful to prepare brief notes of the matters upon which you wish to speak to the Council and use those notes when you address the meeting. It is often helpful if you can supply a copy of those notes to Council following your deputation.



CATEGORIES

BUSINESS

Dress up your shop window, front dining area or verandah with a festive arrangement of lights and decorations.

HOUSE

Deck the front porch and eaves with beautiful Christmas lights and/or decoration display, extra points if you can be seen from space!

NEIGHBOURS

Get your buddy next door into the Christmas spirit! This category is for neighbours that are 2-4 houses in a row.

STREET

Talk to your neighbours about decking out your whole street. Get them involved to create an avenue of light (at least 5+ houses).

ENLIGHTENMENT

If you are an education or instructional entity (eg. school, childcare, youth group, scouts etc) this category is for you!

MUSICAL

Lights, radio, action! If you can make your lights dance along to the music, creating a groovy light display, tick this box on your application.

RELIGIOUS

Adorn your garden, verandah or roof with something to acknowledge the reason for the season.

THEMED

Does your display contain one reoccurring theme? This could be inflatable, recycling, cartoons, Australian etc.

HOW

STEP 1

Choose a category/categories.

STEP 2

Fill in an application envelope.

STEP 3

Submit, \$5.00 for each category entered at businesses in Main Street.

STEP 4

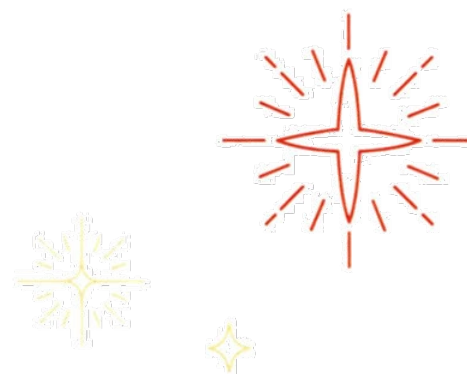
Put up your display.

STEP 5

Your display will be judged on 5th December. The winners will be announced on 9th December at the Village Green tree lighting.

STEP 6

Keep your displays up for three weekends in December, Friday - Sunday, so everyone can come and enjoy!







CHRISTMAS GIFT GIVING APPEAL

HELP LOCAL FAMILIES IN NEED



you want to help local families in need this Christmas, why not buy a present and donate it to our Christmas gift giving appeal!

the presents will be distributed to the local community by the Uniting Church Youth Group, help local families who are doing it tough, specially at Christmas. The Youth Group assists kids from age 2 to 16.

love it if you could wrap presents and mark whether it is for a boy or girl, and for what age range the present is suitable for.

can be dropped off at the sales centre on the corner of Old Port Wakefield and Drew Street, open Wednesday, Saturday and Sunday 1-5pm.

The presents will be collected on the 9th December!

WE THANK EVERYONE FOR THEIR SUPPORT!




PROUDLY BROUGHT
TO YOU BY




Hickinbotham

THE FOLLOWING HAVE EITHER DONATED CASH
OR HAVE GIVEN IN-KIND SUPPORT
VIA VOLUNTEERING, ADVICE OR PRIZES:







TWO WELLS *Twinkling* EST. 2021

CHRISTMAS CELEBRATIONS

APPRECIATE
PARTICIPATE
CELEBRATE

3 FUN
WEEKENDS IN
DECEMBER

TWO WELLS REGIONAL ACTION TEAM INC. PRESENTS



9

DECEMBER

TWINKLING TRAIL

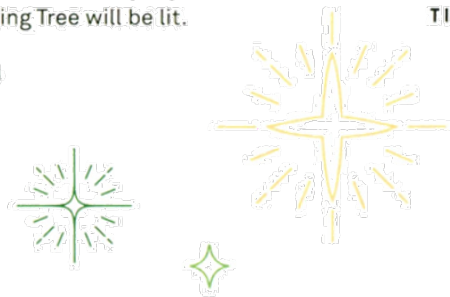
Enjoy an array of cultural festivities produced by the local schools and organisations of Two Wells. This yellow brick road like activity held around the Two Wells Oval will get the entire family in the Christmas spirit!

TIME: 5pm onwards

TWINKLING LAUNCH

Join us at the Two Wells Village Green for the launch of the Two Wells Twinkling lights competition. Winners will be announced and the Two Wells Twinkling Tree will be lit.

TIME: 8pm - 9.30pm



16

DECEMBER

STREET MARKET

Get your Christmas shopping sorted! From scented candles to homewares, sweet treats to gorgeous flowers you'll find it here.

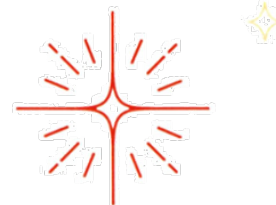
PLACE: Two Wells Main Street

TIME: 4.30pm - 8.30pm

CHRISTMAS PARADE

Enjoy a showcase of colourful floats, by the businesses, individuals and organisations from Two Wells and surrounds. Plus an array of cultural festivities, food and more.

TIME: 7pm - 8.30pm



TWO WELLS COUNTRY FIRE SERVICE PRESENTS

23

DECEMBER

SANTA RUN

Santa has decided to ditch his sled for a Fire Truck! Luckily the Two Wells CFS has just what he needs for our hot climate: a truck full of cool water!

SIT WITH SANTA & CO.

After his ride on the fire truck, CFS families and the community can find Santa & Co at the Two Wells Village Green where he has agreed to take last minute requests for Christmas gifts.

HO HO HO!



9.2 DEPUTATION - ALVIN JENKIN - ADELAIDE PLAINS RESIDENTS AND RATEPAYERS ASSOCIATION

Record Number: D22/51588

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: 1. Deputation Request Form - Alvin Jenkin - Adelaide Plains Residents and Ratepayers Association



DEPUTATION REQUEST FORM

Please complete this request and return to the principal office of Adelaide Plains Council **five (5) clear days*** before the date of the Council meeting at which you wish to appear.

Please note that the calculation of 'clear days' does not take into account the day on which the request is received or the day of the meeting. For example, in relation to a meeting scheduled on a Monday, the deputation request form must be submitted **by 5pm on the Tuesday prior**

To: Chief Executive Officer

DETAILS

I/We hereby request to be heard at the next meeting of Council on 28 /11 /20 22

Surname:	Jenkin		
Given Name(s):	Alvin John		
Address:	78 The Esplanade		P/Code 5501
	Suburb Parham		
Postal Address: (if different from above)	PO Box 199		P/Code 5501
	Suburb Dublin		
Contact Number:	Home 08 8529 2504	Work	
	Mobile		

Email Address: alvin_jenkin@bigpond.com

I will be speaking on my own behalf ☐ Yes

or

As the spokesperson of a group of persons ☒ Yes

Name/Details of Person or Group Representing: (if applicable)	Adelaide Plains Ratepayers and Residents Association Inc
---	--

If you have a set of Rules by which the group is governed, please provide a copy of these.

TOPIC OR ISSUE

The topic or issue I wish to speak about is: *(please give sufficient details of the matter to enable consideration of your request for a deputation)*

A briefing to the chamber on the current status of the Adelaide Plains Ratepayers and Residents Association Inc (APRRA) and a brief summary of issues and expectations of Ratepayers from Council.

Topics briefly covered will be:

- Front of House responses to ratepayer enquiries
- Process for handling commitments made by council staff in public meetings
- management of planning approvals for extraordinary developments
- Expectations from elected members in response to the above and other issues

It is strongly encouraged that Council's administration receives a copy of any notes or other relevant information regarding your Deputation Request.

GUIDELINES

Adelaide Plains Council - PO Box 18, MALLALA SA 5502
Website: www.apc.sa.gov.au Email: info@apc.sa.gov.au
Ph: (08) 8527 0200 Fax: (08) 8527 2242

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Please note the following guidelines:

- a. You will be allocated up to 10 minutes to speak. You do not need to use the whole 10 minutes.
- b. Your presentation will be limited to the topic or issue which you have nominated above.
- c. If you wish to use digital media for your presentation you have the following options to ensure a smooth meeting:

Option 1: Leave your PowerPoint presentation at the Council Office to be scanned before loading to Council's network ready for presentation ☐ Yes ☒ No

Option 2: Email (*please note - files are not to exceed 10mb*) ☒ Yes ☒ No

Option 3: Connect straight from your tablet/laptop to the projector ☒ Yes ☒ No

- d. After your presentation, be prepared to respond to any questions the Council Members may have of you.
- e. You should be aware that Council meetings are open to the public. There is unlikely to be any legal protection or other privilege in relation to any statements that you may make in this forum. This means that anything you say would be subject to the normal laws of defamation. Consequently, you should take care in how you make your address.
- f. **If you are seeking funding from Council, please be aware that this needs to occur through Council's budget and forward planning processes and can only be achieved through a resolution of Council at a formal meeting.**

DECLARATION

I have read and understood the Deputation Guidelines and Information Sheet, and agree to abide by them.

Name: Alvin John Jenkin

(In full – Please Print)

Signature: 

Date: 21/11/22

Once completed, please return to the Adelaide Plains Council, either in person, by post, facsimile or email (info@apc.sa.gov.au)

10 PRESENTATIONS/BRIEFINGS

Nil

11 PETITIONS

Nil

12 COMMITTEE MEETINGS

Nil

13 SUBSIDIARY MEETINGS

Nil

14 REPORTS FOR DECISION

14.1 CODE OF PRACTICE - MEETING PROCEDURES

Record Number: D22/50796

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: 1. Code of Practice - Meeting Procedures - Adopted 27 June 2022

EXECUTIVE SUMMARY

- The purpose of this report is for Council to formally receive its current *Code of Practice – Meeting Procedures* (the Code of Practice, provided as **Attachment 1** to this Report).
- ‘Meeting procedures’ is the term used to describe the rules and guidelines under which formal meetings of a council operate. At a *minimum*, formal meetings of Council, and Council Committees, must operate in accordance the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).
- Regulation 6 also provides that Council may adopt a code of practice that establishes its own meeting procedures for procedures that are expressed to be capable of being varied at the discretion of the Council.
- The Code of Practice was substantially reviewed on 27 June 2022 and includes the meeting procedures prescribed by the Regulations and additional, discretionary procedures as determined by resolution. For ease of reference, those discretionary procedures are presented in ***bold and italic*** text throughout the Code of Practice.
- There is a minimum legislative requirement that the Code of Practice be reviewed within 12 months of a general election and also once in every financial year. Accordingly, it is intended, and indeed required, that Council will review the Code of Practice by no later than June 2023 and after it has had the opportunity to (a) undertake the necessary induction and training relating to meeting procedures and (b) gain some experience operating under, and ‘test’, the Code of Practice in a formal setting.
- In the meantime, it is recommended that Council continues to operate under its current Code of Practice.

RECOMMENDATION

“that Council, having considered Item 14.1 – *Code of Practice - Meeting Procedures* , dated 28 November 2022, receives and notes the report and in doing so:

1. Resolves to continue operating under the current *Code of Practice – Meeting Procedures* until such time that Council Members are in a better position to review same following completion of meeting procedures induction and training activities; and

- 2. Acknowledges that, in accordance with Regulation 6 of the of the *Local Government (Procedures at Meetings) Regulations 2013*, Council must review the Code of Practice – Meeting Procedures by no later than the June 2023 Ordinary Council Meeting.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not applicable

RISK ASSESSMENT

There is a minimum legislative requirement that the Code of Practice be reviewed within 12 months of a general election and also once in every financial year. The Code of Practice was substantially reviewed in June 2022 and, accordingly, a further substantive review is not ‘due’ until June 2023. It is therefore recommended that Council continues to operate under the current Code of Practice until such time that it has (a) undertaken the necessary induction and training relating to meeting procedures and (b) gained some experience operating under, and ‘tested’, the Code of Practice in a formal setting.

DETAILED REPORT

Purpose

The purpose of this report is for Council to formally receive its current *Code of Practice – Meeting Procedures* (the Code of Practice) and to endorse continuing to operate under same until Council is in a better position to undertake a review in accordance with Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

Background

‘Meeting procedures’ is the term used to describe the rules and guidelines under which formal meetings of a council operate.

At a minimum, formal meetings of Council, and Council Committees, must operate in accordance the Regulations. Regulation 6 also provides that Council may adopt a code of practice that establishes its own meeting procedures for procedures that are expressed to be capable of being varied at the discretion of the Council.

The Code of Practice was substantially reviewed on 27 June 2022 (refer [Agenda Item 14.2 – Policy Review – Code of Practice – Meeting Procedures](#)). At that time, Council resolved as follows:

14.2 Policy Review – Code of Practice – Meeting Procedures

Moved Councillor Keen Seconded Councillor Parker 2022/ 183

“that Council, having considered Item 14.2 – Policy Review – Code of Practice – Meeting Procedures, dated 27 June 2022, receives and notes the report and in doing so adopts the Code of Practice – Meeting Procedures as presented at Attachment 1 to this report subject to the deletion of the ‘Public Open Forum’ procedures.”

CARRIED UNANIMOUSLY

A copy of the Code of Practice is provided as **Attachment 1** to this Report.

Discussion

The Regulations allow for a council to adopt a Code of Practice, or Policy, to vary meeting procedures. It is common practice for a council to adopt a Code of Practice – it operates as a useful document to provide greater clarity, to both Elected Members/Committee Members and the public, in relation to procedures at meetings and can be presented in a format that is easier to interpret and follow than the Regulations. Adopting a code of practice also allows for Council to have a degree of flexibility in terms of those procedures which can be varied.

There is a minimum legislative requirement that the Code of Practice be reviewed within 12 months of a general election and also once in every financial year. Accordingly, it is intended that Council will review the Code of Practice by no later than June 2023 and after it has had the opportunity to (a) undertake the necessary induction and training relating to meeting procedures and (b) gain some experience operating under the Code of Practice in a formal setting.

Conclusion

Council's Code of Practice was reviewed substantially in June 2022 and has worked reasonably effectively. Accordingly, it is intended that Council will review the Code of Practice by no later than June 2023. In the meantime, it is recommended that Council continues to operate under the current Code of Practice.

ReferencesLegislation


Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Access to Council Meetings and Documents

 Adelaide Plains Council	Code of Practice – Meeting Procedures	
	Version Adoption by Council:	27 June 2022
	Resolution Number:	2022/183
	Current Version:	V11
	Administered by:	Last Review Date: 2022
	Chief Executive Officer	Next Review Date: 2023
Document No: D22/23992	Strategic Outcome: Proactive Leadership	

Introduction

Adelaide Plains Council is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.

Sections 86(8) and 89(1) of the *Local Government Act 1999* (the *Act*) provides that, subject to the *Act*, the procedures to be observed at a meeting of Council or a Council Committee will be:-

- As prescribed by regulation; and
- Insofar as the procedure is not prescribed by regulation – as determined by the Council; and
- Insofar as the procedure is not prescribed by regulation or determined by the Council – as determined by the Council Committee itself.

Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* (the *Regulations*) specifies certain procedures to be followed during the operation of:-

- Meetings of Council;
- Meetings of a Council Committee performing regulatory activities; and
- Meetings of any other Council Committee to which the Council has resolved Part 2 will apply.

The *Regulations* provide that Council may develop and adopt a Code of Practice for its own meetings of Council and its Committees that varies certain of these provisions.

This Code of Practice restates the minimum legislative requirements contained in the *Regulations*, and contains the procedures adopted by Council that are variations of the *Act* and *Regulations*, or concern matters on which the *Act* and *Regulations* are silent. These discretionary procedures have been inserted in ***italics and bold like this***, in this Code of Practice to enable them to be read in conjunction with the formal requirements of the *Act* and *Regulations*.

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

4

Further, the terms 'regulation' and 'sub regulation' appearing in the *Regulations* have been substituted with 'clause' and 'sub-clause' respectively for the purposes of this Code of Practice. These words may be used interchangeably for the purpose of referring to and interpreting this Code. The *Act* and *Regulations* will prevail in the event of any conflict or inconsistency with this Code.

This Code of Practice will be available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings of Adelaide Plains Council.

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Before using a printed copy, verify that it is the current version.

Part 1 – Preliminary

1. Citation

This Code may be cited as the Code of Practice – Meeting Procedures (the Code).

2. Purpose

The Code sets out the agreed procedures for the conduct of Council and Committee Meetings, including the legislative obligations and the discretionary elements which Council has varied to enable the Council to operate with reference to the specific needs of this community. It is to be read in conjunction with the *Act* and *Regulations*.

3. Interpretation

(1) In this Code, unless the contrary intention appears:

Act means the *Local Government Act 1999*;

Clear days see sub-clause (2) & (3);

Deputation means a person or group of persons who wish to appear personally before the Council or Council committee in order to address the council or committee (as the case may be) on a particular matter;

Formal motion means a motion:

- (i) that the meeting proceed to the next business; or
- (ii) that the question be put; or
- (iii) that the question lie on the table; or
- (iv) that the question be adjourned; or
- (v) that the meeting be adjourned¹;

¹. See Clause 12 for specific provisions about formal motions.

Guiding Principles see Clause 4;

Member means a member of the Council or Council committee (as the case may be);

Point of order means a point raised to draw attention to an alleged breach of the *Act* or this Code of Practice in relation to the proceedings of a meeting;

Presiding Member means the person who is the Presiding Member of the Council or Council committee (as the case may be) and includes any person who is presiding at a particular meeting;

Regulatory function means an activity which involves the making or enforcement of by-laws, orders, standards or other controls under the *Act*; and

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Written notice includes a notice given in a manner or form determined by the Council *which includes either legibly hand written or typed and either in paper or electronic form.*

- (2) In the calculation of **clear days** in relation to the giving of notice before a meeting:
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (3) For the purpose of the calculation of **clear days** under sub-clause (2), if a notice is given after 5.00pm on a day, the notice will be taken to have been given on the next day.
- (4) For the purpose of this Code, a vote on whether **leave of the meeting** is granted may be conducted by a show of hands (but nothing in this sub-clause prevents a division from being called in relation to the vote).

4. Guiding Principles

The following principles (the **Guiding Principles**) should be applied with respect to the procedures to be observed at a meeting of the Council or a Council committee:

- (a) procedures should be fair and contribute to open, transparent and informed decision-making;
- (b) procedures should encourage appropriate community participation in the affairs of the Council;
- (c) procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- (d) procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

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4

Part 2 – Meetings of Councils and Key Committees

Division 1 – Preliminary

5. Application of Part

The provisions of this Part apply to, or in relation to:

- (a) the meetings of the Council;
- (b) the meetings of a Council committee performing regulatory activities; and
- (c) the meetings of any other Council committee if the Council has, by resolution, determined that this Part should apply to that committee.

Where there is any doubt as to whether a committee performs regulatory activities, the Chief Executive Officer (CEO) will make a final determination on the matter.

6. Discretionary Procedures

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the Council pursuant to this clause, then a Council may, by a resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the Council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) Council should, at least once in every financial year, review the operation of this Code under this clause.
- (3) Council may at any time, by resolution supported by at least two-thirds of the members of the Council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) Council must, in considering the exercise of a power under this clause, take into account the Guiding Principles.
- (5) A person is entitled to inspect (without charge) the Code under this clause at the principal office of the Council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the Council, to a copy of the Code.
- (7) Clause 12(4) does not apply to a motion under sub-clause (3).
- (8) This clause does not limit or derogate from the operation of Clause 20.

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Division 2 – Prescribed Procedures

7. Commencement of Meetings and Quorums

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the CEO indicates that a quorum will not be present at a meeting, the CEO may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the CEO, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the CEO will record in the minutes the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the CEO must:
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting;
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the Council; and
 - (c) ***where such notice is to be given, notices will be placed on Council's website, its Principal Office and the Two Wells Service Centre.***
- (6) ***Council and committee meetings outlined in Part 2 Clause 6, will be adjourned if, where the items listed on the agenda are not considered by Council / Committee within three (3) hours, with the option of an additional 30 minute curfew.***

8. Minutes

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the Presiding Member will:
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

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- (4) The minutes of the proceedings of a meeting must include:
- (a) the names of the members present at the meeting; and
 - (b) in relation to each member present:
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any amendment or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of Section 90 of the *Act* (see subsection (7) of that Section); and
 - (i) a note of the making of an order under subsection (7) of Section 91 of the *Act* in accordance with the requirements of subsection (9) of that section; and
 - (j) details of any adjournment of business; and
 - (k) a record of any request for documents to be tabled at the meeting; and
 - (l) a record of any documents tabled at the meeting; and
 - (m) a description of any oral briefing given to the meeting on a matter of council business; and
 - (n) any other matter required to be included in the minutes by or under the *Act* or any Regulation.

9. Questions

- (1) A member may ask a question on notice by giving the CEO written notice of the question at least seven (7) clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under sub-clause (1):
 - (a) the CEO must ensure that the question is placed on the agenda for the meeting at which the question is to be asked;
 - (b) the question and the reply must be entered in the minutes of the relevant meeting.
- (3) A member may ask a question without notice at a meeting.
- (4) The Presiding Member may allow the reply to a question without notice to be given at the next meeting.

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- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

(a) a motion under Clause 9(5) must be made prior to the question without notice and reply being made.

- (6) The Presiding Member may rule that a question with or without notice not be answered if the Presiding Member considers that the question is vague, irrelevant, insulting or improper.

10. Petitions

- (1) A petition to the council must:
- (a) be legibly written or typed or printed; and
 - (b) clearly set out the request or submission of the petitioners; and
 - (c) include the name and address of each person who signed or endorsed the petition; and
 - (d) be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under sub-clause (1), the CEO must ensure the petition or, if the Council has so determined as a policy of the Council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the Council, or is so provided by a policy of the Council, a committee of the Council, **and that a copy of the full petition is provided to Council Members on request.**
- (3) Sub-clause (2) may be varied at the discretion of the council pursuant to Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013.

11. Deputations

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the Council) a written request to the council **five (5) clear days before the date of the meeting at which the person(s) wishes to appear.**¹
- (a) If the matter relates to an item of business on the Agenda, the written request may be received at the principal office of the Council up until 5.00pm on the day of the meeting.**
- (2) The CEO must transmit a request received under sub-clause (1) to the Presiding Member.

¹ This will enable staff to liaise with the Presiding Member, prior to distribution of the agenda for the meeting. A notation should appear on the agenda for the meeting in relation to the deputation.

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- (3) The Presiding Member may refuse to allow the deputation to appear at a meeting ***or may offer those requesting a deputation the opportunity to appear at a relevant Committee (as per sub-clause (7)).***
- (4) The CEO must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the Presiding Member refuses to allow a deputation to appear at a meeting, the Presiding Member must report the decision to the next meeting of the Council or Council committee (as the case may be).
- (6) The Council or Council committee may resolve to allow a deputation to appear despite a contrary ruling by the Presiding Member.
- (7) A council may refer the hearing of a deputation to a council committee.
- (8) ***A person or persons appearing as a deputation will be allowed to speak on an issue for a maximum of ten (10) minutes. The Presiding Member may allow for additional time or speakers.***

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Council Meetings – Call Over of Items of Business

- (1) ***Each item on the meeting agenda will be considered separately with Council considering each recommendation made in such reports.***

12. Motions

- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the CEO at least seven (7) clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion to the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the Council must be brought by written notice of motion.
- (4) If a motion under sub-clause (3) is lost, a motion to the same effect cannot be brought:
 - (a) until after the expiration of twelve (12) months; or
 - (b) until after the next general election; whichever is the sooner.
- (5) Subject to the Act and this Code, a member may also bring forward any business by way of a motion without notice.
- (6) The Presiding Member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

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- (7) The Presiding Member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the Council or Council committee (as the case may be).
- (8) A motion will lapse if it is not seconded at the appropriate time.
- (9) A member moving a motion will speak to the motion at the time of moving the motion.
 - (a) ***A member seconding a motion may elect to either speak to the motion at the time of seconding or may reserve their right to speak to the motion until a later stage of the debate. Where a member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion.***
- (10) A member may only speak once to a motion except:
 - (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion:
 - (a) ***A member who has seconded a motion, and has reserved their right to speak to the motion at a later stage pursuant to sub-clause (9)(a), may not move or second an amendment to the motion,***
 - (b) ***Wherever practicable, members wishing to move a motion without notice in relation to an item that is different from that recommended in the agenda for that item are encouraged to make available a written copy of their motion to assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.***
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in sub-clause (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is:
 - (a) that *the meeting proceed to the next business*, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business;

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- (b) that *the question be put*, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the Presiding Member without further debate;
 - (c) that *the question lie on the table*, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption);
 - (d) that *the question be adjourned*, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that *the meeting be adjourned*, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the Presiding Member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost:
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e. a motion to the same effect) cannot be put until at least one (1) member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-clause (14)(c) lapses at the next general election.
- (20) The CEO must report on each question that lapses under sub-clause (19) to the Council at the first ordinary meeting of the Council after the general election.
- (21) Sub-clauses (9), (10) and (11) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Member who places Notice of Motion on Agenda Absent

- (1) ***In circumstances where a Notice of Motion has been placed on the Council Agenda and the member who placed the Notice of Motion is not in attendance at the meeting, another Elected Member may move the motion in their stead or move a motion without notice in the same terms of the Notice of Motion.***

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ADDITIONAL COUNCIL-DETERMINED PROCEDURE***Motions without Notice (refer Regulation/Clause (12)(6) and (7))***

- (1) Motions without Notice have not been advertised to the broader community and therefore it is considered not in the interest of best governance practice, and a denial of natural justice, to have items that do not fit into the following criteria below, considered at this part of the meeting.***
- (2) The agenda item 'Motions without Notice' is to be restricted to business that is:-***
 - A request that a report on a particular topic be presented at a future meeting;***
 - A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;***
 - A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion without Notice is seen as the best way to resolve the matter; and/or***
 - A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council.***
- (3) Wherever practicable, members wishing to move a Motion without Notice (in relation to an item on the agenda) that differs from that recommended in the agenda for that item are encouraged to make available a written copy of their motion. This will assist the Presiding Member in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.***

13. Amendments to Motions

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.**
- (2) An amendment will lapse if it is not seconded at the appropriate time.**
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.**
 - (a) A member may only speak once to an amendment to the motion except:***
 - (i) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or***
 - (ii) with leave of the meeting.***
 - (b) For the avoidance of doubt:***
 - (i) any member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an***

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earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion; and

(ii) clause (13)(3)(a) does not prevent a member from speaking to any further amendment to the original motion.

- (4) If an amendment is lost, only one (1) further amendment may be moved to the original motion.
- (5) If an amendment is carried, only one (1) further amendment may be moved to the original motion.
- (6) Sub-clauses (1), (3), (4) and (5) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

14. Variations etc.

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The Presiding Member must immediately put the question for leave to be granted and no debate will be allowed on that question.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Right of Reply

- (1) The mover of a motion shall have an opportunity to respond following all debate on a motion (closing the item / right of reply).*
- (2) Following the conclusion of the right of reply, no further debate shall occur and the motion shall be put.*

15. Addresses by Members, etc.

- (1) A member must not speak for longer than five (5) minutes at any one (1) time without leave of the meeting.
- (2) A member, may, with the leave of the meeting, raise a matter of urgency.
- (3) A member may, with leave of the meeting, make a personal explanation.
- (4) The subject matter of a personal explanation may not be debated.
- (5) ***Where practicable, a copy of the personal explanation is provided to the Presiding Member before the meeting.***
- (6) The contribution of a member must be relevant to the subject matter of the debate.

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- (7) Sub-clauses (1) and (2) may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.
- (8) ***A member is at all times during a meeting to address and refer to another member or an employee by their official title or designation, for example, "Councillor (Surname)".***
- (9) ***A member speaking at a meeting is not to make a personal reflection upon, or impute an improper motive to, another member or to an employee.***
- (10) ***If the Presiding Member is to enter the debate, they must only do so between the first and last speaker.***

16. Voting

- (1) The Presiding Member, or any other member, may ask the CEO to read out a motion before a vote is taken.
- (2) The Presiding Member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Sub-clause (3):-
 - (a) may be varied at the discretion of the council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*; and
 - (b) does not apply in relation to a member participating in a Council Committee meeting by telephone or electronic means approved in accordance with procedures determined by the Council or Council Committee for the purposes of Section 89 of the Act.

17. Divisions

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the Presiding Member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
 - (a) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (c) the Presiding Member will count the number of votes and then declare the outcome.

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- (4) The CEO will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- (5) Sub-clause (3) may be varied at the discretion of the council pursuant to Regulation 6 of the *Local Government (Procedures at Meetings) Regulations 2013*.

18. Tabling of Information

- (1) A member may require the CEO to table any documents of the Council relating to a motion that is before a meeting (and the CEO must then table the documents within a reasonable time, or at a time determined by the Presiding Member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The CEO may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under Section 90 or 91 of the Act.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Urgent Business Items

- (1) ***A member may raise an item for discussion, not already on the agenda, if the item cannot wait until the next meeting of Council.***
- (2) ***Members are encouraged to notify the Presiding Member prior to the meeting if they intend to raise a matter as an Urgent Business item.***
- (3) ***Where possible, and to facilitate good and informed decision-making, Members are encouraged to raise such Urgent Business Items by way of a motion seeking a report to be submitted.***

19. Adjourned Business

- (1) If a formal motion for a substantive motion to be adjourned is carried:
 - (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

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- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

20. Short-Term Suspension of Proceedings

- (1) If the Presiding Member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the Presiding Member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the Presiding Member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-clause (1).
- (3) If a suspension occurs under sub-clause (1):-
 - (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:-
 - (i) the provisions of the Act must continue to be observed;² and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if:
 - (i) the Presiding Member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

² See particularly Part 4 of Chapter 5 and Chapter 6 of the Act

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21. Chief Executive Officer (CEO) may submit report recommending revocation or amendment of council decision

- (1) The CEO may submit a report to the Council recommending the revocation or amendment of a resolution passed since the last general election of the Council.
- (2) The CEO must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.
- (3) The provisions of this clause may be varied at the discretion of the Council pursuant to *Regulation 6 of the Local Government (Procedures at Meetings) Regulations 2013*.

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Termination of Meetings in the Event of an Emergency

- (1) *In the event of an emergency requiring evacuation of the building the meeting will be deemed to have been suspended in accordance with the requirements of Clause 20(1).*
- (2) *The CEO or delegate will direct all staff and any visitors to the designated emergency assembly points.*

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Confidential Items

The conduct of all Council and committee meetings will be in accordance with Council's Code of Practice – Access to Council Meetings and Documents, which explains the use of confidential provisions under the Local Government Act 1999 at Council and committee meetings.

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Part 3 – Meetings of Other Committees

22. Application of Part

The provisions of this Part apply to or in relation to the meetings of any Council committee that is not subject to the operation of Part 2.

23. Notice of Meetings for Members

- (1) Pursuant to Section 87(15) of the *Act*, Section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:-
 - (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee;
 - (b) that notice need not be given for each meeting separately;
 - (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting;
 - (d) that it is not necessary for the CEO to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

24. Public Notice of Committee Meetings

- (1) Pursuant to Section 88(7) of the *Act*, Section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if sub-sections (2), (3) and (4) provided as follows:
 - (a) that public notice need not be given for each meeting separately; and
 - (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the CEO after taking into account the nature and purpose of the committee.

25. Minutes

- (1) The minutes of the proceedings of a meeting must include:-
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member; and

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- (d) details of the making of an order under subsection (2) of Section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of Section 91 of the Act in accordance with the requirements of subsection (9) of that section.
- (2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

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Part 4 – Miscellaneous**26. Quorum for Committees**

- (1) The prescribed number of members of a Council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this clause, the **prescribed number** of members of a Council committee is:
 - (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by two (2), ignoring any fraction resulting from the division, and adding one (1); or
 - (b) a number determined by the Council.

*See also Section 41(6) of the Act

27. Voting at Committee Meetings

- (1) Subject to the Act and this Code, a question arising for decision at a meeting of a Council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) Each member of the Council who is a member of a Council committee and who is present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The Presiding Member of a Council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

28. Points of Order

- (1) The Presiding Member may call to order a member who is in breach of the Act or this Code.
- (2) A member may draw to the attention of the Presiding Member a breach of the Act or this Code, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The Presiding Member will rule on a point of order.
- (5) If an objection is taken to the ruling of the Presiding Member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The Presiding Member is entitled to make a statement in support of the ruling before a motion under sub-clause (5) is put.

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

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- (7) A resolution under sub-clause (5) binds the meeting and, if a ruling is not agreed with:-
 - (a) the ruling has no effect; and
 - (b) the point of order is annulled.
- (8) *All Points of Order, and any subsequent ruling and motions of a Point of Order, will be recorded in the minutes of the meeting.***

ADDITIONAL COUNCIL-DETERMINED PROCEDURE

Conduct of Members

The Mandatory Code of Conduct for Council Members will be adhered to for all meetings.

29. Interruption of Meetings by Members

- (1) A member of a Council or Council committee must not, while at a meeting:
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking; **or**
 - (c) use offensive language.**
- (2) Sub-clause (1)(b) does not apply to a member who is:
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the Presiding Member considers that a member may have acted in contravention of sub-clause (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with sub-clause (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-clause (1) has occurred, those members may, by resolution:
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
 - (a) refuses to leave a meeting in contravention of sub-clause (4); or
 - (b) enters a meeting in contravention of a suspension under sub-clause (5), is guilty of an offence.

Maximum penalty: \$1,250.

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30. Interruption of Meetings by Others

- (1) A member of the public who is present at a meeting of a Council or Council committee must not:
 - (a) behave in a disorderly manner; or
 - (b) cause an interruption.

Maximum penalty: \$500.

ADDITIONAL COUNCIL-DETERMINED PROCEDURES***Public Holidays on Scheduled Meeting Days***

- (1) *Council meetings will be held one (1) day later in the event of any public holiday falling on any scheduled meeting day.*
- (2) *Committee meetings not undertaking a regulatory function will meet on an alternate day as agreed by the committee members.*

Annual Appointment of Committee Chairman, Deputy Chairman and Members

The appointment of Committee Chairman, Deputy Chairman and Members will be in line with the Council endorsed Terms of Reference for the relevant Committee.

Use of Electronic Media

The Chairperson may deem appropriate for one (1) or more members to participate in committee meetings, covered by Clause 5 'Application of Part', via telephone or electronic means. In doing so the method must ensure that all members and any public member present are able to clearly hear the discussions.

Related Documents

Code of Practice – Access to Council Meetings and Documents

Code of Conduct for Council Members

Deputation Request Form

Records Management

All documents relating to this Code of Practice will be registered in Council's Record Management System and remain confidential where identified.

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

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Document Review

This Code of Practice must be reviewed within 12 months of a general election and should be further reviewed at least once in every financial year.

Council may, at any time, by resolution supported by at least two-thirds of the members of Council as a whole, alter, substitute or revoke this Code of Practice.

References

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Further Information

Members of the public may inspect this Code of Practice free of charge on Council's website at www.apc.sa.gov.au or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained. Any queries in relation to this Code of Practice must be in writing and addressed to the General Manager – Governance and Executive Office.

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
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14.2 APPOINTMENT OF DEPUTY MAYOR

Record Number: D22/50795

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: Nil

EXECUTIVE SUMMARY

- The purpose of this report is for Council to determine whether it wishes to appoint a Deputy Mayor, and if so, to make that appointment.
- The *Local Government Act 1999* (the Act), provides that Council may resolve to appoint a Deputy Mayor from amongst its members and that, in the absence of a Mayor, a Deputy Mayor may act in the office of the Mayor. If a Deputy Mayor is appointed, Council will determine the term of office of its Deputy Mayor, and the term must not exceed four (4) years.
- Council may choose to appoint a Deputy Mayor by either a resolution or by an election process. The process associated with each option is outlined in detail within the body of this report.
- Appointment of a Deputy Mayor will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered.
- It is recommended that Council appoint a Deputy Mayor and in doing so determine the term of appointment, the method of appointment and, of course, who the Deputy Mayor will be. Ultimately, this is a matter for Council.

RECOMMENDATION 1

“that Council, having considered Item 14.2 – *Appointment of Deputy Mayor*, dated 28 November 2022, receives and notes the report and in doing so resolves that:

1. The term of office for the position of Deputy Mayor for the Adelaide Plains Council be from 28 November 2022 until **[insert term – e.g. 12 months, two (2) years or four (4) years]**
2. The method of choosing a Deputy Mayor be **by resolution OR indicative vote OR election** to determine the preferred person; and
3. **[If indicative vote or election]** Upon completion of the vote Council will, by subsequent resolution, appoint the successful Council Member as its Deputy Mayor.”

RECOMMENDATION 2

“that Council, having considered Item 14.2 – *Appointment of Deputy Mayor*, dated 28 November 2022, appoints **Councillor** _____ as Deputy Mayor for the Adelaide Plains Council from 22 November 2021 until **[insert term as resolved at Rec 1 above]**.”

BUDGET IMPACT

Estimated Cost: Nil

Future ongoing operating costs: A deputy mayor is entitled to one and a quarter (1.25) times the allowance for councillors in a council. In this instance, the deputy mayor will be entitled to an annual allowance of \$13,639.75 (compared to the annual allowance of \$10,955 paid to a councillor who is not the mayor or deputy mayor).

A deputy mayor who undertakes the duties of a mayor for a period of one month or longer is entitled to receive the mayor allowance for the entirety of the time they undertake those duties. For completeness, the annual allowance for a mayor is \$43,820.

Is this Budgeted? Yes

RISK ASSESSMENT

The Act, provides that Council may resolve to appoint a Deputy Mayor from amongst its members and that, in the absence of a Mayor, a Deputy Mayor may act in the office of the Mayor. The Act also provides that, if the Mayor is absent from official duties and there is no deputy mayor, or the deputy mayor is not available to act in the office of mayor, a member chosen by the council may act in the office of mayor during the relevant period.

Appointment of a Deputy Mayor from the commencement of the Council term, as opposed to determining a member, ad hoc, to act in the office of the Mayor for a specific period, will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered.

DETAILED REPORT**Purpose**

The purpose of this report is for Council to decide whether or not it wishes to appoint a Deputy Mayor, and if so, to make that appointment.

Background

Section 58 of the *Local Government Act 1999* (the Act) outlines the specific role of the principal member, being the Mayor as follows:

58—Specific roles of principal member

(1) Subject to this Act, the role of the principal member of a council as leader of the council is—

- (a) to provide leadership and guidance to the council; and*
- (b) to lead the promotion of positive and constructive working relationships among members of the council; and*
- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and*
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and*
- (e) to preside at meetings of the council; and*
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and*
- (g) to act as the principal spokesperson of the council; and*
- (h) to exercise other functions of the council as the council determines; and*
- (i) to carry out the civic and ceremonial duties of the office of principal member*

Section 51 of the Act provides that if Council may resolve to have a Deputy Mayor and that Council may determine the term of office of same:

51—Principal member of council

...

- (3) If the council so resolves, there may also be a deputy mayor.*
- (4) If there is to be a deputy mayor, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. The term must not exceed 4 years.*
- (5) On the expiration of a term of office, a deputy mayor is eligible to be chosen for a further term.*
- (6) In the absence of the mayor, a deputy mayor may act in the office of mayor.*

(7) If the mayor is absent from official duties and there is no deputy mayor, or the deputy mayor is not available to act in the office of mayor, a member chosen by the council may act in the office of mayor during the relevant period.

Discussion

Appointing a Deputy Mayor

In accordance with Section 51 of the Act, the Deputy Mayor is to be chosen by the Members of the Council from among their own number and will hold office for a term determined by Council.

The Council may choose not to appoint a Deputy Mayor, in which case a Member must be chosen from among the Council Members each time there is a requirement to replace the Mayor in his official duties when the Mayor is absent.

Appointment of a Deputy Mayor will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act (set out in full above), continue to be delivered, including but not limited to the provision of leadership and guidance to Council (section 58(1)(a)), to preside at Council meetings (section 58(1)(e)), to liaise with the Chief Executive Officer between Council meetings on the implementation of a decision of the Council (section 58(1)(f)), to act as the principal spokesperson of the Council (section 58(1)(g)) and to carry out the civic and ceremonial duties (section 58(1)(i)).

A Deputy Mayor who has a broad understanding of the role local government plays in its community and possesses a sound knowledge of the Act, particularly insofar as meeting procedures are concerned, is advantageous.

Term of Office

It is for Council to decide the term of office that the Deputy Mayor will be in the role noting that section 51(4) specifies a maximum term of four (4) years.

Allowance

A member of council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office, and indexed in accordance with Section 76(9) of the Act.

On 5 July 2022, the Remuneration Tribunal determined the allowance payable to elected members of Local Government Councils constituted under the Act. A Deputy Mayor is entitled to an allowance which is 1.25 times that of the annual allowance for Councillors who are not the Mayor or Deputy Mayor. In accordance with Section 76(9) of the Act, allowances are adjusted on the first, second and third anniversaries for the periodic election in accordance with a calculation method described in Regulation 4(2) of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

Accordingly, the current annual allowance payable to a Deputy Mayor is \$13,693.75.

A deputy mayor who undertakes the duties of a mayor for a period of one month or longer is entitled to receive the mayor allowance for the entirety of the time they undertake those duties. For completeness, the annual allowance for a mayor is \$43,820.

Method of Appointment

The Act does not stipulate the method for appointing a Deputy Mayor.

Based on Guidelines prepared by the Local Government Association (LGA) it is recommended that Council appoint a Deputy Mayor using one (1) of the following methods:

1. By resolution **or**
2. By indicative vote and subsequent resolution **or**
3. An election process determined by the Council.

Whichever method is used, the term of office must be determined first.

The method determined by Council may depend on the number of candidates or nominations received. It is recommended that the simple resolution process (option 1) be used if there is only one candidate, the indicative ballot and subsequent resolution (option 2) if there is between 1-2 candidates, and an election process and subsequent resolution (option 3) if there are more than two candidates.

Below is a summary of the different methods for Council's information.

1. By resolution (1 candidate)

A Deputy Mayor may be appointed by direct resolution however appointment by resolution can be complicated if there is more than one candidate. It is necessary for each motion nominating a member to be considered individually and voted upon before any further motion is considered. The Mayor would have to ascertain those voting for, those against and declare the result.

If the first candidate is successful then no further nominations can be considered (except through the process of revoking, in which case Council's meeting procedures would need to be complied with and a motion on notice would need to be submitted). This also means that no other candidate could be considered if the first motion is successful.

2. By indicative vote followed by a resolution (1-2 candidates)

A variation of the option of resolution only, is that of the Mayor taking an informal vote of Members present at the meeting, while meeting procedures are suspended, to determine the preferred person and then the Council, by formal resolution, appointing that person as the Deputy Mayor.

Council would need to agree on this method by resolution as it is not within the ambit of the Mayor alone to decide the process.

3. By an election process (and resolution) determined by Council (more than 2 candidates)

This method enables multiple nominations to be considered at the same time.

Nominations will be invited by the Mayor from amongst the members. They do not have to be in writing nor do they have to be seconded. Nominations will be achieved simply by indicating "*I nominate Councillor _____*".

The Mayor will then enquire as to whether the person nominated is prepared to accept the nomination. While that person may agree to accept the nomination, she/he has the right to withdraw at any time before the matter is put to a vote. If a member is absent from the meeting

this would not preclude them from being nominated. They would need to have advised the Mayor prior to the meeting as to whether or not they are prepared to accept the nomination.

If only one (1) person is nominated, that person will be declared elected. If more than one (1) person is nominated, the matter will proceed to a vote. All Members present are required to vote in the election. In this case, it is not a conflict of interest to vote for yourself if you have been nominated.

Council must determine the method of voting, which can be by a show of hands or by secret ballot.

Should only two (2) nominations be received, the successful candidate will be the one with the greater number of votes.

If more than two (2) nominations are received, Council must determine the method of voting, e.g. first past the post, preferential system (eliminating candidate with lowest vote and distribute remaining votes by preference).

Mayor's Vote

In accordance with section 86(6) of the Act, the Mayor **does not have a deliberative vote** in a question for decision before Council, but only a casting vote. **This restriction does not apply to the Mayor's participation in an indicative preferential vote conducted while meeting procedures are suspended under Regulation 20 of the Act, or a secret ballot.** These are not questions for decision (i.e. a formal resolution) before Council for the purposes of the Act.

Conflict of Interest Considerations

The identification of a preferred member for the position of Deputy Mayor through taking an indicative vote or an election process does not attract the application of the conflict of interest provisions. In other words, all persons nominated for such a position are able to participate in the **indicative ballot or election process**.

However, an appointment by motion and resolution or the confirmation of the outcome of an indicative ballot by motion and resolution (Recommendation 2 above) **will result in the nominated person receiving payment** of an allowance greater than that set for Council Members. This means that the Council Member whom it is proposed to appoint will receive a direct financial benefit by way of an increased allowance payment. This constitutes a 'material' conflict of interest under Section 75 of the Act.

In these circumstances, the Council Member who is nominated by the motion must, in accordance with Section 75C(1) of the Act:

(a) inform the meeting of the member's material conflict of interest in the matter; and

(b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.

Conclusion

The Act provides that Council may resolve to appoint a Deputy Mayor from amongst its members and that, in the absence of a Mayor, a Deputy Mayor may act in the office of the Mayor.

Appointment of a Deputy Mayor from the commencement of the Council term, as opposed to determining a member, ad hoc, to act in the office of the Mayor for a specific period, will ensure consistency, stability and contingency in the event the Mayor is absent and, in particular, ensures that the specific roles of the Mayor, set out within Section 58(1) of the Act, continue to be delivered without having to revisit the appointment of a replacement each time that the Mayor is absent. It is therefore recommended that Council appoint a Deputy Mayor.

ReferencesLegislation

Local Government Act 1999

Local Government (Members Allowances and Benefits) Regulations 2010

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Meeting Procedures

14.3 ORDINARY COUNCIL MEETING SCHEDULE 2023

Record Number: D22/50982

Author: General Manager - Governance and Executive Office

Authoriser: Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

- The purpose of this report is for Council to adopt its Ordinary Meeting Schedule for 2023.
- Section 81 of the *Local Government Act 1999* (the Act) provides that “ordinary meetings of a council will be held at times and places appointed by a resolution of the council”. The Act further stipulates that there must be at least one (1) ordinary meeting in each month.
- It is common practice for councils to set an ordinary meeting schedule at the end of each year for the ensuing calendar year. For the majority of the 2018-2022 term, Adelaide Plains Council held its ordinary meetings on the fourth Monday of each month, commencing at 6pm.
- When considering a meeting day and time, many factors need to be taken into account. For example, the number of ordinary meetings held each month/agenda length, preparation time/work, availability of Council Members and staff (resourcing) and the timing of other councils’ meetings and external meetings/commitments (such as Australian Local Government Association).
- In light of the above, it is recommended that the ordinary council meetings from December 2022 and for the majority of 2023 be held on the fourth Monday of each month, at a time to be determined by the Council.
- There will be some exceptions to the above due to the Christmas/holiday period and also in the event that a meeting falls on a public holiday. These deviations are provided for within the below recommendation.
- All Ordinary Council Meetings will be held at the Mallala Council Chamber, Redbanks Road, Mallala.

RECOMMENDATION

“that Council, having considered Item 14.3 – *Ordinary Council Meeting Schedule 2023*, dated 28 November 2022, receives and notes the report and in doing so and in doing so resolves that Ordinary Council Meetings for December 2022 to December 2023 (inclusive) be held in the Mallala Council Chamber commencing at (time) on the following dates:

- Monday 19 December 2022
- Monday 30 January 2023
- Monday 27 February 2023

- **Monday 27 March 2023**
- **Monday 24 April 2022 or Wednesday 26 April (noting ANZAC Day falls on the Tuesday)**
- **Monday 22 May 2023**
- **Monday 26 June 2023**
- **Monday 24 July 2023**
- **Monday 28 August 2023**
- **Monday 25 September 2023**
- **Monday 23 October 2023**
- **Monday 27 November 2023**
- **Monday 18 December 2023.”**

BUDGET IMPACT

Estimated Cost:	Not applicable
Future ongoing operating costs:	Not applicable
Is this Budgeted?	Not applicable

RISK ASSESSMENT

Council must, by resolution, set the times and places of its Ordinary Council Meetings. At least one (1) Ordinary Meeting must be held per month. If the time and place of a meeting has not been appointed by Council for a particular month, the Chief Executive Officer will make the appointment for that month in accordance with the *Local Government Act 1999*.

A meeting schedule will assist Council Members and Staff in planning their respective schedules and availability, and also ensures that the community is provided with advance notice of Ordinary Meetings.

DETAILED REPORT

Purpose

The purpose of this report is for Council to adopt its Ordinary Council Meeting Schedule for the period December 2022 – December 2023, in accordance with the requirements of the *Local Government Act 1999* (the Act).

Background

It is common practice for councils to set an ordinary meeting schedule at the end of each year for the ensuing calendar year. For the majority of the 2018-2022 term, Adelaide Plains Council held its ordinary meetings on the fourth Monday of each month, commencing at 6pm.

Section 81 of the Act provides as follows:-

81—Frequency and timing of ordinary meetings

(1) Subject to this section, ordinary meetings of a council will be held at times and places appointed by a resolution of the council.

(2) There must be at least one ordinary meeting in each month.

(3) If a time and place has not been appointed for the holding of an ordinary meeting during a month, the chief executive officer must appoint the time and place at which the ordinary meeting for the month is to be held.

(4) The chief executive officer must also appoint the time and place at which the first ordinary meeting of a council will be held—

(a) after the council is constituted under Chapter 3; or

(b) after a general election of the council.

(5) Ordinary meetings of a council may not be held on Sundays, or on public holidays.

(6) In the case of a municipal council, ordinary meetings of the council may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.

(7) A resolution under subsection (6) does not operate in relation to a meeting held after the conclusion of the general election next held following the making of the resolution.

Discussion

When considering a meeting day and time, many factors need to be taken into account. For example, the number of ordinary meetings held each month/agenda length, preparation time/work, availability of Council Members and staff (resourcing) and the timing of other councils' meetings and external meetings/commitments (such as Australian Local Government Association).

The above factors have been taken into account when making the recommendation contained within this report.

Meeting Day

From an administrative perspective, Monday remains the preferred day on which to schedule Ordinary Council Meetings for the following reasons:

- In accordance with section 84 of the Act, an agenda must be published three (3) business days prior to an Ordinary Council Meeting – for a Monday meeting, the agenda is therefore due for distribution by 5pm the Thursday prior. This leaves the Friday to finalise and distribute hard copy documents and attend to other follow-up tasks, including any questions raised by members.
- Following a Monday meeting, the Executive Management Team and governance staff meet on Tuesday morning to debrief and allocate actions. Being able to facilitate this on a Tuesday provides ample time for majority of tasks to be finalised in the same week of the meeting.
- In accordance with section 91 of the Act, minutes of an Ordinary Council Meeting are due to be supplied to all members and provided for public display within five (5) days after the meeting. A Monday meeting allows four (4) working days in which to finalise and distribute the minutes.

Meeting Commencement Time

For the most recent Council term (2018-2022), the majority of Ordinary Council Meetings commenced at 6pm – a time deemed suitable to all Council Members due to external/work commitments. As outlined within Section 81 of the Act, Council is responsible for, and has the discretion to, appoint a meeting commencement time.

From an administrative perspective, it naturally would be most efficient (particularly cost-wise) for meetings to be held as close to ‘ordinary business hours’ as possible. It is worth noting that Council’s current *Code of Practice – Meetings Procedures* provides for a three (3) hour curfew, with the option of an additional 30 minutes [refer clause 7(6)]. In practical terms, and by way of example, a commencement time of 6pm would result in a curfew of 9pm, with an additional 30 minutes – resulting in a 9.30pm finish time. Council may wish to review its *Code of Practice – Meeting Procedures*, depending on its decision regarding meeting commencement time.

Conclusion

In accordance with the Act, Council must hold at least one (1) Ordinary Council Meeting each month and must set, by resolution, the time and place for its Ordinary Meetings.

It is ultimately for Council to determine the day/time/location of its Ordinary Meetings.

Subject to Council’s decision, it may be prudent for Council to undertake a review of its discretionary meeting procedures via its *Code of Practice – Meeting Procedures*.

Once adopted, the Ordinary Meeting Schedule will be published in the final edition of Council’s Communicator Newsletter, scheduled for postage in December.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

14.4 ORDINARY COUNCIL MEETING AGENDA TEMPLATE (ORDER OF BUSINESS)**Record Number: D22/50798****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: Nil****EXECUTIVE SUMMARY**

- The purpose of this report is for Council to consider, and endorse, the recommended Agenda Template/Order of Business for its Ordinary Council Meetings.
- Section 83 of the *Local Government Act 1999* provides that the procedure for a council to conduct its meetings is prescribed by regulation, being the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). Where the procedure is not otherwise determined by Regulations, the Council must determine the procedure via its *Code of Practice – Meeting Procedures* (Code of Practice).
- Currently, Council's Code of Practice does not include provisions in relation to an Agenda Template or Order of Business.
- It is recommended that the Ordinary Council Meeting Agenda Template/Order of Business as set out within Recommendation 1 below, and consistent with the previous term of Council, be adopted.
- Once Council has had the opportunity to 'test' the Agenda Template/Order of Business it may, of course, review same as it sees fit. An opportune time to do so would be at a future review of Council's Code of Practice.

RECOMMENDATION

"that Council, having considered Item 14.4 – *Ordinary Council Meeting Agenda Template (Order of Business)*, dated 28 November 2022, receives and notes the report and in doing so, pursuant to Section 86 of the *Local Government Act 1999*, adopts for use the agenda order of business for its Ordinary Council Meetings as provided for in Attachment 1 to this report and outlined below:

- 1. Attendance Record**
- 2. Confirmation of Council Meeting Minutes**
- 3. Business Arising**
- 4. Declaration of Members' Interest**
- 5. Adjourned Business**
- 6. Mayor's Report**
- 7. Requested Documents/Correspondence to be Tabled**
- 8. Deputations**

- 9. Presentations/Briefings**
- 10. Petitions**
- 11. Committee Meetings**
- 12. Subsidiary Meetings**
- 13. Reports for Decision**
- 14. Reports for Information**
- 15. Questions on Notice**
- 16. Questions Without Notice**
- 17. Motions on Notice**
- 18. Motions Without Notice**
- 19. Urgent Business**
- 20. Confidential Items**
- 21. Closure.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	Nil
Is this Budgeted?	Not applicable

RISK ASSESSMENT

Currently, Council’s Code of Practice does not include provisions in relation to an Agenda Template or Order of Business. From a transparency and good governance perspective it is recommended that Council adopt the Agenda Template/Order of Business set out above which has, from an administrative perspective, worked effectively to date.

DETAILED REPORT

Purpose

The purpose of this report is for Council to consider, and endorse, the recommended Agenda Template/Order of Business for its Ordinary Council Meetings.

Background

Section 83 of the *Local Government Act 1999* (the Act) provides that the procedure for a council to conduct its meetings is prescribed by regulation, being the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). Where the procedure is not otherwise determined by Regulations, the Council must determine the procedure via its *Code of Practice – Meeting Procedures* (Code of Practice). A copy of the Code of Practice is provided within this Agenda as Attachment 1 to Item 14.1 – *Code of Practice – Meeting Procedures*.

Discussion

Currently, the Code of Practice does not include provisions in relation to an Agenda Template or Order of Business.

It is recommended that the Ordinary Council Meeting Agenda Template/Order of Business as set out within Recommendation 1 below, and consistent with the previous term of Council, be adopted. This will ensure transparency to the community and indeed will continue to guide the Chief Executive Officer in relation to the appropriate Order of Business for Council Meetings.

Council may, by resolution, amend the order of business as set out in the agenda on a particular occasion. For example, the Mayor (either at their own initiative or at the request of a Council Member) may, with leave of the meeting, bring forward an item of business where a large gallery is present for that particular item or contactors or consultants are in attendance to address the meeting on a particular item. This practice should, however, be kept to a minimum to ensure minimal disruption to the meeting and to members of the public.

Conclusion

It is recommended that the Ordinary Council Meeting Agenda Template/Order of Business as set out within Recommendation 1 above be adopted.

Once Council has had the opportunity to 'test' the Agenda Template/Order of Business it may, of course, review same as it sees fit. An opportune time to do so would be at a future review of Council's Code of Practice.

References

Legislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Meeting Procedures

14.5 COUNCIL MEETINGS - PROVISION OF NOTICE AND AGENDAS**Record Number: D22/50814****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: Nil****EXECUTIVE SUMMARY**

- The purpose of this report is for Council to consider the method of providing notice, agendas and minutes of meetings of Council and to give the Chief Executive Officer (CEO) clear instructions in relation to same.
- For the purpose of this report, any reference to an agenda extends to also refer to the notice of meeting which, in the case of the Adelaide Plains Council agenda template, is presented as the cover page to each agenda.
- The *Local Government Act 1999* (the Act) provides that the CEO must give each member of the council written notice, accompanied by an agenda:
 - In the case of an ordinary meeting, at least three (3) clear days before the date of the meeting; and
 - In the case of a special meeting, at least four (4) hours before the commencement of the meeting.
- Section 83(6) of the Act outlines options in relation to how a notice of meeting and accompanying agenda is provided to Council Members, including *by a means authorised in writing by the member as being an available means of giving notice*.
- It is recommended that Council authorise, by resolution, the provision of agendas to Council Members by email delivery as the primary method of delivery in satisfaction of the Act. This is reflected within Recommendation 1 below.
- Throughout previous terms of Council, some Council Members have requested a hard copy agenda to be printed and made available for collection in addition to the agenda being provided by email. Provision of a hard copy agenda occurs as soon as reasonably practicable depending on administration resources, and usually within one (1) business day of the agenda being provided by email.
- Although the provision of hard copy agendas does raise cost and resourcing burdens, this option remains available to Council Members. In the interests of transparency and to allow for consistent planning during the preparation of each agenda, it is recommended that Council endorse, by resolution, the provision of hard copy agendas for any Council Members who wish to receive same. This is provided for as Recommendation 2 below.

RECOMMENDATION 1

“that Council, having considered Item 14.5 – *Council Meetings - Provision of Notice and Agendas*, dated 28 November 2022, receives and notes the report and in doing so, in accordance with section 83(6)(d) of the *Local Government Act 1999*, authorises the Chief Executive Officer to give Notice of a council meeting accompanied by the Agenda for the meeting, by way of email transmission to each Council Member’s Council-issued email account.”

RECOMMENDATION 2

“that Council, having considered Item 14.5 – *Council Meetings - Provision of Notice and Agendas*, dated 28 November 2022, instructs the Chief Executive Officer to cause [number of] hard copies of the Agenda for every meeting to be made available for collection from the Principal Office / Two Wells Service Centre, as soon as practicable following email transmission, for the following Council Members:

1.

2.

...”

BUDGET IMPACT

Estimated Cost:	Unknown – costs associated with preparation of hard copy agendas (printing consumables and staff time) will vary depending on size of agendas, frequency of meetings and number of Council Members who require hard copy
Future ongoing operating costs:	As above
Is this Budgeted?	No

RISK ASSESSMENT

The fact that a notice of meeting has not been given to a council member in accordance with section 83 of the Act does not, of itself, invalidate the holding of that meeting or a resolution or decision passed or made at the meeting.

It is, of course, from a good governance perspective preferred, and recommended, that Council Members endorse the method of giving notice for Council Meetings to ensure compliance with the Act, and to provide clear direction to the CEO.

DETAILED REPORT

Purpose

The purpose of this report is for Council to determine the method of providing notice, agendas and minutes of meetings of Council and to give the Chief Executive Officer (CEO) clear instructions as to the same.

Any reference to an agenda throughout this report also refers to the notice of meeting which, in keeping with the Adelaide Plains Council Agenda Template is provided for as the cover page to each agenda.

Background

The Local Government Act 1999 (the Act) sets out the following requirements in relation to the provision of notice, agendas and minutes for council meetings.

83—Notice of ordinary or special meetings

(1) In the case of an ordinary meeting, the chief executive officer must give each member of the council notice of the meeting at least three clear days before the date of the meeting.

(2) In the case of a special meeting, the chief executive officer must give each member of the council notice of the meeting at least four hours before the commencement of the meeting.

(3) Notice of a meeting of the council must—

(a) be in writing; and

(b) set out the date, time and place of the meeting; and

(c) be signed by the chief executive officer; and

(d) contain, or be accompanied by, the agenda for the meeting.

....

(6) Notice may be given to a member of a council under this section—

(a) personally; or

(b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the member or to another place authorised in writing by the member; or

(c) by leaving the notice for the member at an appropriate place at the principal office of the council, if authorised in writing by the member to do so; or

(d) by a means authorised in writing by the member as being an available means of giving notice (eg facsimile transmission).

(7) A notice that is not given in accordance with subsection (6) is taken to have been validly given if the chief executive officer considers it impracticable to give the notice in accordance with that subsection and takes action the chief executive officer considers reasonably practicable in the circumstances to bring the notice to the attention of the member.

(8) The fact that a notice of a meeting has not been given to a member of a council in accordance with this section does not, of itself, invalidate the holding of the meeting or a resolution or decision made or passed at the meeting but the District Court may, on the application of the Minister, annul a resolution or decision made or passed at the meeting and make such ancillary or consequential orders as it thinks fit if satisfied that such action is warranted in the circumstances of the particular case.

Council, at its Ordinary Meeting on 29 January 2018, endorsed the practice of providing agendas by email, in accordance with the timeframes set out at within Section 83 (1) and (2) of the Act:

14.8 Council Meetings – Notice and Agendas

Moved Councillor Panella Seconded Councillor Keen 2019/021

“that Council, having considered Item 2.4.8 - Council Meetings - Notice and Agendas, dated 29 January 2019, receives and notes the report and in doing so, and in accordance with section 83(1)(d) of the Local Government Act 1999, authorises the Chief Executive Officer to give Notice of a council meeting accompanied by the Agenda for the meeting, by way of email transmission to each Council Member's Council issued email account.”

CARRIED

14.8 *Moved Councillor Keen Seconded Councillor Boon 2019/022*

“that Council, having considered Item 2.4.8 - Council Meetings - Notice and Agendas, dated 29 January 2019, 9, instructs the Chief Executive Officer to cause three (3) hard copies of the Agenda for every meeting to be made available for collection from the Principal Office, as soon as practicable following email transmission, by the following Council Members:-

- 1. Councillor Keen;*
- 2. Councillor Daniele; and*
- 3. Councillor Di Troia.”*

CARRIED

It is noted that, for much of 2020 and 2021 while Council was holding its meetings by electronic means due to the COVID-19 public health emergency, the option of hard copy agendas was provided to all Members (in addition to the three identified at 2019/022) so as to enable them to utilise their Council-issued IT devices for the purpose of participating in the electronic meetings.

Discussion

Provision by email

It is noted that all Council Members have been provided with brand new IT devices – the ‘HP Elitebook 840’ laptop. Members may access their Council-issued email accounts and the Council Member Extranet on these devices. Council’s IT staff are available and willing to provide any further training or ad-hoc assistance to any council member who encounters difficulty in using their Council-issued devices.

It is, therefore, recommended that Council again endorse the practice of providing agendas by email for the duration of the Council term.

Hard copy agendas

Provision of a hard copy agenda would occur as soon as reasonably practicable based on available administration resources, generally within one (1) business day of the agenda being provided by email.

It is noted that this practice can be very time consuming depending on the number of Council Members who require a hard copy agenda, the size of the agenda and the frequency of meetings. By way of example, there were several occasions during the previous term of Council where a staff member's entire day was dedicated to the preparation of hard copy agendas (facilitating the printing, collation, binding and delivery from Mallala to Two Wells). There is, of course, a further resource by way of printing materials (paper, ink, envelopes, binding plastic) involved in the provision of hard copy agendas.

While the provision of hard copy agendas does raise cost and resourcing burdens, this option remains available to Council Members and is provided for in the recommendations above, should any Council Members wish to continue this practice.

In the interests of transparency and to allow for consistent planning during the preparation of each agenda, it is recommended that Council endorse, by resolution, the provision of hard copy agendas for any Council Members who wish to receive same.

Delivery to the usual place of residence

Section 83(6)(b) of the Act provides that an option for giving an agenda to a council member is by delivering the notice (whether by post or otherwise) to the usual place of residence of the member. This implies that the option of hand delivery to a council member's usual place of residence is acceptable under the Act.

The CEO has determined that Council Staff are not to attend the place of residence of any Council Member for the purpose of delivering a meeting agenda. This determination is largely based on matters of workplace safety, with further consideration given to the time that it would take if this option was afforded to all Members.

Conclusion

Section 83(6) of the Act outlines options in relation to how a notice of meeting and accompanying agenda is provided to Council Members, including *by a means authorised in writing by the member as being an available means of giving notice*.

It is recommended that Council authorise, by resolution, the provision of agendas to Council Members by email delivery as the primary method of delivery in satisfaction of the Act.

Although the provision of hard copy agendas does raise cost and resourcing burdens, this option remains available to Council Members. In the interests of transparency and to allow for consistent planning during the preparation of each agenda, it is further recommended that Council endorse, by resolution, the provision of hard copy agendas for any Council Members who wish to receive same.

References

Legislation

Local Government Act 1999

Work Health and Safety Act 2012

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Annual Business Plan and Budget

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

14.6 OVERVIEW OF COUNCIL COMMITTEES**Record Number:** D22/50797**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:** Nil**EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council Members with an overview of Council's current committee structure.
- Council currently has in place a total of six (6) committees.
- Three (3) of Council's committees are mandatory, prescribed under relevant legislation as follows:
 - Audit Committee (*Local Government Act 1999*);
 - Building Fire Safety Committee (*Planning, Development and Infrastructure Act 2016*); and
 - Council Assessment Panel (*Planning, Development and Infrastructure Act 2016*).
- In addition to the mandatory committees outlined above, Council may establish additional committees under section 41 of the *Local Government Act 1999* to assist Council in the performance of its functions. Council currently has the following three (3) section 41 committees:
 - Adelaide Plains Council Historical Committee;
 - Governance Advisory Panel; and
 - Infrastructure and Environment Committee.
- The Terms of Reference and Membership for each of the above committees will be dealt with in more detail by separate reports to this meeting.

RECOMMENDATION

"that Council, having considered Item 14.6 – *Overview of Council Committees*, dated 28 November 2022, receives and notes the report and in doing so acknowledges Council's current Committee Structure as set out within this Report."

BUDGET IMPACT

Estimated Cost:	Not applicable
Future ongoing operating costs:	Not applicable
Is this Budgeted?	Not applicable

RISK ASSESSMENT

Council Committees are established in an effort to streamline business and assist with specific functions and programs within Council.

DETAILED REPORT

Purpose

The purpose of this report is to provide Council Members with a summary of Council's current committee structure.

Background

Council currently has in place a total of six (6) committees.

Three (3) of Council's committees are mandatory, prescribed under relevant legislation as follows:

- Audit Committee (*Local Government Act 1999*);
- Building Fire Safety Committee (*Planning, Development and Infrastructure Act 2016*); and
- Council Assessment Panel (*Planning, Development and Infrastructure Act 2016*).

In addition to the mandatory committees outlined above, Council may establish additional committees under section 41 of the *Local Government Act 1999* (the Local Government Act) to assist Council in the performance of its functions.

Council currently has the following three (3) section 41 committees:

- Adelaide Plains Council Historical Committee;
- Governance Advisory Panel; and
- Infrastructure and Environment Committee.

A summary of each committee is provided for below.

Discussion

Audit Committee

- Mandatory under Section 126 of the Local Government Act.
- Monitors and assists Council in the effective implementation and conduct of its responsibilities for financial reporting, management of risk and maintaining a reliable system of internal controls.

Building Fire Safety Committee

- Mandatory under Section 157 of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).
- Responsible for ensuring that Council meets its building and safety standards by ensuring that any unsafe building defects relating to fire safety are addressed and resolved.

Council Assessment Panel

- Mandatory under Section 83 of the PDI Act.
- Responsible for determining, using the Planning and Design Code, whether or not to grant consent to various developments.

Adelaide Plains Council Historical Committee

- Established under section 41 of the Local Government Act.
- Coordinates management of the Mallala Museum and provides recommendations to Council regarding historical and heritage matters.

Governance Advisory Panel

- Established under section 41 of the Local Government Act.
- Assists Council to fulfil its governance obligations by providing independent advice and observations on a range of legislative and policy matters.

Infrastructure and Environment Committee

- Established under section 41 of the Local Government Act.
- Provides advice, and monitors performance, in relation to Council's delivery of its infrastructure and environmental projects, services and programs in line with Council's strategic focus.

The Terms of Reference and Membership for each of the above committees will be dealt with in more detail by separate reports to this meeting.

Conclusion

This report provides Council Members with a summary of Council's current committee structure.

ReferencesLegislation

Local Government Act 1999

Planning, Development and Infrastructure Act 2016

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

14.7 AUDIT COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP**Record Number: D22/50799****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: 1. Audit Committee Terms of Reference****EXECUTIVE SUMMARY**

- The purpose of this report is:
 - To provide Council with an overview of its Audit Committee (the Committee), including a copy of the Committee's Terms of Reference (**Attachment 1** to this Report);
 - For Council to make the necessary membership appointments to the Committee, being three (3) Council Members in accordance with Clause 3.1 of the Terms of Reference; and
 - For Council to acknowledge the appointment of Independent Members, Mr Alan Rushbrook (Chairperson) and Mr Peter Fairlie-Jones until 30 November 2024.
- Pursuant to section 126(1) of the *Local Government Act 1999* (the Act), Council must have an audit committee. The mandatory functions of an audit committee are set out within section 126(2) of the Act and in full within the body of this Report.
- From 30 November 2023, the requirements of the Act will change such that councils will be required to have an 'audit and risk' committee rather than an audit committee. This is explained in more detail within the body of this Report.
- The Committee's Terms of Reference were last reviewed, by Council, on 28 June 2021. Noting that the Committee is mandatory under the Act, and indeed its functions are legislated, it is recommended that Council acknowledge the Terms of Reference as presented at **Attachment 1** to this Report.
- The current Terms of Reference provide that the Committee shall consist of five (5) members appointed by the Council – being two (2) independent members and three (3) members from the Elected Members of Council. Council shall also appoint the Chairperson from amongst the Committee's members.
- Council's current Independent Members are:
 - Mr Alan Rushbrook – Independent Chairperson appointed until 30 November 2024; and
 - Mr Peter Fairlie-Jones – Independent Member appointed until 30 November 2024.
- Prior to the 2022 general election, the 'Elected Members of Council' who sat on the Audit Committee were:
 - The Mayor (Mark Wasley);
 - The Deputy Mayor (Marcus Strudwicke); and

- Councillor Margherita Panella.
- It is recommended that Council acknowledge the appointment of current Independent Chairperson, Mr Alan Rushbrook, and Independent Member, Mr Peter Fairlie-Jones and appoint three (3) additional members from the Elected Members of Council.
- Although entirely a matter for Council to determine, it is recommended that Council consider including its Mayor and Deputy Mayor (should it resolve to appoint one at Item 14.2 of this Agenda) along with an additional Elected Member.
- In any event, there will be a need for Council to substantially review the Committee's Terms of Reference, and membership, in early-mid 2023 in light of the transition to being an 'audit and risk committee' as set out above.

RECOMMENDATION 1 – TERMS OF REFERENCE

"that Council, having considered Item 14.7 – *Audit Committee - Terms of Reference and Membership*, dated 28 November 2022, receives and notes the report and in doing so acknowledges:

- 1. That, pursuant to section 126(1) of the *Local Government Act 1999*, Council must have an audit committee; and**
- 2. The Audit Committee Terms of Reference as presented at Attachment 1 to this Report."**

RECOMMENDATION 2 – INDEPENDENT MEMBERS

"that Council, having considered Item 14.7 – *Audit Committee - Terms of Reference and Membership*, dated 28 November 2022, acknowledges the following two (2) Independent Members, who are appointed to Council's Audit Committee until 30 November 2024:

- 1. Mr Alan Rushbrook (Chairperson); and**
- 2. Mr Peter-Fairlie Jones."**

RECOMMENDATION 3 – COUNCIL MEMBERS

"that Council, having considered Item 14.7 – *Audit Committee - Terms of Reference and Membership*, dated 28 November 2022, appoints the following three (3) Council Members as Members of the Audit Committee until 30 November 2023 to coincide with the transition from 'Audit Committee' to 'Audit and Risk Committee' under the *Local Government Act 1999*:

- 1. Mayor Mark Wasley**
- 2. Deputy Mayor _____ and**
- 3. Councillor _____."**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$1,720 per meeting (Chairperson \$1,075 per meeting, Independent Member \$645 per meeting). The Committee will meet at least four (4) times per year.
Is this Budgeted?	Yes

RISK ASSESSMENT

The Audit Committee is a mandatory committee under Section 126(1) of the *Local Government Act 1999*. It is therefore necessary for Council to make the relevant appointments to ensure legislative compliance and indeed that Council continues to have the necessary oversight from a finance and audit perspective.

DETAILED REPORT

Purpose

The purpose of this report is:

- To provide Council with an overview of its Audit Committee (the Committee), including a copy of the Committee's Terms of Reference (**Attachment 1** to this Report);
- For Council to make the necessary membership appointments to the Committee, being three (3) Council Members in accordance with Clause 3.1 of the Terms of Reference; and
- For Council to acknowledge the appointment of Independent Members, Mr Alan Rushbrook (Chairperson) and Mr Peter Fairlie-Jones until 30 November 2024.

Background

In addition to requiring a council to have an audit committee, section 126 of the *Local Government Act 1999* (the Act) sets out certain requirements regarding membership, and the functions, of same as follows:

126—Audit committee

(1) A council must have an audit committee.

(2) The membership of an audit committee—

(a) may include persons who are not members of the council; and

(b) may not include an employee of the council (although an employee may attend a meeting of the committee if appropriate); and

(c) may include, or be comprised of, members of an audit committee for another council; and

(d) must otherwise be determined in accordance with the requirements of the regulations.

(4) The functions of an audit committee include—

(a) reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and

(ab) proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and

(ac) proposing, and reviewing, the exercise of powers under section 130A; and

(b) liaising with the council's auditor; and

(c) reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

Terms of Reference

The Committee's Terms of Reference were last reviewed, by Council, on 28 June 2021:

12.2 *Moved Councillor Panella Seconded Councillor Boon 2021/220*
“that Council endorses recommendation 2021/026 of the Audit Committee and in doing so adopts the Audit Committee Terms of Reference as presented in Attachment 3 to this report.”

CARRIED

Membership

Council's current Independent Members are Mr Alan Rushbrook (Chairperson) and Mr Peter Fairlie-Jones (Member), each appointed until 30 November 2024.

Prior to the 2022 general election, the 'Elected Members of Council' who sat on the Committee were:

- The Mayor (Mark Wasley);
- The Deputy Mayor (Marcus Strudwicke); and
- Councillor Margherita Panella.

The above Committee Members were first appointed by Council on 21 November 2018, following a public Expressions of Interest process for the Independent Member positions.

In September 2020, Council extended the appointment of Independent Members, and re-appointed the Chairperson, to 30 June 2021.

Then, on 24 May 2021, Council extended the appointment of Independent Members and re-appointed the Chairperson to 30 June 2022.

Most recently, Council, at its Ordinary Meeting on 26 April 2022 extended the appointment of Mr Rushbrook and Mr Fairlie-Jones until 30 November 2024.

[Click here to view](#) a copy of Agenda Item 14.7 – *Audit Committee – Independent Membership and Sitting Fees* dated 26 April 2022.

Sitting Fees

Council most recently reviewed Independent Member sitting fees at its Ordinary Meeting on 26 April 2022 setting the Independent Chair at \$1,107 per meeting and Independent Member (non-Chairperson) at \$645 per meeting. At this time, no further revisions of the sitting fee for Independent Chair or Independent Member are recommended.

Discussion**Local Government Reform – ‘Audit and Risk’ Committees**

The Local Government Reform Program commenced in early 2019 and the *Statutes Amendment (Local Government Review) Act 2021* commenced on 20 September 2021. Various changes to the Act and associated regulations have taken effect periodically since 2021.

The Committee Independent Member extensions in 2020 and 2021 were recommended as ‘short term’ as, at the time, Council was awaiting with interest the outcome of the Local Government Reform Program and, in particular, the potential expanded role for council audit and risk committees. Similarly, this potential reform outcome also influenced Council granting short term extensions to the independent members of its Governance Advisory Panel in 2020 and 2021. This is outlined in more detail within Agenda Item 14.11 – *Governance Advisory Panel – Terms of Reference and Membership*.

We now know that the relevant amendments to the Act are set to commence on 30 November 2023 and will include:

- Extending the work of council audit committees to audit and risk committees to provide independent assurance and advice to councils on accounting, financial management, internal controls, risk management and governance matters.
- Audit and risk committees will be required to consist of a majority of independent members and councils will have the ability to form regional audit and risk committees.
- New requirements for councils and their chief executive officers to ensure that effective policies, systems and procedures relating to risk management are established and maintained.
- New requirements for chief executive officers of a council that have an internal audit function to consult with the relevant audit and risk committee before appointing a person to be primarily responsible for the internal audit function.

Accordingly, from 30 November 2023 all councils will be required to have a ‘audit and risk committee’ instead of an ‘audit committee’.

Relevantly, Regulation 14 of the *Local Government (Transitional Provisions) Regulations* commenced on 6 January 2022 and authorises any existing members of council audit committees to remain on the new audit and risk committee until the expiration of their current term of office.

Council is awaiting further guidance, both in the form of further Regulations and LGA material, in this regard and will facilitate the necessary committee reviews in due course (i.e. in 2023).

Terms of Reference

Noting that the Committee is mandatory under the Act, and indeed its functions are legislated, it is recommended that Council acknowledge the Terms of Reference as presented at **Attachment 1** to this Report.

In any event, there will be a need for Council to substantially review the Committee's Terms of Reference in early-mid 2023 in light of the transition to an 'audit and risk committee' as set out above.

Membership

The current Terms of Reference provide that:

- The Committee shall consist of five (5) members appointed by the Council – being two (2) independent members and three (3) members from the Elected Members of Council.
- Council shall also appoint the Chairperson from amongst the Committee's members.
- Further, appointment to the Committee shall be for a period of up to four years (4), or until the end of the term of the Council.
- Appointees may be reappointed by Council.

It is recommended that Council:

- Acknowledges the two (2) Independent Members, Mr Alan Rushbrook (Chairperson) and Mr Peter Fairlie-Jones, both appointed until 30 November 2024; and
- Appoint three (3) additional members from the Elected Members of Council.

Although entirely a matter for Council to determine, it is recommended that Council consider including its Mayor and Deputy Mayor (should it resolve to appoint one at Item 14.2 of this Agenda) along with an additional Council Member – as recommended at Recommendation 3 above.

Conclusion

Pursuant to section 126(1) of the Act, Council must have an audit committee.

It is recommended that Council:

- Acknowledge the Terms of Reference as presented at **Attachment 1** to this Report;
- Acknowledge the two (2) Independent Members, Mr Alan Rushbrook (Chairperson) and Mr Peter Fairlie-Jones, both appointed until 30 November 2024; and
- Appoint three (3) additional members from the Elected Members of Council.

There will be a need for Council to substantially review the Committee's Terms of Reference, and membership, in early-mid 2023 in light of the transition to being an 'audit and risk committee' as set out above.

References

Legislation

Local Government Act 1999


Local Government (Transitional Provisions) Regulations

Statutes Amendment (Local Government Review) Act 2021

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Audit Committee Terms of Reference

	Audit Committee Terms of Reference	
	Adoption by Council:	28 June 2021
	Resolution Number:	2021/220
	Administered by:	General Manager - Finance and Business
	Last Review Date:	2021
DOCUMENT NO: D21/24237	Next Review Date:	2022
	Strategies:	
	Strategic and sustainable financial management	

1. Establishment

- 1.1 Pursuant to Section 41 of the Local Government Act 1999 (**the Act**) and the Regulations thereunder, for the purposes of Section 126 of the Act, the Council maintains a Committee to be known as the Audit Committee (**Committee**).
- 1.2 The purpose of the Committee will be to monitor and assist Council in the effective implementation and conduct of its responsibilities for financial reporting, management of risk and maintaining a reliable system of internal controls. The Committee will enquire into and report to Council in respect of those matters conferred upon it, and as set out in these Terms of Reference.

2. Functions

Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of the Committee are as follows:

2.1 Financial Reporting

- 2.1.1 The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk and maintaining a reliable system of internal controls.
- 2.1.2 The Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgments which they contain.
- 2.1.3 The Committee shall review and challenge where necessary:
 - 2.1.3.1 the consistency of, and/or any changes to, accounting policies;
 - 2.1.3.2 the methods used to account for significant or unusual transactions where different approaches are possible;
 - 2.1.3.3 whether the Council has followed appropriate accounting standards and made appropriate estimates and judgments, taking into account the views of the external auditor;

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

2.1.3.4 the clarity of disclosure in the Council's financial reports and the context in which statements are made; and

2.1.3.5 all material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).

2.2 Governance, Internal Controls and Risk Management Systems

The Committee shall:

- 2.2.1 ensure Council's compliance with legislative requirements, as well as use of best practice and Governance principles and guidelines;
- 2.2.2 keep under review the effectiveness of Council's internal controls and risk management framework;
- 2.2.3 review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management; and
- 2.2.4 understand the business of the Council to appreciate the risks it manages on a daily basis and to ensure that there are appropriate management plans to manage and mitigate identified business risks. This will include insurance matters, financial reporting, legal and regulatory compliance, business continuity, and statutory compliance. This can be facilitated by discussions with the Committee and external auditors and by presentations by management on how business risks are identified and managed.

2.3 Public Interest Disclosures

- 2.3.1 The Committee shall review Council's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. The Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

2.4 External Audit

The Committee shall:

- 2.4.1 develop and implement a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter;
- 2.4.2 consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor;
- 2.4.3 oversee Council's relationship with the external auditor including, but not limited to:
 - 2.4.3.1 reviewing the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - 2.4.3.2 reviewing the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;

Note: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

- 2.4.3.3 assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
- 2.4.3.4 satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
- 2.4.3.5 monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
- 2.4.3.6 assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures).
- 2.4.4 meet with the external auditor as required. The Committee shall meet the external auditor at least once a year, with or without management being present; to discuss the external auditor's report and any issues arising from the audit;
- 2.4.5 review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;
- 2.4.6 review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:
 - 2.4.6.1 a discussion of any major issues which arose during the external audit;
 - 2.4.6.2 any accounting and audit judgments; and
 - 2.4.6.3 levels of errors identified during the external audit.

The Committee shall also:

- 2.4.7 review the effectiveness of the external audit.
- 2.4.8 review any representation letter(s) requested by the external auditor.
- 2.4.9 review the management letter and management's response to the external auditor's findings and recommendations.

3. Membership

- 3.1 Members of the Committee are appointed by the Council. The Committee shall consist of five (5) members. The Committee shall consist of two (2) independent members with three (3) members from the Elected Members of Council – consistent with any Regulations.
- 3.2 Independent member(s) of the Committee shall have recent and relevant financial and / or risk management, internal audit etc. experience. The Chairperson of the Council shall be a member of the Committee.
- 3.3 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision. However other individuals such as the Chief Executive Officer, General Managers and other staff with relevant responsibilities may attend any meeting as observers or be responsible for preparing reports for the Committee. In accordance with the principles of open, transparent and informed decision making,

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Committee meetings must be conducted in a place open to the public. The agenda and minutes of the Committee meetings, subject to any items that are discussed in confidence under Section 90 of the Act and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.

- 3.4 Council's external auditors may be invited to attend meetings of the Committee.
- 3.5 Appointment to the Committee shall be for a period of up to four years (4), or until the end of the term of the Council. Appointees may be reappointed by Council.
- 3.6 The Council shall appoint the Chairperson of the Committee.
- 3.7 The evaluation of potential independent members of the Audit Committee will be undertaken by the Mayor and Chief Executive Officer and two (2) Elected Members appointed to the Audit Committee, taking account of the experience and qualifications of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.
- 3.8 Expressions of Interest from prospective Independent Members shall be sought by the Council by way of a public advertisement.
- 3.9 Remuneration will be paid to each Independent Member of the Committee (based on a set fee per meeting attended).
- 3.10 Membership of the Audit Committee continues for the term of the Committee, unless a Member resigns from the Committee or is removed earlier by resolution of Council.
- 3.11 If the Council proposes to remove a Member of the Committee, it must give written notice to the Member of its intention to do so and provide that Member with the opportunity to be heard at a Council meeting which is open to the public, if that Member so requests.

4. Chairperson

- 4.1 When the Chairperson is absent from a meeting the Committee Members may appoint a person from those present to act as Chairperson for the duration of the meeting

5. Quorum

- 5.1 The quorum necessary for the transaction of business shall be three (3) members of the Committee, including at least one (1) independent member. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee

6. Meetings

6.1 Voting

- 6.1.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 6.1.2 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

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6.2 Meeting Frequency

- 6.2.1 The Committee shall meet at least four (4) times annually at appropriate times in the reporting and audit cycle and otherwise as required.
- 6.2.2 Ordinary meetings of the Committee will be held at times and places determined by Council or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 6.2.3 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee and observers, no later than three (3) clear days before the date of the meeting. Supporting papers shall be sent to Committee members (and to other attendees as appropriate) at the same time.
- 6.2.4 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2000.
- 6.2.5 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all members of the Committee and to all members of the Council and will (as appropriate) be available to the public.

6.3 Delegations

- 6.3.1 Pursuant to Section 44 of the Local Government Act 1999, the Audit Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

6.4 Meeting Procedures

- 6.4.1 Procedures at meetings will be in accordance with Council's Code of Practice – Meeting Procedures and the requirements of the Local Government (Procedures at Meetings) Regulations 2000.

6.5 Administrative Resources

- 6.5.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions. The Committee shall:
 - 6.5.1.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;
 - 6.5.1.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;
 - 6.5.1.3 give due consideration to laws and regulations of the Act;
 - 6.5.1.4 make recommendations on co-ordination of the internal and external auditors;
 - 6.5.1.5 oversee any investigation of activities which are within its Terms of Reference;
 - 6.5.1.6 oversee action to follow up on matters raised by the external auditors; and

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- 6.5.1.7 at least once a year, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

7. Reporting Responsibilities

- 7.1 Pursuant to Section 41(8) of the Act the Committee is responsible to and reports direct to Council.
- 7.2 The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its Terms of Reference where in its view action or improvement is needed.

8. Review

These terms of reference will be subject to review by the Council on a two (2) year basis, or as determined by Council.

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14.8 BUILDING FIRE SAFETY COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP**Record Number:** D22/50800**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:**
1. Building Fire Safety Committee Terms of Reference
2. Extract - PDI Act (Section 157)**EXECUTIVE SUMMARY**

- The purpose of this report is:
 - To provide Council with an overview of its Building Fire Safety Committee (the BFS Committee) and a copy of the BFS Committee's Terms of Reference (**Attachment 1** to this Report); and
 - For Council to acknowledge the appointment of current BFS Committee Members.
- Pursuant to section 157 of the *Planning, Development and Infrastructure Act 2016* (the PDI Act), Council must have an appropriate authority to oversee building fire safety within the Council area. The BFS Committee was established on 28 June 2021 for the purpose of acting as the "appropriate authority" and is charged with the responsibility for all matters arising under Section 157 of the PDI Act, which are of a building fire safety nature.
- The BFS Committee's Terms of Reference were last reviewed, by Council, on 28 June 2021.
- Noting that the BFS Committee is mandatory under the PDI Act, and indeed its functions are legislated, it is recommended that Council acknowledge the Terms of Reference as presented at **Attachment 1** to this Report.
- The PDI Act prescribes the necessary membership composition of any "appropriate authority" established under Section 157(17) of same:
 - a person who holds prescribed qualifications in building surveying appointed by the council or councils; and
 - an authorised officer under Part 3 Division 5 or Section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
 - a person with expertise in the area of fire safety appointed by the council or councils; and
 - if so determined by the council or councils – a person selected by the council or councils.
- It is recommended that Council acknowledge the appointment of current BFS Committee Members, Mr Peter Harmer (Presiding Member), Mr Julian Aggiss and Mr Michael Essex and Deputy Members, Mr Colin Paton and Darren Chapman, until 28 June 2024.

RECOMMENDATION 1 – ACKNOWLEDGE COMMITTEE AND TERMS OF REFERENCE

“that Council, having considered Item 14.8 – *Building Fire Safety Committee - Terms of Reference and Membership*, dated 28 November 2022, receives and notes the report and in doing so acknowledges:

- 1. That Council has established the Adelaide Plains Building Fire Safety Committee pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and has designated the Committee as an appropriate authority pursuant to Section 157(16) of the PDI Act; and**
- 2. The Building Fire Safety Committee Terms of Reference as presented at Attachment 1 to this Report.”**

RECOMMENDATION 2 – MEMBERSHIP

“that Council, having considered Item 14.8 – *Building Fire Safety Committee - Terms of Reference and Membership*, dated 28 November 2022, acknowledges the following three (3) Committee Members, who are appointed until 28 June 2024:

- 1. Mr Peter Harmer, as a person who holds prescribed qualifications in building surveying pursuant to regulation 113 of the *Planning, Development and Infrastructure (General) Regulation 2017* and subject to the condition that they retain such prescribed qualifications for the term of their appointment;**
- 2. Mr Julian Aggiss (and Messrs Colin Paton and Darren Chapman as deputy members) Country Fire Service as a person nominated by the Chief Officer of the SA Country Fire Service and as a person with expertise in the area of fire safety; and**
- 3. Mr Michael Essex, as a person selected by Council.”**

RECOMMENDATION 3 – PRESIDING MEMBER

“that Council, having considered Item 14.8 – *Building Fire Safety Committee - Terms of Reference and Membership*, dated 28 November 2022, acknowledges the appointment of Mr Peter Harmer as the Presiding Member of the Adelaide Plains Building Fire Safety Committee, pursuant to section 157(17) of the *Planning, Development and Infrastructure Act 2016* until 28 June 2024 subject to the condition that Mr Harmer remains a member of the Adelaide Plains Building Fire Safety Committee for the term of his appointment.”

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$2,500 per year
Is this Budgeted?	Yes

RISK ASSESSMENT

A Building Fire Safety Committee is required under Section 157 of the *Planning, Development and Infrastructure Act 2016*.

DETAILED REPORT

Purpose

The purpose of this report is:

- To provide Council with an overview of its Building Fire Safety Committee (the BFS Committee) and a copy of the BFS Committee's Terms of Reference (**Attachment 1** to this Report); and
- For Council to acknowledge the appointment of BFS Committee Members, Mr Peter Harmer (Presiding Member), Mr Julian Aggiss and Mr Michael Essex and Deputy Members, Mr Colin Paton and Darren Chapman, until 28 June 2024.

Background

Pursuant to section 157 of the [Planning, Development and Infrastructure Act 2016](#) (the PDI Act), Council must have an appropriate authority to oversee building fire safety within the Council area.

Council previously established a BFS Committee as the "appropriate authority" under section 71 of the *Development Act 1993 (ceased)*. The PDI Act became fully operational, replacing the Development Act, on 19 March 2021. The PDI Act does not contain any specific transitional provisions that would result in an existing s71 Building Fire Safety Committee under the Development Act being taken to be a committee under s157 of the PDI Act.

Therefore, Council was required to formally establish a new committee under s157 (17) of the PDI Act. The BFS Committee was accordingly established on 28 June 2021 for the purpose of acting as the "appropriate authority" and is charged with the responsibility for all matters arising under Section 157 of the PDI Act, which are of a building fire safety nature. These include:

- Developing appropriate building fire safety inspection policies.
- Instructing authorised officers to undertake the inspection of buildings.
- Scrutinising the fire safety of buildings that have been identified as having inadequate fire safety provisions.
- Issuing notices of fire safety defect to building owners, which identify fire safety provisions that need to be upgraded to an extent that provides a reasonable level of safety for occupants.
- Where appropriate, negotiating a cost-effective performance solution with a building owner to reduce fire safety risks to an acceptable level.
- Issuing notices of building work required, which schedule prescribed building work that must be carried out in order to raise the building fire safety to a reasonable level of safety.
- Initiating enforcement or other action to ensure a building owner complies with a notice of building work required.

A copy of Section 157 of the PDI Act, which sets out the various functions of an "appropriate authority" such as the Committee, is provided for as **Attachment 2** to this Report.

Terms of Reference

The BFS Committee's Terms of Reference were last reviewed by Council on 28 June 2021:

14.7 Moved Councillor Parker Seconded Councillor Boon **2021/ 241**

“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021, adopts the Terms of Reference as presented at Attachment 1 to this Report as the terms of reference of the Adelaide Plains Building Fire Safety Committee.”

CARRIED UNANIMOUSLY

Membership

Section 157(17) of the PDI Act prescribes the necessary membership composition of any “appropriate authority” as follows:

- a person who holds prescribed qualifications in building surveying appointed by the council or councils; and
- an authorised officer under Part 3 Division 5 or section 86 of the Fire and Emergency Services Act 2005 who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
- a person with expertise in the area of fire safety appointed by the council or councils; and
- if so determined by the council or councils—a person selected by the council or councils.

Council appointed the current BFS Committee Members on 21 June 2021 as per the below resolution:

14.7 Moved Councillor Boon Seconded Councillor Daniele **2021/ 242**

“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021, appoints to the Adelaide Plains Building Fire Safety Committee the following members, for a term of three (3) years, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 (the Act):

- 1. Mr Peter Harmer, as a person who holds prescribed qualifications in building surveying pursuant to regulation 113 of the Planning, Development and Infrastructure (General) Regulation 2017 and subject to the condition that they retain such prescribed qualifications for the term of their appointment;***
- 2. Mr Julian Aggiss (and Messrs Colin Paton and Darren Chapman as deputy members) Country Fire Service as a person nominated by the Chief Officer of the SA Country Fire Service and as a person with expertise in the area of fire safety;***
- 3. Mr Michael Essex, as a person selected by Council.”***

CARRIED

[Click here to view](#) a copy of Agenda Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership dated 28 June 2021.

Presiding Member and Remuneration

Council also appointed Mr Peter Harmer as the Presiding Member and determined the remuneration payable to Mr Harmer as follows:

14.7 Moved Councillor Daniele Seconded Councillor Keen **2021/ 243**

“that Council, having considered Item 14.7 – Building Fire Safety Committee – Establishment, Terms of Reference and Membership, dated 28 June 2021:

- 1. Appoints Mr Peter Harmer as the Presiding Member of the Adelaide Plains Building Fire Safety Committee, pursuant to section 157(17) of the Planning, Development and Infrastructure Act 2016 for a term of three years subject to the condition that Mr Harmer remains a member of the Adelaide Plains Building Fire Safety Committee for the term of his appointment.**
- 2. Determine that the remuneration for the Presiding Member of the Adelaide Plains Building Fire Safety Committee will be \$175.00 (ex GST) per hour."**

CARRIED

It is not recommended that any further revisions of the remuneration for Presiding Member be made at this time.

DiscussionTerms of Reference

Noting that the BFS Committee is mandatory under the PDI Act, and indeed its functions are legislated, it is recommended that Council acknowledge the Terms of Reference as presented at **Attachment 1** to this Report.

Membership

It is recommended that Council acknowledge the appointment of BFS Committee Members, Mr Peter Harmer (Presiding Member), Mr Julian Aggiss and Mr Michael Essex and Deputy Members, Mr Colin Paton and Darren Chapman, until 28 June 2024.

Conclusion

Pursuant to section 157 of the PDI Act, Council must have an appropriate authority to oversee building fire safety within the Council area. Noting that the Committee is mandatory under the PDI Act, and indeed its functions are legislated, it is recommended that Council acknowledge the Terms of Reference as presented at **Attachment 1** to this Report.

The PDI Act also prescribes the necessary membership composition of any “appropriate authority” established under Section 157(17) of same. It is recommended that Council acknowledge the appointment of existing Committee Members.

References

Legislation

Development Act 2006

Fire and Emergency Services Act 2005


Local Government Act 1999

Planning, Development and Infrastructure Act 2016

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Adelaide Plains Building Fire Safety Committee Terms of Reference

	Building Fire Safety Committee Terms of Reference	
	Adoption by Council:	28 June 2021
	Resolution Number:	2021/241
	Administered by:	General Manager – Development and Community
	Last Review Date:	June 2021
Document No: D22/52082	Next Review Date:	June 2023
	Strategic Outcome:	Proactive Leadership

1. NAME

The name of the committee is the Adelaide Plains Council Building Fire Safety Committee.

2. ESTABLISHMENT

- 2.1 Section 157(17) of the *Planning, Development and Infrastructure Act 2016* enables the Council to establish an Appropriate Authority which is responsible for matters pertinent to section 157 of that Act.
- 2.2 The Council has designated the Building Fire Safety Committee as an Appropriate Authority pursuant to section 157(16) of the *Planning, Development and Infrastructure Act 2016*.

3. INTERPRETATION

- 3.1 In these Terms of Reference:

- 3.1.1 “Act” means the *Planning, Development and Infrastructure Act 2016*;

- 3.1.2 “Appropriate Authority” refers to the BFSC which is a body established by the Council under s157(17) of the Act;

“BFSC” means the Adelaide Plains Council Building Fire Safety Committee;

- 3.1.3 “BFSC Member” or “BFSC Members” means a member or members of the BFSC (and includes a deputy member if the context so provides);

- 3.1.4 “Building Surveyor” means the BFSC Member under paragraph 4.1.1;

“Council” means the Adelaide Plains Council

- 3.1.5 “Council Representative” means the BFSC Member under paragraph 4.1.4;

- 3.1.6 “Electronic Meeting” means a meeting under paragraph 7.4;
 - 3.1.7 “Operating Procedures” means the operating procedures determined by the BFSC;
 - 3.1.8 “Reasonable Cause” includes the matters specified in paragraphs 5.1 and 6.2;
 - 3.1.9 “SAMFS Representative and/or SA CFS Representative” means the BFSC Member(s) under paragraph 4.1.2;
 - 3.1.10 “Technical Expert” means the BFSC Member under paragraph 4.1.3
 - 3.1.11 “TOR” means these Terms of Reference.
- 3.2 The TOR will be interpreted subject to the provisions of the Act and its regulations.

4. MEMBERSHIP

- 4.1 The BFSC will comprise the following BFSC Members to be appointed by the Council:
- 4.1.1 a person who holds prescribed qualifications in building surveying appointed by the Council (**Building Surveyor**); and
 - 4.1.2 an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the Council area, has been approved by the Chief Officer of the relevant fire authority to participate as a BFSC Member of the Appropriate Authority (**SAMFS Representative and/or SA CFS Representative**); and
 - 4.1.3 a person with expertise in the area of fire safety appointed by the Council (**Technical Expert**); and
 - 4.1.4 if so determined by the Council – a person selected by the Council and whom the Council considers to be an appropriate person to be a member of the BFSC (**Council Representative**).
- 4.2 The Council may appoint at least one deputy BFSC Member for each ordinary BFSC Member to undertake the business of the BFSC in the absence of an ordinary BFSC Member. A person may only be appointed as a deputy BFSC Member if that person meets the same applicable requirements under paragraphs 4.1.1 to 4.1.4 that would apply were that person to seek appointment as the ordinary BFSC Member to which that deputy relates. A deputy BFSC Member may only act as a deputy for one BFSC Member. Unless the context provides otherwise a reference to a BFSC Member in this document includes a deputy BFSC Member.

- 4.3 The appointment of a BFSC Member may be subject to such conditions and limitations as the Council deems fit.
- 4.4 The Council must select one of the BFSC Members to be the Presiding Member of the BFSC. The Presiding Member should be either the Building Surveyor or Technical Expert (and if practicable also an employee of the Council).
- 4.5 The Chief Executive Officer of the Council will allocate to the BFSC administrative support in the form of human resources to ensure that reports, agendas, notice of meetings and minutes of the BFSC are recorded and managed in accordance with legislative requirements and the Operating Procedures. Other resources will be allocated as required at the discretion of the Chief Executive Officer of the Council.
- 4.6 The term of office for a Member of the BFSC will be a period not exceeding three (3) years (other than a BFSC Member under paragraph 4.1.2).
- 4.7 A BFSC Member is eligible for reappointment for a further term, upon the expiry of his or her current term.
- 4.8 The Council may remunerate BFSC Members for the reasonable time and costs incurred by BFSC Members in attending BFSC meetings. Different levels of remuneration may be fixed by the Council for the Presiding Member as distinct from other BFSC Members.
- 4.9 All BFSC Members shall conduct themselves in a professional manner in accordance with Council requirements. By virtue of the Terms of Reference, section 62 of the *Local Government Act 1999* is taken to apply to BFSC Members as if they were Council members and confidential information or documents of the BFSC as if they were documents of the Council.

5. VACANCY OF OFFICE

- 5.1 The office of a BFSC Member (other than a BFSC Member under paragraph 4.1.2) will become vacant if the BFSC Member:
 - 5.1.1 dies; or
 - 5.1.2 completes a term of office and is not reappointed; or
 - 5.1.3 resigns by written notice addressed to the Council; or
 - 5.1.4 is removed from office by the Council for any Reasonable Cause.
- 5.2 A BFSC Member whose term of office has expired may nevertheless continue to act as a BFSC Member until the vacancy is filled or for a period of six (6) months from the expiry of the BFSC Member's term of office, whichever occurs first.

6. REMOVAL FROM OFFICE

- 6.1 The Council may remove a BFSC Member from office where:
 - 6.1.1 the BFSC Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
 - 6.1.2 the BFSC Member has been convicted of an indictable offence punishable by imprisonment; or
 - 6.1.3 in the case of an employee of the Council, the BFSC Member ceases to be in the employ of the Council.
- 6.2 The Council may remove a BFSC Member from office where, in the opinion of the Council, the behaviour of the BFSC Member amounts to:
 - 6.2.1 a breach of a condition of his or her appointment as a BFSC Member;
 - 6.2.2 misconduct;
 - 6.2.3 a breach of any legislative obligation or duty of a BFSC Member;
 - 6.2.4 neglect of duty in attending to the role and responsibilities as a BFSC Member;
 - 6.2.5 a failure to carry out satisfactorily the duties of his or her office;
 - 6.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
 - 6.2.7 inability to carry out satisfactorily the duties of his or her office;
 - 6.2.8 a failure without reasonable excuse to attend three consecutive BFSC meetings without the BFSC previously having resolved to grant a leave of absence to the BFSC Member; or
 - 6.2.9 for any other reasonable cause determined by the Council.
- 6.3 The removal of the BFSC Member pursuant to paragraph 6.2 will take effect upon the Council resolution or delegates determination to remove the BFSC Member from office (unless the Council or delegate determines otherwise), and such decision will be confirmed in writing by the Chief Executive Officer of the Council to the BFSC Member within seven (7) days.
- 6.4 Prior to determining to remove a BFSC Member from office pursuant to paragraph 5.1 or 6.2, the Council or delegate must:
 - 6.4.1 not less than seven (7) days before the Council or delegate considers the matter of the possible removal of the BFSC Member from office, give written notice to the BFSC Member of its intention to remove the BFSC Member from office pursuant to paragraph 6.2 and such notice

must detail the alleged matter or behaviour of the BFSC Member falling within paragraph 5.1 or 6.2 or other reason the Council considers it appropriate to remove the BFSC Member;

6.4.2 give the BFSC Member an opportunity to make a written or verbal submission to the Council or delegate on the intention to remove the BFSC Member from office by such date as the Council or delegate reasonably determines but in all circumstance prior to the Council or delegate determining to remove the BFSC Member from office pursuant to paragraph 5.1 or 6.2; and

6.4.3 have due regard to the BFSC Member's submission in paragraph 6.4.2 in determining whether to remove the BFSC Member from office.

7. ROLES AND FUNCTIONS

7.1 The BFSC is charged with the responsibility for all matters arising under Section 157 of the Act and any associated regulations which are of a building fire safety nature.

7.2 The BFSC should consider the following priorities when conducting its business:

7.2.1 the South Australian Metropolitan Fire Service or South Australian Country Fire Service requests an inspection to be carried out on a building;

7.2.2 any complaint received in relation to a building;

7.2.3 advice received from an officer of the Council that the fire safety of a building is deficient; or

7.2.4 if a building is a type of building designated as a building inspection priority or building investigation priority as determined in a guideline of the BFSC from time to time.

7.3 The BFSC will generally notify the manager or owner in writing of the building that it wishes to inspect. Where time does not permit written notification and other than in a situation of emergency or other urgent circumstances, verbal notice on the day of inspection or prior to the inspection will be undertaken.

7.4 Letters and documentation will be written and presented in accordance with any guidelines adopted by the BFSC. All correspondence will be presented on Council letterhead and signed by the Presiding Member on behalf of the BFSC or a BFSC Member who is an employee of the Council.

7.5 Notices and methods implemented when dealing with issues arising for the BFSC will be conducted in accordance with any guidelines adopted by the BFSC and pursuant to the Act.

- 7.6 Subject to paragraph 7.7, issues will generally be addressed initially with the building owner or delegate via a letter that will clearly state a response date. If no adequate action has been undertaken after the initial response date the BFSC will consider the matter and may decide to issue a notice requiring a report detailing the adequacy of the fire safety of the building.
- 7.7 In emergency circumstances or other matters of urgency, the BFSC may elect to issue a notice as an initial course of action prior to taking any informal steps.

8. MEETINGS

- 8.1 A quorum for a meeting of the BFSC shall be:
 - 8.1.1 a minimum of two BFSC Members; and
 - 8.1.2 those BFSC Members in attendance must be the:
 - 8.1.2.1 Building Surveyor or Technical Expert; and
 - 8.1.2.2 SAMFS Representative and/or SA CFS Representative.
- 8.2 In the event that the Presiding Member is not present at a meeting (or part thereof) or has declared a personal interest or a direct or indirect pecuniary interest in any matter before the BFSC, or is for any other reason is unable to take part in any deliberations or decision of the BFSC then an Acting Presiding Member will be appointed by those BFSC Members who are present at the meeting for the purpose of presiding at that BFSC meeting.
- 8.3 All decisions made by the BFSC shall be made on the basis of a majority decision of the BFSC Members present. In an event of a tied vote the Presiding Member shall not have a casting vote in addition to their deliberative vote.
- 8.4 The BFSC shall meet at the Council's offices at Two Wells or Mallala or at such other places as determined by the BFSC from time to time. Provided that the BFSC may also conduct its meetings in whole or in part by electronic means by way of telephone, computer or other electronic device used for communication.
- 8.5 The BFSC shall meet on a day and at a time nominated by the Presiding Member. The BFSC must hold a minimum of three (3) ordinary meetings in each calendar year and may hold a special meeting at any other time at the determination of the Presiding Member.
- 8.6 A BFSC Member who has a personal interest or a direct or indirect pecuniary interest in any matter before the BFSC (other than an indirect interest that exists in common with a substantial class of persons) must disclose that interest to the BFSC, must not take part in any deliberations of the BFSC in relation to that matter and must comply with paragraph 7.7.

- 8.7 A BFSC Member who has an interest specified in paragraph 7.6 must remove themselves from the room or electronic forum where the BFSC is considering the matter and cannot return until consideration of that item has concluded. It is inappropriate for a BFSC Member to represent any third parties before the BFSC in relation to a matter in which they have interest.
- 8.8 The following provisions apply to the calling of meetings:
- 8.8.1 In the case of an ordinary meeting of the BFSC, the Presiding Member must give each BFSC Member notice of a meeting at least five (5) clear days before the date of the meeting.
- 8.8.2 In the case of an Electronic Meeting to be held by way of electronic means (in whole or in part), the notice must include details of how to connect to the meeting.
- 8.8.3 In the case of a special meeting of the BFSC, the Presiding Member must give each Member of the BFSC a notice of meeting at least twenty-four (24) hours before the commencement of the meeting.
- 8.8.4 Notice must be given to a BFSC Member:
- 8.8.4.1 personally; or
- 8.8.4.2 by posting or otherwise delivering it to any place authorised in writing by the member; or
- 8.8.4.3 by any other means authorised in writing by the member as being a preferable means of giving notice (e.g. email); and
- 8.8.4.4 in writing; and
- 8.8.4.5 setting out the date, time and place of the meeting; and
- 8.8.4.6 containing or accompanied by the agenda and any documents and/or reports that are to be considered at the meeting (insofar as is practicable).
- 8.8.5 Notice that is not given in accordance with paragraph 8.8.4 is taken to have been validly given if the Presiding Member considers it impracticable to give the notice in accordance with that paragraph and takes action the Presiding Member considers reasonably practicable in the circumstances to bring the notice to the attention of the BFSC Member.
- 8.8.6 The Presiding Member may delegate the notification and agenda responsibilities under paragraphs 8.8.1 to 8.8.5 to another BFSC Member (which if practicable should be the Council Representative).

- 8.8.7 A BFSC Member attending an Electronic Meeting by electronic means is taken to be present at the meeting provided that the BFSC Member:
 - 8.8.7.1 can hear and, where possible, see all other BFSC Members who are present at the meeting;
 - 8.8.7.2 can be heard and, where possible, be seen by all other BFSC Members present at the meeting; and
 - 8.8.7.3 can be heard and, where possible, be seen by the person recording the minutes of the meeting.
- 8.8.8 Each Member present at a meeting (either in person or by electronic means) must, subject to that person having an interest in the matter under paragraph 7.6, vote on a question arising for decision at that meeting.
- 8.8.9 The Presiding Member must keep, or arrange to be kept, minutes of every meeting of the BFSC. The minutes of the meetings must include:
 - 8.8.9.1 the names of the BFSC Members present;
 - 8.8.9.2 in relation to each BFSC Member present, if the BFSC Member was not present for the entire meeting, the time at which the person entered or left the meeting;
 - 8.8.9.3 all motions or amendment, and the names of the mover and seconder;
 - 8.8.9.4 whether a motion or amendment is carried or lost;
 - 8.8.9.5 any disclosure of interest made by a BFSC Member under paragraph 7.6; and
 - 8.8.9.6 any other matter required to be included in the minutes by a decision of the Council or the BFSC.
- 8.8.10 The role of the Presiding Member of the BFSC includes (but is not limited to):
 - 8.8.10.1 the conduct of the business of the BFSC at meetings and during site inspections;
 - 8.8.10.2 ensuring appropriate meeting procedures are followed; and
 - 8.8.10.3 ensuring the BFSC complies with the TOR and Act.
- 8.8.11 All matters considered by the BFSC, including agendas and minutes will be recorded and stored electronically in the Council's Records

Management System by the Council Representative in accordance with Council policy.

- 8.8.12 The Council will be responsible for the management of all records of the BFSC as required under the *State Records Act 1997*.
- 8.8.13 Subject to compliance with any relevant law, all BFSC proceedings shall generally be treated as confidential and shall not be made available to the public. In particular,
 - 8.8.13.1 all meetings of the BFSC are to be held in confidence unless otherwise determined by the BFSC;
 - 8.8.13.2 all documentation provided to the BFSC by external parties engaged by, directed or confided in by the BFSC, shall be treated as confidential;
 - 8.8.13.3 no BFSC related document, advice or proceeding shall be distributed outside of the Council (unless required by any relevant law), without the consent of the Council or its delegate; and
 - 8.8.13.4 if a document, advice or proceeding is distributed with the consent of the Council, that distribution is to be limited to the party/s authorised to receive it.
- 8.8.14 The BFSC shall provide a report to the Council on an annual basis outlining the BFSC's activities, including the number of notices issued, types of notices issued, the outcomes of the respective notices, the number of inspections which have been undertaken, and any outstanding matters that the BFSC is currently pursuing.
- 8.8.15 The procedure to be observed at a meeting of the BFSC, insofar as the procedure is not prescribed by these TOR, may be determined by the BFSC.

Planning, Development and Infrastructure Act 2016—1.7.2019

Part 11—Building activity and use—special provisions

Division 6—Swimming pool and building safety

(b) in relation to a building—the owner of the building;

prescribed event means an event or circumstance prescribed by the regulations as constituting a prescribed event for the purposes of this section.

- (2) Without limiting any provision of the Building Code or a Ministerial building standard, the regulations may specify requirements that are to apply in relation to designated safety features for swimming pools or buildings.
- (3) In particular, the regulations may—
 - (a) require a designated owner of a swimming pool or building to ensure that designated safety features are installed and maintained in accordance with prescribed requirements; and
 - (b) require the owner of an existing swimming pool or building—
 - (i) to ensure that designated safety features are installed, replaced or upgraded before, or on the occurrence of, a prescribed event; or
 - (ii) to install, replace or upgrade designated safety features within a prescribed period.
- (4) A person who contravenes, or fails to comply with, a requirement under this section (including a requirement prescribed by the regulations) is guilty of an offence.
Maximum penalty: \$15 000.
- (5) The Commission may issue a practice direction that requires councils to carry out inspections of swimming pools and buildings to ascertain compliance with this section.
- (6) A practice direction may make different provision in relation to different councils (or groups of councils).
- (7) A council must comply with the requirements of a practice direction as it relates to the council.
- (8) Nothing in this section limits a power under another section to take action in relation to the safety of any place or building.

157—Fire safety

- (1) An authorised officer who holds prescribed qualifications or a member of an appropriate authority may, at any reasonable time, enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.
- (2) An authorised officer who holds prescribed qualifications must conduct an inspection of a building under subsection (1) at the request of an appropriate authority or a fire authority.
- (3) If an appropriate authority is satisfied that the fire safety of a building is not adequate, the appropriate authority may cause a notice to be served on the owner of the building.
- (4) A notice under subsection (3) may—
 - (a) require the owner to report to the appropriate authority on the work or other measures necessary to ensure that the fire safety of the building is adequate; or
 - (b) in the case of an emergency—

1.7.2019—Planning, Development and Infrastructure Act 2016

Building activity and use—special provisions—Part 11

Swimming pool and building safety—Division 6

-
- (i) require the owner to carry out a program of work, or to take any other measure, to overcome any fire hazard; or
 - (ii) require the evacuation of the building; or
 - (iii) prohibit the occupation or use of the building or a part of the building until the appropriate authority is satisfied that the fire hazard no longer exists; or
 - (iv) require the owner to take such other action prescribed by the regulations.
 - (5) A report under subsection (4)(a) must be provided to the appropriate authority within 2 months, or within such longer period as the appropriate authority may allow.
Maximum penalty: \$2 500.
 - (6) The owner may, during the period referred to in subsection (5), make representations to the appropriate authority about the fire safety of the building and the work or other measures to be carried out or taken.
 - (7) An appropriate authority may, after receiving a report under subsection (4) (or, in the event of a failure to provide a report in accordance with this section), by notice given to the owner of the building—
 - (a) require the owner to seek an appropriate development authorisation under this Act and, if granted, to carry out a program of work or to take other measures to ensure that the fire safety of the building is adequate; or
 - (b) prohibit the occupation or use of the building or a part of the building until the appropriate authority is satisfied that any fire hazard no longer exists; or
 - (c) require the owner to take such other action prescribed by the regulations.
 - (8) On completion of any work required to be carried out by a notice under this section, the owner must notify the appropriate authority in writing.
Maximum penalty: \$2 500.
 - (9) An appropriate authority may, at the request of the owner, vary a notice under this section or may, on its own initiative, revoke a notice if satisfied that it is appropriate to do so.
 - (10) An appeal against a notice under this section must be commenced within 14 days after the notice is given unless the Court allows longer time for the commencement of the appeal.
 - (11) Subject to any order of the Court to the contrary, the operation of a notice under this section is not suspended pending the determination of an appeal.
 - (12) A person who contravenes or fails to comply with a notice under subsection (4)(b) or (7) is guilty of an offence.
Maximum penalty: \$20 000.
Default penalty: \$200.
 - (13) This section does not authorise any action inconsistent with the *Heritage Places Act 1993* or a provision of the Planning and Design Code that relates to heritage.

Planning, Development and Infrastructure Act 2016—1.7.2019

Part 11—Building activity and use—special provisions

Division 6—Swimming pool and building safety

- (14) Any action taken under this section should seek to achieve (in the following order of priority)—
- (a) firstly, a reasonable standard of fire safety for the occupiers of the relevant building;
 - (b) secondly, the minimal spread of fire and smoke;
 - (c) thirdly, an acceptable fire fighting environment.
- (15) No matter or thing done or omitted to be done by an appropriate authority in good faith in connection with the operation of this section subjects the authority to any liability.
- (16) For the purposes of this section, an **appropriate authority** is a body established by a council, or by 2 or more councils, under subsection (17) and designated by the council or councils as an appropriate authority under this section.
- (17) The following provisions apply with respect to the establishment of an appropriate authority:
- (a) the appropriate authority will be constituted of—
 - (i) a person who holds prescribed qualifications in building surveying appointed by the council or councils; and
 - (ii) an authorised officer under Part 3 Division 5 or section 86 of the *Fire and Emergency Services Act 2005* who, depending on the location of the council area or areas, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority; and
 - (iii) a person with expertise in the area of fire safety appointed by the council or councils; and
 - (iv) if so determined by the council or councils—a person selected by the council or councils;
 - (b) the council or councils may specify a term of office of a member of the appropriate authority (other than a member under paragraph (a)(ii));
 - (c) the office of a member of the appropriate authority (other than a member under paragraph (a)(ii)) will become vacant if the member—
 - (i) dies; or
 - (ii) completes a term of office and is not reappointed; or
 - (iii) resigns by written notice addressed to the council or councils; or
 - (iv) is removed from office by the council or councils for any reasonable cause;
 - (d) deputy members may be appointed;
 - (e) subject to a determination of the council or councils—the appropriate authority may determine its own procedures (including as to quorum).

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Building activity and use—special provisions—Part 11

Swimming pool and building safety—Division 6

- (18) A member of an appropriate authority who has a personal interest or a direct or indirect pecuniary interest in any matter before the appropriate authority (other than an indirect interest that exists in common with a substantial class of persons) must not take part in any deliberations or decision of the authority in relation to that matter.

Division 7—Liability**158—Negation of joint and several liability in certain cases**

- (1) If—
- (a) building work is defective; and
 - (b) the defect or defects arise from the wrongful acts or defaults of 2 or more persons; and
 - (c) those persons would, apart from this section, be jointly and severally liable for damage or loss resulting from the defective work; and
 - (d) an action is brought against any 1 or more of those persons to recover damages for that damage or loss,
- the court may only give judgment against a defendant, or each defendant, for such amount as may be just and equitable having regard to the extent to which the act or default of that defendant contributed to the damage or loss.
- (2) An act or default for which a person is vicariously liable will be taken to be an act or default of that person for the purposes of this section.

159—Limitation on time when action may be taken

- (1) Despite the *Limitation of Actions Act 1936*, or any other Act or law, no action for damages for economic loss or rectification costs resulting from defective building work (including an action for damages for breach of statutory duty) can be commenced more than 10 years after completion of the building work.
- (2) This section does not affect an action to recover damages for death or personal injury resulting from defective building work.
- (3) The period prescribed by subsection (1) cannot be extended.

14.9 COUNCIL ASSESSMENT PANEL - TERMS OF REFERENCE AND MEMBERSHIP**Record Number: D22/50793****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: 1. Council Assessment Panel Terms of Reference****EXECUTIVE SUMMARY**

- The purpose of this report is to provide Council with an overview of its Council Assessment Panel (the CAP) and for Council to:
 - Acknowledge the CAP's Terms of Reference; and
 - Appoint a Council Member, and consider appointing a Deputy Council Member, to the CAP.
- The CAP is a mandatory committee under the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and is responsible for determining, using the Planning and Design Code, whether or not to grant consent to various developments. The functions of the CAP are set out in full within the body of this report.
- In accordance with the PDI Act, the CAP is responsible for adopting its own Terms of Reference. A copy of the Terms of Reference is provided for Council's information as **Attachment 1** to this Report.
- Council is responsible for appointing Members to the CAP and indeed recently (on 27 June 2022) reviewed the CAP's membership composition. Councillor Margherita Panella (Council Member) and former Councillor Brian Parker (Deputy Council Member) were appointed until the end of the previous Council term, and the following independent members were appointed for a term concluding on 30 June 2024:
 - Nathan Cunningham (Presiding Independent Member)
 - Aaron Curtis (Independent Member)
 - Paul Mickan (Independent Member)
 - Susan Giles (Independent Member)
 - Ian O'Loan (Deputy Independent Member)
- Following the general election, the positions of Council Member and Deputy Council Member on the CAP are now vacant.
- At a minimum, Council must appoint a Council Member. Appointment of a Deputy Council Member is discretionary, although recommended, to ensure Council Member representation on the CAP in the event that the Council Member appointee cannot attend a meeting. It is noted that, in accordance with Clause 2.6 of the Terms of Reference, a Deputy Council

Member may only act as a deputy for the Council Member who sits on the CAP (and not as deputy for other Independent Members).

RECOMMENDATION 1 – ACKNOWLEDGE PANEL, TERMS OF REFERENCE AND CURRENT MEMBERS

“that Council, having considered Item 14.9 – *Council Assessment Panel - Terms of Reference and Membership*, dated 28 November 2022, receives and notes the report and in doing so acknowledges:

- 1. That, pursuant to Section 83 of the *Planning, Development and Infrastructure Act 2016*, Council must have a Council Assessment Panel (CAP);**
- 2. The CAP Terms of Reference as presented at Attachment 1 to this Report; and**
- 3. The existing appointment of the following members to the CAP, to 30 June 2024, as follows:**
 - a. Nathan Cunningham (Presiding Independent Member)**
 - b. Aaron Curtis (Independent Member)**
 - c. Paul Mickan (Independent Member)**
 - d. Susan Giles (Independent Member)**
 - e. Ian O’Loan (Deputy Independent Member).”**

RECOMMENDATION 2 – APPOINT COUNCIL MEMBER

“that Council, having considered Item 14.9 – *Council Assessment Panel - Terms of Reference and Membership*, dated 28 November 2022:

- 1. Appoints [REDACTED] as a Member of the Council Assessment Panel (CAP) pursuant to Section 83(1)(b)(i) of the *Planning, Development and Infrastructure Act 2016* (PDI Act) for a term commencing 28 November 2022 and ending 30 June 2024; and**
- 2. Determines, in accordance with Section 83(1)(b) of the PDI Act, that this appointment is subject to the Member’s compliance with, and acceptance of, the Terms of Reference for the CAP adopted on 3 March 2021.**

RECOMMENDATION 3 – APPOINT DEPUTY COUNCIL MEMBER (OPTIONAL)

“that Council, having considered Item 14.9 – *Council Assessment Panel - Terms of Reference and Membership*, dated 28 November 2022:

- 1. Appoints [REDACTED] as a Deputy Member of the Council Assessment Panel pursuant to Section 83(1)(b)(v) of the *Planning, Development and Infrastructure Act 2016* (PDI Act) for a term commencing 28 November 2022 and ending 30 June 2024; and**
- 2. Determines, in accordance with Section 83(1)(b) of the PDI Act, that this appointment is subject to the Member’s compliance with, and acceptance of, the Terms of Reference for the CAP adopted on 3 March 2021.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$1,700 per meeting (sitting fees - \$500 Presiding Member, \$400 Independent Members)
Is this Budgeted?	Yes

RISK ASSESSMENT

In order to fulfil legislative requirements, Council is required to establish a Council Assessment Panel (CAP) to carry out relevant development assessment functions. Council is responsible for appointing Members to the CAP. If appropriate membership is not maintained, the Minister has the power to establish a Local Assessment Panel at the recommendation of, and following an inquiry by, the State Planning Commission.

DETAILED REPORT

Purpose

The purpose of this report is to provide Council with an overview of its Council Assessment Panel (the CAP) and for Council to:

- Acknowledge the CAP's Terms of Reference; and
- Appoint a Council Member, and consider appointing a Deputy Council Member, to the CAP.

Background

The CAP is a mandatory committee under the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and is responsible for determining, using the Planning and Design Code, whether or not to grant consent to various developments.

The key functions of the CAP are as follows:

- The assessment and determination of development applications using the Planning and Design Code, whether or not to grant Consent to various kinds of development;
- The consideration of proposals subject to appeal against the decision of Council's Assessment Manager;
- The consideration of proposals subject to appeal to the Environment Resources and Development Court; and
- Hearing representations from the public concerning applications that have been publicly notified.

Meetings of the CAP are held at 5.30pm on the first Wednesday of a month in the Two Wells Chamber, on an as needs basis.

In accordance with the PDI Act, the CAP is responsible for adopting its own Terms of Reference. A copy of the Terms of Reference is provided for Council's information as **Attachment 1** to this Report.

Council is responsible for appointing Members to the CAP and indeed recently reviewed the CAPs membership, appointing:

- Council Members until the end of the previous term of Council; and
- Independent Members via a public Expressions of Interest and Interview process until 30 June 2024. 27 June 2022, resolving as follows:

Discussion

Council must appoint at least one (1) Deputy Member to its CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting. This requirement is currently satisfied, noting the appointment of Mr Ian O'Loan as Deputy Member.

Council has the ability to appoint an additional Deputy Member from amongst its Council Members and previously has chosen to do so. The position of Deputy Council Member is now vacant following the general election and it is recommended that Council consider filling this vacancy. This practice

ensures Council Member representation on the CAP in the event that the Council Member cannot attend a meeting.

It is noted that, in accordance with Clause 2.6 of the Terms of Reference, a Deputy Council Member may only act as a deputy for the Council Member who sits on the CAP (and not as deputy for other Independent Members). Mr O'Loan, in his capacity as Deputy Member, may however act as a deputy for *any* CAP Member (Independent or Council).

Conclusion

The previously appointed positions of Council Member and Deputy Council Member are now vacant. It is recommended that Council make appointments to both positions to ensure legislative compliance and adequate Council Member representation on the CAP in the event that the Council Member appointee cannot attend a meeting.

References


Legislation

Local Government Act 1999

Planning, Development and Infrastructure Act 2016

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

 Adelaide Plains Council	Council Assessment Panel	
	Terms of Reference	
	Adoption by Council Assessment Panel :	3 March 2021
TRIM CON: CON18/759 TRIM DOC: D21/5721	Last Review Date:	March 2021
	Strategic Outcome:	
	4.5	Accountable and Sustainable Governance

1. BACKGROUND

- 1.1 The Adelaide Plains Council Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the Adelaide Plains (**the Council**) commencing 1 October 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

2. MEMBERSHIP OF CAP

Appointment of Members

- 2.1 The CAP will be constituted of five (5) Members (**CAP Members**), to be appointed by the Council, comprising:
 - 2.1.1 one Member of the Council (**Council Member**); and
 - 2.1.2 four (4) Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
 - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
 - 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP being the assessment of development applications against established planning policy;
 - 2.3.3 in relation to the Council Member, the candidate's experience in local government and the assessment of development applications;

- 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
- 2.3.5 that gender diversity among CAP Members is desirable; and
- 2.3.6 such other matters as the Council considers relevant.

Appointment of Deputy Members

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.
- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

Expression of Interest

- 2.10 The Council will call for expressions of interest for appointment of CAP Members.

Presiding Member and Acting Presiding Member

- 2.11 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Members is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.

- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Members for such term and on such conditions as determined by the Council.

Term of Appointment

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to two (2) years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.
- 2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

3. VACANCY IN MEMBERSHIP

- 3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.
- 3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

4. CONDITIONS OF APPOINTMENT

- 4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.
- 4.4 Upon the commencement of Section 83(1)(c) of the Act:

- 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act; and
- 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government and the assessment of development applications to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

5. REMOVAL FROM OFFICE

- 5.1 A CAP Member will automatically lose office where:
 - 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;
 - 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;
 - 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
 - 5.2.1 a breach of a condition of his or her appointment as a CAP Member;
 - 5.2.2 misconduct;
 - 5.2.3 a breach of any legislative obligation or duty of a CAP Member;
 - 5.2.4 neglect of duty in attending to role and responsibilities as a CAP Member;
 - 5.2.5 a failure to carry out satisfactorily the duties of his or her office;
 - 5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
 - 5.2.7 inability to carry out satisfactorily the duties of his or her office.
 - 5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member; or
 - 5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so; or
 - 5.2.10 for any other reason the Council considers appropriate.

- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
- 5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2; and
- 5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,
- not less than 7 days before the meeting of the Council at which the matter is to be considered;
- 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines; and
- 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

14.10 ADELAIDE PLAINS COUNCIL HISTORICAL COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP**Record Number: D22/51945****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: 1. Adelaide Plains Council Historical Committee - Terms of Reference****EXECUTIVE SUMMARY**

- The purpose of this report is:
 - To provide Council with an overview of the Adelaide Plains Council Historical Committee (the Historical Committee), including a copy of the Historical Committee's Terms of Reference (**Attachment 1** to this Report); and
 - For Council to, in accordance with Clause 3.1 of the Terms of Reference:
 - Extend the appointment of current 'Community Members' who sit on the Historical Committee until 28 January 2026; and
 - Consider appointing a Council Member to sit on the Historical Committee in accordance with Clause 3.1 of the Terms of Reference.
- The Historical Committee is established under section 41 of the *Local Government Act 1999* and its functions include to make recommendations to Council on historical and heritage matters and to co-ordinate the management of the Mallala Museum.
- Clause 3.1 of the Terms of Reference currently provides for the appointment of up to 10 Community Members and an optional one (1) Council Member. Appointment to the Committee shall be for a term determined by Council.
- The Historical Committee is currently comprised of seven (7) Community Members [Paul Angus, Robert Bevan, Vaughn Chenoweth, Jim Franks, Laura Parsons, Greg Tucker and Christine Young (Deputy Presiding Member)] and Councillor Strudwicke (Presiding Member). Members are currently appointed until 1 January 2023.
- It is recommended that Council acknowledge the Terms of Reference, extend the appointments of the above Community Members for a further four (4) years and consider appointing a Council Member to also sit on the Historical Committee.

RECOMMENDATION 1 – TERMS OF REFERENCE

“that Council, having considered Item 14.10 – Adelaide Plains Council Historical Committee - Terms of Reference and Membership, dated 28 November 2022, receives and notes the report and in doing so acknowledges the Adelaide Plains Council Historical Committee's Terms of Reference as presented at Attachment 1 to this Report.”

RECOMMENDATION 2 – MEMBERSHIP

“that Council, having considered Item 14.10 – *Adelaide Plains Council Historical Committee - Terms of Reference and Membership*, dated 28 November 2022, in accordance with Clause 3.1:

- 1. Extends the appointment of the following ‘Community Members’: Paul Angus, Robert Bevan, Vaughn Chenoweth, Jim Franks, Laura Parsons, Greg Tucker and Christine Young until 28 January 2026; and**
- 2. OPTIONAL Appoints Councillor until the end of the current Council term; and**
- 3. Acknowledges that the Historical Committee will make recommendations to Council regarding the appointment of a Presiding Member and Deputy Presiding Member in accordance with the Terms of Reference.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$1,000 per meeting (Presiding Member sitting fee – Refer Council Resolution 2019/213
Is this Budgeted?	Yes

RISK ASSESSMENT

The appointment of each Member of the Historical Committee will expire on 1 January 2023.

There will continue to be three (3) ‘Community Member’ vacancies on the Historical Committee and Council may instruct the Chief Executive Officer to call for Expressions of Interest (EOI) to fill these positions in the future. Extending the appointment of the current Community Members, without a fresh EOI process, is therefore considered low risk.

DETAILED REPORT

Purpose

The purpose of this report is:

- To provide Council with an overview of the Adelaide Plains Council Historical Committee (the Historical Committee), including a copy of the Historical Committee's Terms of Reference (**Attachment 1** to this Report); and
- For Council to, in accordance with Clause 3.1 of the Terms of Reference:
 - Extend the appointment of current 'Community Members' who sit on the Historical Committee until 28 January 2026; and
 - Consider appointing a Council Member to sit on the Historical Committee in accordance with Clause 3.1 of the Terms of Reference.

Background

The Historical Committee is established under section 41 of the *Local Government Act 1999*. The functions of the Historical Committee are to:

2.1 make recommendations to Council on historical and heritage matters.

2.2 respond to local and family history enquiries relating to Adelaide Plains Council.

2.3 collect, preserve and exhibit collection items of historical interest, relating to Adelaide Plains Council.

2.4 co-ordinate the management of the Mallala Museum facility.

2.5 seek and source funding where applicable.

2.6 advise Council on budgetary and insurance requirements for the Committee, and maintenance requirements for the Museum building.

2.7 abide by and implement the collection and exhibition policies and procedures determined by the Museum, to ensure continuing Museum Registration (Museums and Collections (MaC Program)), under the History Trust of South Australia.

Discussion

Terms of Reference

The Historical Committee's Terms of Reference were last reviewed by Council in June 2021. No changes are recommended at this time.

Membership

Clause 3.1 of the Terms of Reference provides for the appointment of up to 10 Community Members and an optional one (1) Council Member. Appointment to the Committee shall be for a term determined by Council.

The Historical Committee is currently comprised of seven (7) Community Members [Paul Angus, Robert Bevan, Vaughn Chenoweth, Jim Franks, Laura Parsons, Greg Tucker and Christine Young

(Deputy Presiding Member)] and Councillor Strudwicke (Presiding Member). Members are currently appointed until 1 January 2023.

It is recommended that Council acknowledge the Terms of Reference, extend the appointments of the above Community Members for a further four (4) years and consider appointing a Council Member to also sit on the Historical Committee.

Sitting Fee

Council, at its Ordinary Meeting on 27 May 2019, set the sitting fees for Independent Members of its section 41 Committees. Accordingly, the Presiding Member of the Historical Committee is currently entitled to a sitting fee of \$1,000 per meeting.

Conclusion

There will continue to be three (3) 'Community Member' vacancies on the Historical Committee and Council may instruct the Chief Executive Officer to call for Expressions of Interest to fill these positions in the future.


References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

	Adelaide Plains Council Historical Committee	
	Terms of Reference	
	Adoption by Council:	28 June 2021
	Resolution Number:	2021/244
	Administered by:	General Manager Development and Community
	Last Review Date:	June 2021
	Next Review Date:	June 2023
Document Reference: D21/21871		

1. Establishment

- 1.1 Pursuant to Section 41 of the Local Government Act 1999 ("the Act") the Council establishes and maintains a Committee (**the Committee**) to be known as the Adelaide Plains Council Historical Committee (APCHC).
- 1.2 The Committee will continue past the life of the current Council, thereby making it a 'standing committee'.

2. Functions

Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of the Committee are to:

- 2.1 make recommendations to Council on historical and heritage matters.
- 2.2 respond to local and family history enquiries relating to Adelaide Plains Council.
- 2.3 collect, preserve and exhibit collection items of historical interest, relating to Adelaide Plains Council.
- 2.4 co-ordinate the management of the Mallala Museum facility.
- 2.5 seek and source funding where applicable.
- 2.6 advise Council on budgetary and insurance requirements for the Committee, and maintenance requirements for the Museum building.
- 2.7 abide by and implement the collection and exhibition policies and procedures determined by the Museum, to ensure continuing Museum Registration (Museums and Collections (MaC Program)), under the History Trust of South Australia.

3 Membership

- 3.1 Membership of the Committee shall consist of up to ten Community Members. Council may also appoint one Elected Member to be on the Committee.
- 3.2 Council will determine the appointment of all new Community Members. All potential members will be required to complete an Expression of Interest Form (EOI) and the Manager Library and Community will provide a report for Council's consideration.
- 3.3 Appointment to the Committee (including newly appointed Community Members) shall be for a term determined by Council.

NOTE: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
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- 3.4 When a member of the Committee has a conflict of interest in a matter before the Committee, the member must not participate in any discussion or voting in relation to the matter and must not, while such discussion or voting is taking place, be present or in the room or other place at which the matter is being discussed.
- 3.5 Additional allowances if entitled, will be paid to the Elected Member representative over and above the allowance already received by the Elected Member, in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.
- 3.6 No allowance will be paid to the Community Members (other than approved expenses incurred to attend training).

4 Presiding Member

- 4.1 The Committee shall recommend to Council the Presiding Member of the Committee for a period of two years.
- 4.2 The Committee shall recommend to Council a Deputy Presiding Member of the Committee for a period of two years.
- 4.3 Both the appointment of the Presiding Member and Deputy Presiding Member needs to be endorsed by Council. Both these positions, at the expiry of their terms of office, will be eligible for reappointment.
- 4.4 The Presiding Member or nominee will represent the Committee as spokesperson.
- 4.5 In the event that both the Presiding Member and the Deputy Presiding Member are absent from a meeting, the Committee Members may appoint another person from those present, to act as the Presiding Member for the duration of the meeting.

5 Quorum

- 5.1 A quorum for a meeting of the Committee will be determined by dividing the total current number of members of the Committee (as appointed by Council) by two and adding one.
- 5.2 All decisions of the Committee shall be made on the basis of a majority decision of the membership present and in the event of a tied vote, the matter will be referred to the Council for decision.
- 5.3 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

6 Meetings

- 6.1 Meetings of the Committee will be conducted in accordance with the Act, Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*. These Terms of Reference and *Code of Practice for Meeting Procedures* adopted by the Council are applicable to the Committee.
- 6.2 Insofar as the Act, the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.
- 6.3 In accordance with, and subject to, the Act and the *Local Government (Procedures at Meetings) Regulations 2013*, all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting, or part of a meeting, pursuant to the Act.

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6.4 The Committee shall, at its first meeting after being established and at its first meeting after the conclusion of a general election of the Council, determine the place, date and time meetings of the Committee will be held provided that:

6.4.1 The Committee will meet on such dates and at times as it determines provided that at least seven meetings are held per calendar year, or more frequently if deemed necessary by the Committee.

6.4.2 A special meeting of the Committee may be called in accordance with the Act.

6.5 The Committee shall act at all times in strict accordance with relevant legislation (being the Act and associated Regulations) and with written policies and guidelines of the Council which are relevant to the Committee, in the performance of its functions.

7 Reporting Responsibilities

7.1 Minutes of a meeting of the Committee will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Elected Members within five days after the meeting. Minutes shall be presented to Council at the next Ordinary Council meeting.

7.2 Agendas and Reports of the Committee forwarded to the Committee members, will also be forwarded to Elected Members for their information prior to the Committee meeting.

7.3 Where the Committee makes a recommendation to Council on a matter within the scope of these Terms of Reference, the matter will be listed either as part of a summary report with attachments (if necessary), or as a separate agenda item for Council's consideration.

7.4 The Committee shall report to Council on an 'as-needs' basis or upon Council's request with a summary of its activities.

9 Delegations

In exercise of the powers contained in *Section 44* of the *Local Government Act 1999* the following powers and functions vested in or conferred in the Council under the Act are hereby delegated to the Committee as provided for in **Attachment 'A'**. Such delegations are to be reviewed on an annual basis.

10 Administrative Resources

The General Manager Development and Community shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

The Committee shall:

10.1 have access to reasonable resources in order to carry out its duties; subject to any budget allocation approved by Council;

10.2 be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members;

10.3 at least once a year, review its own performance and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

11 Review

These Terms of Reference will be subject to review by the Council on a two year basis, or as determined by Council.

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Attachment 'A'**DELEGATIONS**

1. The power pursuant to *Section 137* of the *Local Government Act 1999* to expend Council's approved funds budgeted and allocated for the Adelaide Plains Council Historical Committee, subject to the *Local Government Act 1999*, any other relevant Act and Council's policies, practices and procedures in the exercise, performance or discharge of the functions or duties shown in the attached Terms of Reference (Adelaide Plains Council Historical Committee).

NOTE: Electronic version in Council's EDRMS is the controlled version. Printed copies are considered uncontrolled.
Before using a printed copy, verify that it is the current version.

14.11 GOVERNANCE ADVISORY PANEL - TERMS OF REFERENCE AND MEMBERSHIP**Record Number: D22/50715****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: 1. Terms of Reference - Governance Advisory Panel****EXECUTIVE SUMMARY**

- The purpose of this report is:
 - To provide Council with an overview of its Governance Advisory Panel (the GAP) including a copy of the GAP's Terms of Reference (**Attachment 1** to this Report);
 - For Council to endorse a minor amendment to Clause 2.2 of the Terms of Reference, in order to replace reference to the 'Code of Conduct for Council Members' with the 'Elected Member Behavioural Standards'; and
 - For Council to acknowledge the appointment of the GAP Members as follows:
 - Three (3) Independent Members – Ms Isobel Redmond (Chairperson), Ms Cimon Burke and Mr Lachlan Miller (until 25 July 2026 in accordance with Council's previous resolution); and
 - The Mayor and Deputy Mayor of the Council in accordance with the GAP's Terms of Reference.
- The GAP is established under Section 41 of the *Local Government Act 1999* and its functions include to review and to provide advice to Council in relation to its governance and legislative framework, policies and procedures and, at Clause 2.2, to 'as requested, consider alleged breaches of the Code of Conduct for Council Members in accordance with the Procedure established by Council'.
- As outlined within Item 15.4 and further detailed within Item 15.5 of this Agenda, on 17 November 2022, the Behavioural Management Framework commenced, including operation of the *Behavioural Standards for Council Members* and replacing the former *Code of Conduct for Council Members*. The Behavioural Management Framework is outlined in more detail at Item 15.5.
- Amendment of Clause 2.2 of the Terms of Reference is therefore necessary.
- It is also recommended that Council acknowledge the GAP's current Membership.

RECOMMENDATION 1 – TERMS OF REFERENCE

“that Council, having considered Item 14.11 – *Governance Advisory Panel - Terms of Reference and Membership*, dated 28 November 2022, receives and notes the report and in doing so:

- 1. Acknowledges the Governance Advisory Panel’s Terms of Reference as presented at Attachment 1 to this Report; and**
- 2. In light of the recent commencement of the ‘Behavioural Management Framework’ for Council Members, resolves to amend Clause 2.2 of the Governance Advisory Panel’s Terms of Reference as follows:**
 - Replace reference to ‘Code of Conduct for Council Members’ with ‘Behavioural Standards for Council Members’; and**
 - Replace reference to ‘Procedure established by Council’ with ‘Behavioural Management Policy’.”**

RECOMMENDATION 2 – MEMBERSHIP

“that Council, having considered Item 14.11 – *Governance Advisory Panel - Terms of Reference and Membership*, dated 28 November 2022, acknowledges the following membership appointments:

- 1. Isobel Redmond, Lachlan Miller and Cimon Burke, who are appointed by Council as Independent Members in accordance with Clause 3.2.1 of the Panel’s Terms of Reference until 25 July 2026; and**
- 2. Isobel Redmond, who is appointed by the Chief Executive Officer as Chairperson to preside meetings of the Panel in accordance with Clause 4.1 of the Terms of Reference; and**
- 3. Council’s Mayor and Deputy Mayor who are appointed in accordance with Clause 3.2.2 and 3.3.3 of the Panel’s Terms of Reference respectively.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$3,400 per meeting
Is this Budgeted?	Yes – the 2022/2023 Budget contemplates four (4) Panel meetings

RISK ASSESSMENT

Good governance is crucial to any organisation and having interested and experienced independent members on the Panel, plays a major role in ensuring Council’s governance framework is reviewed, monitored and adhered to. It also ensures an extra layer of accountability for Council. Good governance affects an organisation’s performance and is at the heart of any successful business.

DETAILED REPORT

Purpose

The purpose of this report is:

- To provide Council with an overview of its Governance Advisory Panel (the GAP), including a copy of the GAP's Terms of Reference (**Attachment 1** to this Report); and
- For Council to endorse a minor amendment to Clause 2.2 of the Terms of Reference, in order to replace reference to the 'Code of Conduct for Council Members' with the 'Elected Member Behavioural Standards'; and
- For Council to acknowledge the appointment of GAP members as follows:
 - Three (3) Independent Members – Ms Isobel Redmond (Chairperson), Ms Cimon Burke and Mr Lachlan Miller (until 25 July 2026 in accordance with Council's resolution); and
 - The Mayor and Deputy Mayor of the Council in accordance with the GAP's Terms of Reference.

Background

The GAP was established in February 2016 pursuant to Section 41 of the *Local Government Act 1999* (the Act). [Click here to view](#) a copy of Item 16.1 – *Establishment of a Governance Advisory Panel Pursuant to Section 41 of the Local Government Act 1999*, dated 15 February 2016.

The current functions of the GAP, set out within the Terms of Reference, are to:

- 2.1 review and provide advice to the Council in relation to the Council's governance and legislative framework, policies and procedures;*
- 2.2 as requested, consider alleged breaches of the Code of Conduct for Council Members in accordance with the Procedure established by Council;*
- 2.3 recommend training for Council members, Council committee members and staff with an emphasis on legislative compliance, good governance practices, policies and procedures; and*
- 2.4 ensure performance reviews of Council's Section 41 Committees are undertaken.*

The Terms of Reference provide that the GAP is a 'standing committee' and, accordingly, the GAP continues to exist past the life of the Council that adopted same.

Terms of Reference

The GAP's Terms of Reference were last reviewed, by Council, on 23 May 2022. [Click here to view](#) a copy of Agenda Item 14.2 – *Governance Advisory Panel – Terms of Reference Review*, dated 23 May 2022.

Membership

In accordance with Clause 3.2 of the Terms of Reference, the GAP's current membership composition is as follows:

- Three (3) Independent Members – Ms Isobel Redmond, Ms Cimon Burke and Mr Lachlan Miller;
- The Mayor of the Council; and
- The Deputy Mayor of the Council.

The Mayor and Deputy Mayor are appointed as ex-officio. The Independent Members were first appointed by Council on 16 July 2018 for a two (2) year term, following a public Expressions of Interest process.

Since that time, Council has reviewed the Panel's membership in June 2020 ([click here to view](#)), January 2021 ([click here to view](#)), January 2022 ([click here to view](#)) and subsequently re-appointed the same members. The most recent, and comprehensive, review occurred in July 2022 where, following a further public Expressions of Interest and Interview process, Council re-appointed Ms Redmond, Mr Miller and Ms Burke until 25 July 2026.

[Click here to view](#) a copy of Agenda Item 20.2 – *Governance Advisory Panel – Independent Membership – Outcome of Expressions of Interest Process*, dated 25 July 2022.

Sitting Fees

Council most recently reviewed Independent Member sitting fees at its Ordinary Meeting on 27 May 2019, setting the Independent Chairperson at \$1,000 per meeting and Independent Members (non-Chairperson) at \$600 per meeting. At this time, no further revisions of the sitting fee for Independent Chairperson or Independent Members are recommended.

Discussion

Local Government Reform

The GAP Member extensions in 2020 and 2021 were recommended as 'short term' as, at the time, Council was awaiting with interest the outcome of the Local Government Reform Program and, in particular, the potential overlap of governance functions. Similarly, this potential reform outcome also influenced Council granting short term extensions to the independent members of its Audit Committee in 2020 and 2021.

As outlined within Agenda Item 14.7 of this Agenda, we now know that an outcome of the Local Government Reform Program is, from 30 November 2023, the expansion of the work of council 'audit committees' to 'audit and risk committees' to provide independent assurance and advice to councils on, amongst other things, governance matters.

A further review of the GAP's functions may be necessary to complement the expanded functions of Council's Audit Committee. Council is awaiting further guidance, both in the form of further

Regulations and LGA material, in this regard and will facilitate the necessary committee reviews in due course (i.e. in 2023).

Terms of Reference

As outlined within Item 15.4 and further detailed within Item 15.5 of this Agenda, on 17 November 2022, the Behavioural Management Framework commenced, including operation of the *Behavioural Standards for Council Members* and replacing the former *Code of Conduct for Council Members*. The Behavioural Management Framework is outlined in more detail at Item 15.5 of this Agenda.

The wording within Clause 2.2 of the GAP's Terms of Reference is therefore necessary to reflect the recent legislative changes.

Membership

The Terms of Reference provide that:

3.2 Membership of the Panel shall consist of five (5) members:

3.2.1 Three (3) independent members with experience in governance (one (1) of which will be the Presiding Member – refer clause 4);

3.2.2 The Mayor of the Council; and

- The Deputy Mayor of the Council.

...

4.1 The Chief Executive Officer will appoint, from amongst the independent members of the Panel, a Chairperson for a term of (4) years to preside at meetings of the Panel.

It is therefore recommended that Council acknowledge the appointment of current Independent Members, Ms Isobel Redmond (Chairperson), Mr Lachlan Miller and Ms Cimon Burke, until 25 July 2026.

Conclusion

The GAP is established under section 41 of the Act. It is recommended that Council endorse a minor amendment to the Terms of Reference (as presented at **Attachment 1** to this Report) and acknowledge the appointment of current GAP Members.

References

Legislation

Local Government Act 1999

Local Government (Transitional Provisions) Regulations

Statutes Amendment (Local Government Review) Act 2021

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Governance Advisory Panel Terms of Reference

Behavioural Standards for Council Members

 Adelaide Plains Council	Governance Advisory Panel Terms of Reference	
	Adoption by Council:	24 May 2022
	Resolution Number:	2022/131
	Administered by:	Chief Executive Officer
	Last Review Date:	May 2022
Document Reference: D22/17701	Next Review Date:	May 2026
	Strategic Outcome:	Proactive Leadership

1. Establishment

- 1.1 Pursuant to Section 41 of the *Local Government Act 1999* (the Act) the Council establishes a Panel to be known as the Governance Advisory Panel (the Panel).
- 1.2 The Panel will continue past the life of the current Council, thereby making it a 'standing committee'.

2. Functions

Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of the Panel are to:

- 2.1 review and provide advice to the Council in relation to the Council's governance and legislative framework, policies and procedures;
- 2.2 as requested, consider alleged breaches of the Code of Conduct for Council Members in accordance with the Procedure established by Council;
- 2.3 recommend training for Council members, Council committee members and staff with an emphasis on legislative compliance, good governance practices, policies and procedures; and
- 2.4 ensure performance reviews of Council's Section 41 Committees are undertaken.

3. Membership

Voting Members

- 3.1 Members of the Panel are appointed by Council for a term of four (4) years. Independent members will, at the expiry of their term of office, be eligible for reappointment to the Panel.
- 3.2 Membership of the Panel shall consist of five (5) members:
 - 3.2.1 Three (3) independent members with experience in governance (one (1) of which will be the Presiding Member – refer clause 4);
 - 3.2.2 The Mayor of the Council; and
 - 3.2.3 The Deputy Mayor of the Council.

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Independent Advisors (Non-Voting)

- 3.3 An independent legal advisor, determined by the Chief Executive Officer, will attend meetings of the Panel for the purpose of providing independent legal advice.
- 3.4 The Panel may be assisted by other advisor(s) that the Panel may determine from time to time.

4. Presiding Member

- 4.1 The Chief Executive Officer will appoint, from amongst the independent members of the Panel, a Chairperson for a term of four (4) years to preside at meetings of the Panel. The Chairperson will, at the expiry of their term of office, be eligible for reappointment as Chairperson.
- 4.2 The Chairperson or nominee will represent the Panel as spokesperson.
- 4.3 Where the Chairperson is unable to attend a meeting, the Panel will appoint one (1) of the remaining independent members to chair the meeting.

5. Sitting Fees

- 5.1 No additional allowance will be paid to the elected member representatives over and above the allowance already received by the elected member in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.
- 5.2 The Independent members of the Panel will be paid a sitting fee which shall be determined by the Council. The Independent members may choose to receive no fee.

6. Conflicts of Interest

- 6.1 Where a member of the Panel has a conflict of interest in a matter before the Panel, the member must not participate in any discussion or voting in relation to the matter and must not, while such discussion or voting is taking place, be present or in the room or other place at which the matter is being discussed.
- 6.2 The Independent members of the Panel will be aware of or receive training in the conflict of interest provisions of sections 73 and 74 of the Act.

7. Quorum

A quorum for a meeting of the Panel will be three (3) members, including at least two (2) independent members, and no business can be transacted at a meeting of the Panel unless a quorum is present.

8. Meetings

- 8.1 The Panel shall meet on such dates and at times determined by the Chief Executive Officer provided that at least two (2) meetings are held per calendar year.

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- 8.2 Meetings of the Panel will be conducted in accordance with the Act, Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Panel.
- 8.3 Insofar as the Act, the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Panel do not specify a procedure to be observed in relation to the conduct of a meeting of the Panel, then the Panel may determine its own procedure.
- 8.4 In accordance with, and subject to, the Act and the *Local Government (Procedures at Meetings) Regulations 2013* all meetings of the Panel shall be open to the public unless the Panel has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.
- 8.5 All decisions of the Panel shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 8.6 The Panel shall act at all times in strict accordance with relevant legislation (being the Act and associated Regulations) and with written policies and guidelines of the Council which are relevant to the Panel in the performance of its functions;
- 8.7 The Panel does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Panel will, therefore, constitute recommendations to the Council.

9. Reporting Responsibilities

- 9.1 Minutes of a meeting of the Panel will be provided to all Panel members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting. Minutes shall be presented to Council at the next Ordinary Council Meeting.
- 9.2 Agendas and Reports of the Panel forwarded to the Panel will also be forwarded to Council members for their information prior to the Panel meeting, having regard for any confidentiality provisions that may apply.
- 9.3 Where the Panel makes a recommendation to Council on a matter within the scope of these Terms of Reference, the matter will be listed either as part of a summary report with attachments (if necessary) or as a separate agenda item for Council's consideration.
- 9.4 The Panel shall report to Council on an as-needs basis or upon Council's request with a summary of its activities.

10. Review

These Terms of Reference will be reviewed by Council on an as-needs basis, provided that a review occurs at least once every four (4) years to coincide with a Membership review.

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14.12 INFRASTRUCTURE AND ENVIRONMENT COMMITTEE - TERMS OF REFERENCE AND MEMBERSHIP**Record Number: D22/51942****Author: Manager Governance and Administration****Authoriser: General Manager - Governance and Executive Office****Attachments: 1. Terms of Reference - Infrastructure and Environment Committee (Marked-Up)****EXECUTIVE SUMMARY**

- The purpose of this report is:
 - To provide Council with an overview of its Infrastructure and Environment Committee (I&E Committee) including a copy of the I&E Committee's Terms of Reference (**Attachment 1** to this Report);
 - For Council to endorse a minor amendment to Clause 3.1 of the Terms of Reference in order to remove reference to Council's former ward structure;
 - For Council to make the necessary membership appointments to the I&E Committee, being six (6) Council Members in accordance with Clause 3.1.3 of the Terms of Reference; and
 - For Council to extend the appointment of Independent Members, Mr Richard Dodson (Chairperson) and Mr Howard Lacy for a further two (2) years until 28 January 2025.
- The I&E Committee is established under section 41 of the *Local Government Act 1999* (and its functions include to review, monitor and provide advice to Council in relation to infrastructure and environment related plans, policies, initiatives and programs).
- Clause 3.1.3 of the Terms of Reference currently provides for the appointment of six (6) Council Members, comprising of two (2) from each Council ward. As Members are aware, following the completion of a Representation Review in December 2021, APC is no longer comprised of wards. This change took effect at the conclusion of the 2022 general election. A minor amendment is therefore required to Clause 3.1.3 along with two other track changes addressing typographical errors.
- It is for Council to determine the Council Member composition of the I&E Committee, and it is recommended that Council extend the appointment of current Independent Members Mr Richard Dodson and Mr Howard Lacy until 28 January 2025.

RECOMMENDATION 1 – TERMS OF REFERENCE

“that Council, having considered Item 14.12 – *Infrastructure and Environment Committee - Terms of Reference and Membership*, dated 28 November 2022, receives and notes the report and in doing so adopts the Infrastructure and Environment Committee's Terms of Reference as presented at Attachment 1 to this Report.”

RECOMMENDATION 2 – INDEPENDENT MEMBERS

“that Council, having considered Item 14.12 – *Infrastructure and Environment Committee - Terms of Reference and Membership*, dated 28 November 2022:

- 1. Extends the appointment of current Independent Members of Council’s Infrastructure and Environment Committee, Mr Richard Dodson and Mr Howard Lacy, until 28 January 2025, in accordance with Clause 3.1.1 of the Committee’s Terms of Reference; and**
- 2. Acknowledges that, in accordance with Clause 4.1 of the Committee’s Terms of Reference, the Chief Executive Officer will appoint from amongst the Independent Members a Chairperson to preside at meetings of the Committee.”**

RECOMMENDATION 3 – COUNCIL MEMBERS

“that Council, having considered Item 14.12 – *Infrastructure and Environment Committee - Terms of Reference and Membership*, dated 28 November 2022:

- 1. Appoints the following six (6) Council Members to Council’s Infrastructure and Environment Committee until end of current Council term in accordance with Clause 3.1.2 of the Terms of Reference:**
 - Councillor
 - Councillor
 - Councillor
 - Councillor
 - Councillor
 - Councillor ; and
- 2. Acknowledges that the Mayor of the Council is an ex-officio Member of the Infrastructure and Environment Committee.”**

BUDGET IMPACT

Estimated Cost:	Nil
Future ongoing operating costs:	\$1,600 per meeting
Is this Budgeted?	Yes

RISK ASSESSMENT

The existence of this Committee will assist Council in streamlining the making of decisions in relation to infrastructure and environment matters.

DETAILED REPORT

Purpose

The purpose of this report is:

- To provide Council with an overview of its Infrastructure and Environment Committee (I&E Committee) including a copy of the I&E Committee's Terms of Reference (**Attachment 1** to this Report);
- For Council to endorse a minor amendment to Clause 3.1 of the Terms of Reference in order to remove reference to Council's former ward structure;
- For Council to make the necessary membership appointments to the Committee, being six (6) Council Members in accordance with Clause 3.1.3 of the Terms of Reference; and
- For Council to extend the appointment of current Independent Members, Mr Richard Dodson (Chairperson) and Mr Howard Lacy until 28 January 2025.

Background

The I&E Committee is established under section 41 of the *Local Government Act 1999* (the Act), initially named the 'Environment Management Advisory Committee' and, in 2017, rebadged as the I&E Committee.

The current functions of the I&E Committee, set out within the Terms of Reference, are to:

- 2.1 provide advice to the Council in delivering its infrastructure and environmental projects, services and programs in line with Council's strategic focus areas, 'Great Places & Infrastructure' and 'Resilient Environment & Community';*
- 2.2 review, monitor and provide advice to the Council in relation to the Council's performance in its provision of Infrastructure and Environmental initiatives, policies and processes;*
- 2.3 provide advice and recommendations to the Council regarding its Infrastructure and Asset Management Plan and associated programs;*
- 2.4 review and identify potential projects for input into Council's Annual Business plan, Budget and Long-Term Financial Plan;*
- 2.5 make recommendations to Council on matters pertaining to the management and protection of the coastal environment, biodiversity and remnant vegetation.*

Terms of Reference

The I&E Committee's Terms of Reference were last reviewed by Council on 28 January 2021. [Click here to view](#) a copy of Item 14.11 – *Infrastructure and Environment Committee – Terms of Reference*.

Membership

In accordance with Clause 3 of the Terms of Reference, the I&E Committee's composition is as follows:

- Two (2) Independent Members – Mr Richard Dodson (Chairperson) and Mr Howard Lacy;
- The Mayor of the Council (as ex-officio); and

- Six (6) Council Members ('comprising of two (2) Members from each Council ward') – previously Councillors Lush, Keen, Boon and Panella, and former Council Members Brian Parker and Frank Maiolo.

Mr Dodson was first appointed to the I&E Committee on 17 December 2018 and for a two (2) year term. Council then extended Mr Dodson's appointment to 1 January 2023. Mr Lacy was appointed to the I&E Committee on 27 January 2018, following a public Expressions of Interest and interview process, for a two (2) year term.

Council did not specify a term of appointment for the six (6) Council Members.

Sitting Fees

Council reviewed Independent Member sitting fees at its Ordinary Meeting on 27 May 2019, setting the Independent Chairperson at \$1,000 per meeting and Independent Member (non-Chairperson) at \$600 per meeting. At this time, no further revisions of the sitting fee for Independent Chairperson or Independent Member are recommended.

Discussion

Terms of Reference

Clause 3.1.3 of the Terms of Reference currently provides for the appointment of six (6) Council Members, comprising of two (2) from each Council ward. As Members are aware, following the completion of a Representation Review in December 2021, APC is no longer comprised of wards. This change took effect at the conclusion of the 2022 general election. A minor amendment to Clause 3.1.3 is therefore necessary along with two other track changes addressing typographical errors.

Membership

Independent Members

Mr Dodson's appointment expires on 1 January 2023 and Mr Lacy's appointment expires on 27 January 2023. From the administration's perspective, both Independent Members have performed well and there is benefit in retaining their expertise on the I&E Committee for a further term. It is therefore recommended that Council extend the appointment of Independent Members Mr Richard Dodson and Mr Howard Lacy until 28 January 2025.

Council Members

Finally, Council must determine the Council Member composition on the I&E Committee. It is recommended that these six (6) appointments are in place for the duration of the Council term.

Conclusion

The I&E Committee is established under section 41 of the Act. It is recommended that Council endorse minor amendments to the Terms of Reference (as presented at **Attachment 1** to this Report) and make the necessary appointments as set out above.

References


Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024

Infrastructure and Asset Management Plan

	Infrastructure and Environment Committee Terms of Reference	
	Adoption by Council:	28 November 2022
	Resolution Number:	TBC
	Administered by:	General Manager – Infrastructure and Environment
	Last Review Date:	November 2022
Document No: D22/51941	Next Review Date:	November 2024
	Strategic Outcome: Enviable Lifestyle Remarkable Landscapes	

1. Establishment

Pursuant to Section 41 of the *Local Government Act 1999* ("the Act") the Council establishes a Committee to be known as the Infrastructure and Environment Committee ("the Committee") for the purpose of enquiring into and reporting to Council in respect of those matters conferred upon it and as set out in these Terms of Reference.

2. Functions

Subject to compliance with all legislation, policies plans and procedures of the Council, the functions of the Committee are to:

- 2.1 provide advice to the Council in delivering its infrastructure and environmental projects, services and programs in line with Council's strategic focus areas, 'Great Places & Infrastructure' and 'Resilient Environment & Community';
- 2.2 review, monitor and provide advice to the Council in relation to the Council's performance in its provision of Infrastructure and Environmental initiatives, policies and processes;
- 2.3 provide advice and recommendations to the Council regarding its Infrastructure and Asset Management Plan and associated programs;
- 2.4 review and identify potential projects for input into Council's Annual Business plan, Budget and Long Term Financial Plan;
- 2.5 make recommendations to Council on matters pertaining to the management and protection of the coastal environment, biodiversity and remnant vegetation.

3. Membership

3.1 Council will appoint Members of the Committee as follows:

- 3.1.1 Two (2) independent members with relevant experience in strategic management covering areas such as business strategy/planning and integration/alignment of strategic directions, asset/facilities/environmental management, project management and/or civil/structural engineering;

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3.1.2 The Mayor of the Council; and

3.1.3 Six (6) Council Members.

3.2 The term of appointment to the Committee shall be determined by Council.

3.3 The Committee may be assisted by advisor(s) that the Committee may determine from time to time, for example, a legal advisor. Advisors will not have any voting rights on the Committee.

3.4 Where a member of the Committee has a conflict of interest in a matter before the Committee, the member must not participate in any discussion or voting in relation to the matter and must not, while such discussion or voting is taking place, be present or in the room or other place at which the matter is being discussed.

3.5 No additional allowance will be paid to the elected member representative over and above the allowance already received by the elected member in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

3.6 The Independent Representatives to the Committee will be paid a sitting fee which shall be determined by the Council.

3.7 The Independent Representatives to the Committee will be aware of or receive training in the conflict of interest provisions of the Act.

4. Presiding Member

4.1 The Chief Executive Officer will appoint from amongst the independent members of the Committee a Presiding Member, to be referred to as the Chairperson, for a term of two (2) years to preside at meetings of the Committee and the Chairperson will, at the expiry of their term of office, be eligible for reappointment as Chairperson.

4.2 The Chairperson or nominee will represent the Committee as spokesperson.

4.3 Where the Chairperson is unable to attend a meeting, the remaining independent representative shall chair the meeting.

5. Quorum

The quorum for a meeting of the Committee will be five (5) members, including at least one (1) independent member, and no business can be transacted at a meeting of the Committee unless a quorum is present.

6. Meetings

6.1 Meetings of the Committee will be conducted in accordance with the Act, Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee.

6.2 Insofar as the Act, the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.

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- 6.3 In accordance with, and subject to, the Act and the *Local Government (Procedures at Meetings) Regulations 2013* all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.
- 6.4 The Committee shall, at its first meeting after being established and at its first meeting after the conclusion of a general election of the Council, determine the place, date and time meetings of the Committee will be held provided that:
- 6.4.1 The Committee will meet on such dates and at times as it determines provided that at least two (2) meetings are held per calendar year.
- 6.5 All decisions of the Committee shall be made on the basis of a majority decision of the Members present and in the event of a tied vote the matter be referred to the Council for decision.
- 6.6 The Committee shall act at all times in strict accordance with relevant legislation (being the Act and associated Regulations) and with written policies and guidelines of the Council which are relevant to the Panel in the performance of its functions.
- 6.7 The Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council.

7. Reporting Responsibilities

- 7.1 Minutes of a meeting of the Committee will be provided to all Committee members as soon as practicable after the meeting and, in accordance with the Act, to all Council members within five (5) days after the meeting. Minutes shall be presented to Council at the next Ordinary Council Meeting.
- 7.2 Agendas and Reports of the Committee forwarded to the Committee will also be forwarded to Council members for their information prior to the Committee meeting, having regard for any confidentiality provisions that may apply.
- 7.3 Where the Committee makes a recommendation to Council on a matter within the scope of these terms of reference, the matter will be listed either as part of a summary report with attachments (if necessary) or as a separate agenda item for Council's consideration.
- 7.4 The Committee shall report to Council on an as-needs basis or upon Council's request with a summary of its activities.

8. Review

These terms of reference will be subject to review by the Council on a two (2) Year basis, or as determined by Council.

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14.13 SECTION 43 SUBSIDIARIES - GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY AND LEGATUS GROUP**Record Number:** D22/50979**Author:** General Manager - Governance and Executive Office**Authoriser:** Chief Executive Officer**Attachments:**
1. Gawler River Floodplain Management Authority - Charter
2. Legatus Group - Charter**EXECUTIVE SUMMARY**

- Council is currently a constituent council of two (2) section 43 subsidiaries – the Gawler River Floodplain Management Authority (the GRFMA) and the Legatus Group.
- The purpose of this report is to provide Council with an overview of the purpose, role and responsibilities associated with the GRFMA and the Legatus Group, and for Council to consider the necessary appointments to the respective Boards of each subsidiary.

RECOMMENDATION 1

“that Council, having considered Item 14.13 – Section 43 Subsidiaries - Gawler River Floodplain Management Authority and Legatus Group, dated 28 November 2022, receives and notes the report.”

RECOMMENDATION 2 – GRFMA BOARD MEMBERS

“that Council, having considered Item 14.13 – *Section 43 Subsidiaries - Gawler River Floodplain Management Authority and Legatus Group*, dated 28 November 2022, and in keeping with the Charter of the Gawler River Floodplain Management Authority:-

- 1. Acknowledges that the Council’s Chief Executive Officer is a GRFMA Board Member in accordance with clause 4.2.1.1 of the Charter; and**
- 2. Appoints [REDACTED] as the GRFMA Board Member representing the elected body of Adelaide Plains Council in accordance with clause 4.2.1.2 of the Charter.”**

RECOMMENDATION 3 – GRFMA DEPUTY BOARD MEMBERS

“that Council, having considered Item 14.13 – *Section 43 Subsidiaries - Gawler River Floodplain Management Authority and Legatus Group*, dated 28 November 2022, and in keeping with the Charter of the Gawler River Floodplain Management Authority:-

- 1. Acknowledges the existing appointment of Ms Sheree Schenk (Council’s General Manager, Governance and Executive Office) as the GRFMA Deputy Board Member for the CEO in accordance with clause 4.3.1.1 of the Charter; and**
- 2. Appoints [REDACTED] as the GRFMA Deputy Board Member representing the elected body of Adelaide Plains Council in accordance with clause 4.3.1.2 of the Charter.”**

RECOMMENDATION 4 – LEGATUS GROUP BOARD MEMBER

“that Council, having considered Item 14.13 – *Section 43 Subsidiaries - Gawler River Floodplain Management Authority and Legatus Group*, dated 28 November 2022, acknowledges that, in accordance with clause 3.2 of the Legatus Group Charter, Mayor Mark Wasley (being the principal member of Adelaide Plains Council) is the Legatus Group Board Member for Adelaide Plains Council.”

BUDGET IMPACT

Estimated Cost:	Not applicable
Future ongoing operating costs:	Not applicable
Is this Budgeted?	Not applicable

RISK ASSESSMENT

It is timely, and necessary, for Council to consider the purpose, role and responsibilities associated with the Section 43 Subsidiaries of which it is a constituent council, and to consider the required appointments to the respective Boards of each subsidiary.

DETAILED REPORT

Purpose

The purpose of this report is to provide Council with an overview of the purpose, role and responsibilities associated with the Gawler River Floodplain Management Authority (the GRFMA) and the Legatus Group (formerly the Central Local Government Region of South Australia), and for Council to consider the necessary appointments to the respective Boards of each subsidiary.

Background

Council is currently a constituent council of two (2) section 43 subsidiaries – the GRFMA and the Legatus Group. Below is a summary of each subsidiary.

Discussion

Gawler River Floodplain Management Authority

Establishment

The GRFMA is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council and the City of Playford (the Constituent Councils) pursuant to section 43 and Schedule 2 of the *Local Government Act 1999* (the Act).

The affairs of the GRFMA are governed by a Charter (the GRFMA Charter), which is presented as **Attachment 1** to this report. For members' information, the GRFMA Charter is currently under review by the GRFMA Board.

Purpose

Clause 3 of the GRFMA Charter provides as follows:-

3. PURPOSE AND FUNCTIONS

3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:

3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;

3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;

3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation;

3.1.4 to facilitate sustainable outcomes to ensure a proper balance between

economic, social, environmental and cultural consideration; and

3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.

Board Membership

The GRFMA is governed by a Board (the GRFMA Board).

Clause 4 of the GRFMA Charter provides as follows:

4. THE BOARD OF MANAGEMENT

...

4.2 Board Members

4.2.1 The Board will consist of 13 Board Members comprising:

4.2.1.1 the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and

4.2.1.2 one member of each Constituent Council appointed by each Constituent Council;

.....

4.3 Deputy Board Member

4.3.1 Each Constituent Council must appoint:

4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in Clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and

4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to Clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member

For the 2018-2022 Council term, Adelaide Plains Council representatives on the GRFMA Board comprised as follows:-

- Chief Executive Officer, Mr James Miller – Board Member
- Councillor Terry-Anne Keen – Board Member
- Ms Sheree Schenk (General Manager – Governance and Executive Office) – Deputy Board Member (for the CEO)
- Councillor John Lush – Deputy Board Member

In keeping with the GRFMA Charter, the Chief Executive Officer will carry on in his capacity as a GRFMA Board Member. In line with previous Council resolution, Ms Schenk will continue to be the Deputy Board Member for the CEO.

It is for Council to determine which Elected Members it wishes to appoint as GRFMA Board and Deputy Board Member.

Legatus Group

Establishment

The Legatus Group is established under section 43 of the Act.

The Constituent Councils are The Barossa Council, District Council of Barunga West, Clare and Gilbert Valley Council, Copper Coast Council, The Flinders Ranges Council; Regional Council of Goyder, Light Regional Council, Adelaide Plains Council, District Council of Mount Remarkable, Northern Areas Council, District Council of Orreroo/Carrieton, District Council of Peterborough, Port Pirie Regional Council, Wakefield Regional Council and Yorke Peninsula Council.

The Legatus Group must conduct its affairs in accordance with the Act, except as modified by the Charter (the Legatus Charter) as permitted by the Act. The Legatus Charter is presented as **Attachment 2** to this report.

Purpose

Part 1.6 of the Charter provides as follows:-

1.6 Objects and Purpose for which the Legatus Group is Established

The Legatus Group is established to:

1.6.1 undertake co-ordinating, advocacy and representational roles on behalf of the Constituent Councils at a regional level;

1.6.2 facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;

1.6.3 develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;

1.6.4 develop further co-operation between the Constituent Councils for the benefit of the communities of the Region;

1.6.5 develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;

1.6.6 undertake projects and activities that benefit the Region and its communities;

1.6.7 associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;

1.6.8 provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;

1.6.9 work together to make the best use of available resources

1.6.10 collaborate to deliver effective services;

1.6.11 build partnerships with those who can contribute to stronger and more sustainable communities;

1.6.12 develop and implement a robust Business Plan consistent with the Region Plan.

Membership

The Legatus Group is governed by a board (the Legatus Board). The Legatus Board is responsible for the administration of the affairs of the Legatus Group, ensuring that the Legatus Group acts in accordance with the Legatus Charter and all relevant legislation.

Part 3.2 of the Legatus Charter provides that the Legatus Board shall consist of all of the principal members of the Constituent Councils. Each Legatus Board member shall be entitled to exercise one (1) vote on any matter arising for decision.

In keeping with the Legatus Charter, Mayor Mark Wasley will represent Adelaide Plains Council as a Legatus Board Member.

Conclusion

In keeping with the GRFMA Charter, it is for Council to determine its Board and Deputy Board Member appointments. Council Members will be furnished with a further and more detailed report in relation to the GRFMA, to a future meeting, in accordance with recent Council resolution (2022/326).

In accordance with the Legatus Group Charter, Mayor Mark Wasley will represent Adelaide Plains Council as a Legatus Board Member.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY**CHARTER****28/1/2020****1. INTRODUCTION****1.1 Name**

The name of the subsidiary is the Gawler River Floodplain Management Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

'AASB124' means Australian Accounting Standards Board's Accounting Standard AASB124 Related Party Disclosure;

'Act' means the Local Government Act 1999 and includes all regulations made thereunder;

'Annual Business Plan' means the business plan adopted by the Authority pursuant to Clause 12.2;

'Asset Management Plan' means the asset management plan adopted by the Authority and approved by the Constituent Councils in accordance with Clause 13.3;

'Board' means the Board of the Authority set out at Clause 4;

'Board Member' means a member of the Board appointed pursuant to Clause 4.2;

'Budget' means the annual budget adopted by the Authority pursuant to Clause 12.1;

'Chairperson' means the member of the Board appointed pursuant to Clause 4.4;

'Constituent Councils' means those councils identified at Clause 2.2.

'Council' means a council constituted under the Act;

'Council Member' means a member of a Council;

'Deputy Board Member' means a deputy member of the Board appointed pursuant to Clause 4.3;

'Dispute' means a difference between one or more Constituent Councils and the Authority concerning the operations or affairs of the Authority and includes where a Constituent Council fails or refuses to approve the draft asset management plan, budget, long term financial plan, or charter amendment as advised by the Authority;

'Financial Statements' has the same meaning as in the Act;

'Financial Year' means 1 July each year to 30 June in the subsequent year;

'Long Term Financial Plan' means the long term financial plan adopted by the Authority and approved by the Constituent Councils pursuant to Clause 13.1;

'Executive Officer' means the person appointed pursuant to Clause 10.1 as the Executive Officer of the Authority;

'Region' means the collective geographical areas of the Constituent Councils;

'Strategic Plan' means the strategic plan adopted by the Authority pursuant to Clause 13.2.

1.2.1 In the calculation of 'days':

1.2.1.1 the day on which the notice, document, report, etc is given will not be taken into account; and

1.2.1.2 Saturdays, Sundays and public holidays will be taken into account.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

1.3.1 the singular includes the plural and vice versa;

1.3.2 words importing a gender include other genders;

1.3.3 words importing natural persons include corporates;

1.3.4 reference to a section is to a section of the Act and includes any section that substantially replaces that section and deals with the same matter;

1.3.5 headings are for ease of reference only and do not affect the construction of this clause;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter.

1.4 **Local Government Act**

- 1.4.1 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act.
- 1.4.2 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2. **ESTABLISHMENT**

- 2.1 The Gawler River Floodplain Management Authority is established by the Constituent Councils as a regional subsidiary pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.
- 2.2 The Authority is established by the Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council and the City of Playford.
- 2.3 The Authority is subject to the joint direction of the Constituent Councils.

3. **PURPOSE AND FUNCTIONS**

- 3.1 The Authority has been established for the purpose of coordinating the planning, construction, operation and maintenance of flood mitigation infrastructure for the Gawler River, and for the following functions:
 - 3.1.1 to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
 - 3.1.2 to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flooding of the Gawler River;
 - 3.1.3 to advocate on behalf of the Constituent Councils and their communities where required to State and Federal Governments for legislative policy changes on matters related to flood mitigation and management and associated land use planning with Gawler River flood mitigation;
 - 3.1.4 to facilitate sustainable outcomes to ensure a proper balance between economic, social, environmental and cultural consideration; and
 - 3.1.5 to provide advice as appropriate to the Constituent Councils in relation to development applications relevant to the Authority's roles and functions.
- 3.2 One or more of the Constituent Councils may request the Authority to undertake a function set out in Clause 3.1 of this Charter for the Constituent Council(s), which function will be additional and separate to those undertaken by the Authority for all of the Constituent Councils.

- 3.3 Where one or more Constituent Councils makes a request provided for under Clause 3.2, the Constituent Council(s) and the Authority must enter into a written agreement which amongst other things provides for the Constituent Council(s) to pay to the Authority annual subscription amounts and/or equal percentages of classes of subscription to meet the costs of the Authority in undertaking the additional function(s) and which also provides, with the ownership and maintenance of any resultant infrastructure.
- 3.4 The Authority is not involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy.

4. THE BOARD OF MANAGEMENT

4.1 The Board

- 4.1.1 The Authority will be governed by a Board and all decisions of the Board constitute decisions of the Authority.
- 4.1.2 The Board is responsible for the administration of the affairs of the Authority. The Board must ensure insofar as it is practicable, that the Authority complies with all legislative obligations including this Charter, that information provided to the Constituent Councils is accurate and that the Constituent Councils are kept informed of the solvency of the Authority as well as any material developments which may affect the operating capacity and financial affairs of the Authority.

4.2 Board Members

- 4.2.1 The Board will consist of 13 Board Members comprising:
- 4.2.1.1 the Chief Executive Officers of each of the Constituent Councils (including any persons acting in those offices from time to time) or his or her nominee who shall be an employee of the same Constituent Council as the Chief Executive Officer nominating the employee; and
 - 4.2.1.2 one member of each Constituent Council appointed by each Constituent Council;
 - 4.2.1.3 a Chairperson appointed pursuant to Clause 4.4.
- 4.2.2 A Board Member is at the expiry of his or her term of office eligible for reappointment.
- 4.2.3 Board Members (with the exception of the Chairperson) shall not be entitled to receive a sitting fee or other fee or remuneration for undertaking their role as a Board Member.
- 4.2.4 Written confirmation from the Chief Executive Officer of a Constituent Council will be sufficient evidence of that Constituent Council's appointment or revocation of the appointment of a Board Member.

- 4.2.5 In the event the office of a Board Member becomes vacant, the Constituent Council who appointed that Board Member will appoint another elected member to fill that vacancy:
- 4.2.5.1 if the Board Member whose office has become vacant was an elected member of a Constituent Council;
- 4.2.5.2 if the Board Member whose office has become vacant was a person nominated by the Chief Executive Officer of a Constituent Council, the Chief Executive Officer of that Constituent Council will act as a Board Member or nominate a person to be a Board Member.
- 4.2.6 The Constituent Councils will endeavour as far as practicable to ensure the Board comprises a gender balance and Board Members with a range of expertise including:
- environmental management;
 - corporate financial management;
 - general management;
 - public sector governance;
 - public works engineering management.

4.3 Deputy Board Member

- 4.3.1 Each Constituent Council must appoint:
- 4.3.1.1 an employee of that Constituent Council as a deputy Board Member who may act in the place of the Board Member being the Chief Executive Officer (or his or her nominee) of that Constituent Council as provided for in Clause 4.2.1.1 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise able to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or to act as a Board Member; and
- 4.3.1.2 a member of that Constituent Council as a deputy Board Member who may act in the place of the Board Member appointed by that Constituent Council pursuant to Clause 4.2.1.2 if that Board Member is unable for whatever reason to attend a meeting of the Board or otherwise unable to act as a Board Member whilst the Board Member is unable to attend a meeting of the Board or act as a Board Member.
- 4.3.2 A deputy Board Member in attendance at a meeting of the Board may speak but is only entitled to vote on a matter to be decided by the Board if acting and in attendance at the meeting in accordance with Clauses 4.3.1.

4.4 Chairperson

4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils and who the Constituent Councils consider has expertise in one or more of the following areas:

- (a) environmental management;
- (b) corporate financial management;
- (c) general management;
- (d) public sector governance.

4.4.2 In the event the Chairperson is absent or unable for whatever reason to act as Chairperson, the Board will elect a Board Member as the Acting Chairperson for the period the Chairperson is absent or unable to act as Chairperson.

4.4.3 The Chairperson is, at the expiry of his or her term of office, eligible for reappointment.

4.4.4 The Authority may at the expiry of the Chairperson's term of office as Chairperson appoint the Chairperson for a further term of up to three years and otherwise on the same terms and conditions as the Chairperson's original appointment.

4.4.5 The Authority may pay a sitting fee to the Chairperson in such amount as determined by the Authority.

4.4.6 The Chairperson will preside at all meetings of the Board and in the event the Chairperson is absent from a meeting, the Board must select a Board Member present to preside at that meeting only.

4.4.7 In the event there is a vacancy in the office of Chairperson, the Board will elect a Board Member to act as Chairperson for the balance of the original term or the appointment of a Chairperson, whichever occurs first.

5. TERM OF OFFICE

5.1 Subject to Clause 5.2, the term and other conditions of office of a Board Member, will be as determined by the Constituent Council appointing that Board Member.

5.2 The Constituent Councils will as far as practicable appoint Board Members, other than those Board Members who are the Chief Executive Officers of the Constituent Councils, following each periodic election of the Constituent Council until the next periodic election of the Constituent Council.

- 5.3 The Board may by a two-thirds majority vote of the Board Members present (excluding the member subject to this clause) make a recommendation to the Constituent Council that appointed the relevant Board Member, that the Constituent Council terminate the appointment of that Board Member in the event of:
- 5.3.1 any behaviour of the Board Member which in the opinion of the Authority amounts to impropriety;
 - 5.3.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
 - 5.3.3 breach of fiduciary duty to the Authority;
 - 5.3.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;
 - 5.3.5 breach of the conflict of interest requirements applying to the Board Member; or
 - 5.3.6 any other behaviour which may discredit the Authority or a Constituent Council.
- 5.4 The Authority may by a two-thirds majority vote of the Board Members present at a Board meeting (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:
- 5.4.1 any behaviour of the Chairperson which in the opinion of the Authority amounts to impropriety;
 - 5.4.2 serious neglect of duty in attending to the responsibilities of a Board Member and/or Chairperson of the Board;
 - 5.4.3 breach of fiduciary duty to the Authority;
 - 5.4.4 breach of the duty of confidentiality to the Authority or the Constituent Councils;
 - 5.4.5 breach of the conflict of interest requirements applying to a Board Member; or
 - 5.4.6 any other behaviour which may discredit the Authority or a Constituent Council.
- 5.5 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint a Board Member to fill the vacancy.
- 5.6 A Board Member will cease to hold office and his or her office will become vacant:

- 5.6.1 if any of the grounds or circumstances in the Act as to when a Board Member's office becomes vacant arises;
- 5.6.2 if he or she is convicted of an indictable offence punishable by imprisonment;
- 5.6.3 if the Constituent Council which appointed the Board Member ceases to be a Constituent Council;
- 5.6.4 in relation to a Board Member who is the Chief Executive Officer (or his or her nominee) of a Constituent Council, if the Board Member ceases to be an employee of the Constituent Council that he or she was an employee of at the time he or she was appointed or the Constituent Council by which the Chief Executive Officer or his or her nominee is employed ceases to be a Constituent Council;
- 5.6.5 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member; or
- 5.6.6 if a Constituent Council revokes the appointment of a Board Member appointed by that Constituent Council.

6. ROLE, FUNCTIONS AND PROCEEDINGS OF THE BOARD

6.1 Role of the Board

The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

6.2 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

- 6.2.1 the formulation of Strategic and Business Plans in accordance with Clause 13;
- 6.2.2 providing professional input and policy direction to the Authority;
- 6.2.3 ensuring strong accountability and stewardship of the Authority;
- 6.2.4 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- 6.2.5 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;
- 6.2.6 developing and adopting such policies and procedures as give effect to good governance and administrative practices;

6.2.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and

6.2.8 avoiding investments that are speculative or hazardous by nature.

6.3 Proceedings of the Board

6.3.1 All meetings of the Authority shall be meetings of the Board.

6.3.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every two months.

6.3.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.

6.3.4 For the purpose of this Clause 6.3, the contemporary linking together by telephone, audio-visual or other instantaneous means (telecommunications meeting) of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.

6.3.5 A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Authority where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be deemed a resolution of the Board and will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.

6.3.6 Subject to Clause 6.3.7, meetings of the Board will be open to the public and Chapter 6 Part 3 extends to the Authority as if it were a Council and the Board Members were members of the Council.

6.3.7 Any Constituent Council, the Chairperson or three Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.

- 6.3.8 On receipt of a written request pursuant to Clause 6.3.7, the Executive Officer must give notice to all Board Members at least four hours prior to the commencement of the special meeting.
- 6.3.9 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.
- 6.3.10 The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.
- 6.3.11 The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three years.
- 6.3.12 In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

7. PROPRIETY OF MEMBERS OF THE BOARD

- 7.1 Subject to Clauses 20(6) and 20(7) of Schedule 2 to the Act, the provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a Council and the Authority was a Council.
- 7.2 Board Members must comply with Division 2, Chapter 5 (Register of Interests) of the Act and to use all reasonable efforts to assist the Authority to comply with any obligations including regarding related party disclosures as set out in AASB124.
- 7.3 Board Members must act in accordance with their duties of confidence and other legal and fiduciary duties including honesty and the exercise of reasonable care and diligence to the Authority as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
- 7.4 Subject to the express provisions of Schedule 2 to the Act and this Charter, all provisions governing the propriety and duties of members of a Council and public officers under the Act and other South Australian legislation apply to Board Members.

8. POWERS

- 8.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.
- 8.2 The Authority has subject, where relevant to Clauses 8.3, 8.4 and 8.5:
 - 8.2.1 the power to acquire, deal with and dispose of real and personal property and rights in relation to real and personal property;

- 8.2.2 the power to compulsorily acquire land in accordance with the Land Acquisition Act 1969, provided that such acquisition is for the purposes of flood mitigation;
 - 8.2.3 the power to sue and be sued in its corporate name;
 - 8.2.4 the power to enter into any kind of contract or arrangement;
 - 8.2.5 the power to return surplus revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;
 - 8.2.6 the power to set aside surplus revenue for future capital expenditure;
 - 8.2.7 the power to invest funds and in doing so to take into account Part 4 of Chapter 9 of the Act;
 - 8.2.8 the power to establish committees, in accordance with Clause 9;
 - 8.2.9 the power to delegate any function or duty except for the power to compulsorily acquire land as set out in Clause 8.2.2 and any of the powers set out in section 44 of the Act, (where such powers are applicable to the Authority); and
 - 8.2.10 the power to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties.
- 8.3 The Authority has the power to incur expenditure as follows:
- 8.3.1 in accordance with a budget adopted by the Authority under Clause 12.1; or
 - 8.3.2 with the prior approval of the Constituent Councils; or
 - 8.3.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.
- 8.4 Subject to Clause 8.5, the Authority has the power to borrow money as follows:
- 8.4.1 in accordance with a budget adopted by the Authority under Clause 12; or
 - 8.4.2 with the prior approval of the Constituent Councils.
- 8.5 Unless otherwise approved by the Constituent Councils, any and all borrowings (except overdraft facilities) taken out by the Authority:
- 8.5.1 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and

8.5.2 the Authority shall not act outside of the areas of the Constituent Councils without their prior approval and that approval shall only be granted upon the basis that the Constituent Councils consider it necessary or expedient for the performance of their or the Authority's functions.

8.6 The Authority will have a common seal which may be affixed to documents requiring execution under common seal and must be witnessed by the Chairperson and one other Board Member.

8.7 The common seal must not be affixed to a document except to give effect to a resolution of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with particulars of the persons who witnessed the fixing of the seal and the date.

8.8 The Board may by instrument under the seal authorise a person to execute documents on behalf of the Authority. The Executive Officer will maintain a register of such resolutions and details of any documents executed in this way, together with particulars of the person executing the document.

9. ESTABLISHMENT OF COMMITTEES

9.1 The Authority may establish committees.

9.2 A member of a committee holds office at the pleasure of the Board.

9.3 Without limiting the Board's power to establish additional committees, the following committee is established:

9.3.1 Audit Committee.

9.4 Audit Committee

9.4.1 The Audit Committee shall be composed of no more than three members of whom at least one shall be a person who is not a member of the Board ('Independent Member').

9.4.2 Members of the Audit Committee will be appointed by the Board biennially and at the expiry of a term of appointment are eligible for reappointment.

9.4.3 The Independent Member (or one of the Independent Members if there is more than one) shall be appointed by the Authority as the Chair of the Audit Committee. The Chair of the Audit Committee shall be paid such honorarium as the Authority determines.

9.4.4 Members of the Audit Committee must as far as practicable have recent and relevant financial, risk management or internal audit experience relevant to the functions of the Audit Committee as determined by the Authority.

- 9.4.5 The functions of the Audit Committee include:
- 9.4.5.1 reviewing annual Financial Statements of the Authority to ensure they provide a timely and fair view of the state of affairs of the Board; and
 - 9.4.5.2 liaising with the external auditors of the Authority; and
 - 9.4.5.3 reviewing the adequacy of the accounting, internal auditing, reporting, internal control and other financial management systems and practices of the Authority on a regular basis;
 - 9.4.5.4 Considering and advising the Authority on risk management.

10. ADMINISTRATIVE MATTERS

- 10.1 There will be an Executive Officer of the Authority appointed by the Authority on terms and conditions to be determined by the Authority.
- 10.2 The Executive Officer will be responsible to the Board:
- 10.2.1 to ensure that the policies and lawful decisions of the Authority are implemented in a timely manner;
 - 10.2.2 for the efficient and effective management of the operations and affairs of the Authority;
 - 10.2.3 to provide advice and reports to the Board on the exercise and performance of the Authority's powers and functions; and
 - 10.2.4 to give effect to the principles of human resource management generally applicable within the local government industry.
- 10.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined necessary by the Authority from time to time to ensure the efficient and effective management of the operations and affairs of the Authority.
- 10.4 The Authority may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Authority.
- 10.5 The Authority may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority and for giving effect to the general management objectives and principles of personal management prescribed by this Charter.

11. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

- 11.1 The contributions of the Constituent Councils shall be based on the percentage shares for capital works, maintenance of assets of the Authority and operational costs of the Authority in accordance with Schedule 1.

Where the capital and/or maintenance cost exceeds \$1 Million in any given year, Clause 11.7 shall apply.

- 11.2 The Authority will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required each financial year. This will be achieved via the business plan and the annual budget.
- 11.3 The Authority will determine annually the funds required by the Authority to enable it to function. The Constituent Councils shall contribute the funds requested by the Authority, in the annual budget and approved by the Constituent Councils, and any additional funds that are required for the continuing function of the Authority and approved by the Constituent Council. The Authority must provide full details regarding the need for additional funds to the Constituent Councils.
- 11.4 The annual contribution will be paid by each Constituent Council in advance by six monthly instalments.
- 11.5 Additional contributions (of any) will be paid by each Constituent Council in the manner and at the time determined by the Authority.
- 11.6 The Authority is accountable to each Constituent Council to ensure that the Authority functions in accordance with its business plan and approved budgets.
- 11.7 The Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority.
- 11.8 Where a Constituent Council or Constituent Councils enter into an agreement with the Authority under Clauses 3.2 and 3.3 of this Charter the subscriptions payable under that agreement shall be additional to the subscriptions payable under this Clause.

12. BUDGET AND ANNUAL BUSINESS PLAN**12.1 Budget**

- 12.1.1 The Authority must prepare a budget for each financial year.

- 12.1.2 The Budget must:

- 12.1.2.1 deal with each principal activity of the Authority on a separate basis;

- 12.1.2.2 be consistent with and account for activities and circumstances referred to in the Authority's Annual Business Plan;
- 12.1.2.3 be submitted in draft form to each Constituent Council before 31 March for approval;
- 12.1.2.4 not be adopted by the Authority until after 31 May but before 30 September;
- 12.1.2.5 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
- 12.1.3 The Budget may only be adopted where two thirds of the Board Members present vote in favour of the Budget.
- 12.1.4 The Authority must provide a copy of the adopted Budget to each Constituent Council within five clear days after adoption.
- 12.1.5 The Authority must reconsider its Budget in accordance with Regulation 9 of the Local Government (Financial Management) Regulations 2011.
- 12.1.6 The Authority must submit to each Constituent Council for approval, any proposed amendment to the Budget.
- 12.1.7 Where a Constituent Council has failed to approve a draft budget, or an amended budget, and has not served a notice on the Authority in accordance with Clause 21 within two months of the receipt of the draft budget, or amended budget by the Constituent Council, then the approval of the Constituent Council to the draft budget, or amended budget, will be deemed to have been given.

12.2 Annual Business Plan

- 12.2.1 The Authority shall have an Annual Business Plan in respect of the ensuing 12 months.
- 12.2.2 The Annual Business Plan must:
 - 12.2.2.1 state the services to be provided by the Authority;
 - 12.2.2.2 identify how the Authority intends to manage service delivery;
 - 12.2.2.3 identify the performance targets which the Authority is to pursue;
 - 12.2.2.4 provide a statement of financial and other resources and internal processes that will be required to achieve the performance targets and objectives of the Authority; and

- 12.2.2.5 specify the performance measures that are to be used to monitor and assess performance against targets.

13. **MANAGEMENT FRAMEWORK**

13.1 **Long Term Financial Plan**

- 13.1.1 The Authority must develop and adopt in consultation with the Constituent Councils a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Authority were a council.
- 13.1.2 The Authority must review its Long Term Financial Plan in consultation with the Constituent Councils.
- 13.1.3 The Authority may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.
- 13.1.4 In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four years.

13.2 **Strategic Plan**

- 13.2.1 The Authority must prepare and adopt in consultation with the Constituent Councils a Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.
- 13.2.2 The Authority must review its Strategic Plan in consultation with the Constituent Councils.
- 13.2.3 The Authority must undertake a comprehensive review of its Strategic Plan every four years.

13.3 **Asset Management Plan**

- 13.3.1 The Authority must prepare and adopt in consultation with the Constituent Councils an Asset Management Plan in a form and including such matters which, as relevant, is consistent with Section 122 of the Act as if the Authority were a council.
- 13.3.2 The Authority must review its Asset Management Plan in consultation with the Constituent Councils.
- 13.3.3 The Authority may at any time review its Asset Management Plan but must undertake a review of the Asset Management Plan as soon as

practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

- 13.3.4 In any event, the Authority must undertake a comprehensive review of its Asset Management Plan every four years.

14. ACCOUNTING

- 14.1 The Authority must ensure that its accounting records, accounts and financial statements are prepared and maintained in accordance with all relevant Australian Accounting Standards and legislation including the Local Government (Financial Management) Regulations 2011.

15. AUDIT

- 15.1 The Authority must appoint an auditor.
- 15.2 The Audit Committee must approve the audit strategy submitted by the external auditor before submission to the Board.
- 15.3 The Authority must provide its audited financial statements to the Chief Executive Officer of each Constituent Council by 30 September.

16. FINANCE

- 16.1 The Authority may establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.
- 16.2 All cheques to be authorised must be signed by two Board Members or one Board Member and the Executive Officer.
- 16.3 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the auditor and been adopted by the Authority.
- 16.4 The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Authority and if requested, the Constituent Councils.
- 16.5 The Authority will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Authority must maintain a record to be known as the 'Schedule of Constituent Councils' Interests in Net Assets'.
- 16.6 The Schedule of Constituent Councils Interests in Net Assets will reflect the proportionate contribution each Constituent Council has made to capital, operations and maintenance costs incurred by the Authority having regard to the proportionate contribution by way of subscriptions for each function undertaken by the Authority. The Schedule when updated by the Authority at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the establishment of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.

16.7 Where there is any dispute as to the Schedule, Clause 21 shall apply.

17. REPORTS AND INFORMATION

17.1 The Authority must submit an annual report on its work and operations including its audited financial statements, to each Constituent Council before 30 September.

17.2 The Authority shall report at any other time at the written request of a Constituent Council on matters being undertaken by the Authority. Any such report shall be provided to all Constituent Councils.

18. ALTERATION TO THE CHARTER

18.1 This charter may be amended by unanimous resolution of the Constituent Councils.

18.2 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Authority.

19. WITHDRAWAL OF A CONSTITUENT COUNCIL

19.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.

19.2 In any event a withdrawal will not become effective until 30 June following the expiry of the six months notice as required by Clause 19.1 in the preceding sub-clause. Until a withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions whilst still a Constituent Council and will continue to be responsible for ensuring the proper conduct of the affairs of the Authority.

19.3 A withdrawing Constituent Council is not entitled to any refunds of any contributions made.

20. ADDITION OF NEW MEMBER

20.1 The Authority may consider the addition of a Council as a Constituent Council.

20.2 The Constituent Councils must resolve unanimously to approve the addition of a Council as a Constituent Council.

20.3 The Charter shall be amended in accordance with the provisions of this Charter to provide for a Council becoming a Constituent Council.

21. DISPUTES

21.1 In the event of any dispute or difference between the Constituent Councils or between one or more Constituent Councils and the Authority concerning this Charter or the Authority (**the Dispute**), a party may initiate the dispute process set out in this clause by serving a notice of dispute on all other Constituent

Councils with a contemporaneous copy being served on the Authority. The parties:

- 21.1.1 will attempt to settle the dispute or difference by negotiating in good faith;
- 21.1.2 if good faith negotiations do not settle the dispute within one month of the Dispute arising or such longer time as the parties to the Dispute may agree, then the Dispute shall be referred to an expert for determination. The expert shall be a person with the skills and expertise necessary to resolve the dispute and shall be nominated by the President of the Local Government Association of South Australia. The expert's determination shall be final and binding on the Constituent Councils. The costs of the expert will be apportioned and payable in accordance with the expert's determination;
- 21.1.3 if the Dispute is unable to be resolved by the expert within six months then any Constituent Council may request the Minister wind up the Authority; and
- 21.1.4 notwithstanding the existence of a Dispute, the Constituent Councils will continue to meet their obligations to the Authority.

22. LIMIT OF LIABILITY

- 22.1 Except insofar as Clause 3.2 applies the liability of a Constituent Council to the Authority is limited to those functions undertaken by the Authority and to which the Constituent Council has made a financial contribution. The liability of a Constituent Council is proportional to the interest of that Council in the net assets of the Authority as determined under Clause 16 of this Charter.
- 22.2 The liability of a Constituent Council to the Authority for any function undertaken by the Authority under Clause 3.2 is limited to the requesting Constituent Council or Constituent Councils and as reflected in the agreement entered into with the Authority for those purposes.

23. DISSOLUTION OF THE AUTHORITY

- 23.1 The Authority may be dissolved by the Minister in the circumstances envisaged by Clause 33, Part 2 of Schedule 2 of the Act.
- 23.2 In the event of there being net assets upon the dissolution and after realisation of all assets and meeting all liabilities, the net assets will be distributed to the then Constituent Councils on the basis of their current interest in the net assets of the Authority as determined by Clause 16.
- 23.3 In the event of there being an insolvency of the Authority at the time of dissolution, the then Constituent Councils will be responsible jointly and severally to pay the liabilities of the Authority and between themselves in the proportion of their interest in the net assets last determined under Clause 16.

24. NON-DEROGATION AND DIRECTION BY CONSTITUENT COUNCILS

- 24.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 24.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority.
- 24.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils, that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.
- 24.4 Unless otherwise stated in this Charter, where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both the Constituent Councils expressed in the same or similar terms.
- 24.5 For the purpose of this Clause 24, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

SCHEDULE 1 – FINANCIAL CONTRIBUTIONS

Constituent Council	Capital Works Percentage Share %	Maintenance of Assets Percentage Share %	Operational Costs Percentage Share %
Adelaide Hills Council	1.73	1.73	16.66
Adelaide Plains Council	28.91	28.91	16.66
The Barossa Council	8.67	8.67	16.66
Town of Gawler	17.34	17.34	16.66
Light Regional Council	8.67	8.67	16.66
City of Playford	34.68	34.68	16.66
Total	100%	100%	100%

Capital Works are defined as building and engineering works that create an asset and the renewal of existing assets that has reached the end of its useful life.

Maintenance is defined as recurrent expenditure to ensure that existing assets function as designed and are kept in good condition.

Operational Costs are defined as recurrent expenditure incurred to ensure that the Authority can conduct day to day functions. Depreciation falls within the scope of the Authority's operational costs.

**CENTRAL LOCAL GOVERNMENT REGION OF SOUTH AUSTRALIA
(REFERRED TO AS LEGATUS GROUP)**

LOCAL GOVERNMENT ACT 1999

CHARTER

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Central Local Government Region of South Australia (referred to as 'Legatus Group' in this Charter).

1.2 Definitions

'the Act' means the Local Government Act 1999 and includes all regulations made thereunder;

'Annual General Meeting' means the annual general meeting of the Legatus Group held in accordance with Clause 3.7;

'the Board' means the Board of Management of the Legatus Group set out at Clause 3;

'Board Member' means a member of the Board;

'Budget' means the annual budget adopted by the Legatus Group pursuant to Clause 5.1;

'Annual Business Plan' means the business plan adopted by the Legatus Group pursuant to Clause 6.2;

'Chairperson' means the member of the Board appointed pursuant to Clause 3.5;

'Chief Executive Officer' means the person appointed pursuant to Clause 4 as the Chief Executive Officer of the Legatus Group;

'Constituent Councils' means those councils identified at Clause 1.4;

'Council' means a council constituted under the Act;

'Financial Statements' has the same meaning as in the Act;

'Financial Year' means 1 July in each year to 30 June in the subsequent year;

'Long Term Financial Plan' means the long term financial plan prepared by the Legatus Group and approved by the Constituent Councils pursuant to Clause 5.3;

Update version as of 9 September 2022

'Principal Member' means the Mayor / Chair of the Constituent Councils and notes that if the Principal Member is on leave from the Constituent Councils, then the Deputy Mayor / Chair becomes the Principal Member.

'Region' means the collective geographical areas of the Constituent Councils;

'Regional Management Group' means the group established pursuant to Clause 7.11;

'Strategic Plan' means the strategic plan adopted by the Legatus Group pursuant to Clause 6.1.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

- 1.3.1 headings do not affect interpretation;
- 1.3.2 singular includes plural and plural includes singular;
- 1.3.3 words of one gender include any gender;
- 1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;
- 1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and
- 1.3.8 a reference to a 'Clause' means a clause of this Charter.

1.4 Establishment

Legatus Group is established under the Act.

The Constituent Councils are:

- 1.4.1 The Barossa Council;
- 1.4.2 District Council of Barunga West;
- 1.4.3 Clare and Gilbert Valleys Council;
- 1.4.4 Copper Coast Council;
- 1.4.5 The Flinders Ranges Council;
- 1.4.6 Regional Council of Goyder;
- 1.4.7 Light Regional Council;

As of 9 September 2022

- 1.4.8 Adelaide Plains Council;
- 1.4.9 District Council of Mount Remarkable;
- 1.4.10 Northern Areas Council;
- 1.4.11 District Council of Orroroo/Carrieton;
- 1.4.12 District Council of Peterborough;
- 1.4.13 Port Pirie Regional Council;
- 1.4.14 Wakefield Regional Council; and
- 1.4.15 Yorke Peninsula Council

1.5 Local Government Act 1999

This Charter must be read in conjunction with the Act. The Legatus Group must conduct its affairs in accordance with the Act except as modified by this Charter as permitted by the Act.

1.6 Objects and Purpose for which the Legatus Group is Established

The Legatus Group is established to:

- 1.6.1 undertake co-ordinating, advocacy and representational roles on behalf of the Constituent Councils at a regional level;
- 1.6.2 facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the Constituent Councils;
- 1.6.3 develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;
- 1.6.4 develop further co-operation between the Constituent Councils for the benefit of the communities of the Region;
- 1.6.5 develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the Region;
- 1.6.6 undertake projects and activities that benefit the Region and its communities;
- 1.6.7 associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;
- 1.6.8 provide strong advocacy speaking with one voice on what matters most to the communities of the Constituent Councils;

As of 9 September 2022

- 1.6.9 work together to make the best use of available resources
- 1.6.10 collaborate to deliver effective services;
- 1.6.11 build partnerships with those who can contribute to stronger and more sustainable communities;
- 1.6.12 develop and implement a robust Business Plan consistent with the Region Plan.

2. **POWERS AND FUNCTIONS OF THE LEGATUS GROUP**

The powers, functions and duties of the Legatus Group are to be exercised in the performance of the Legatus Group's objects and purposes, comprise:

2.1 **Functions and Powers**

In addition to those specified in the Act, the functions and powers of the Legatus Group are:

- 2.1.1 subject to Clause 2.4 becoming a member of or co-operating or contracting with any other association or organisation;
- 2.1.2 subject to Clause 2.4 entering into contracts or arrangements with any Government agency or authority;
- 2.1.3 subject to Clause 2.4 appointing, employing, remunerating, removing or suspending the Chief Executive Officer;
- 2.1.4 subject to Clause 2.4 entering into contracts with any person for the acquisition and/or supply of goods and services;
- 2.1.5 raising revenue through subscriptions and levies from Constituent Councils, by arrangements with sponsor organisations, by arrangement or contract with any other person and by any other means not inconsistent with the objects and purposes of the Legatus Group;
- 2.1.6 printing and publishing any newspapers, periodicals, books, leaflets, or other like writing;
- 2.1.7 appointing persons or committees to oversee the management of the Legatus Group, to steer projects or to pursue geographic or functional interests of Constituent Councils or specific groups of Constituent Councils;
- 2.1.8 with the prior approval of the Board undertake its functions and exercise its power outside the areas of the Constituent Councils, including by providing services ancillary to the purposes of the Legatus Group;

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- 2.1.8.1 To the extent considered necessary or expedient to the performance of its functions by the Board; or
- 2.1.8.2 To provide services to an unincorporated area of the state;
- 2.1.9 subject to Clause 2.4 employing, engaging or retaining professional advisors to the Legatus Group;
- 2.1.10 subject to Clause 2.4 instituting, initiating and carrying on legal proceedings;
- 2.1.11 making submissions for and accepting grants, subsidies and contributions to further its objects and purposes;
- 2.1.12 subject to Clause 2.4 acquiring, holding, dealing with and disposing of any personal property;
- 2.1.13 with the prior approval of the Constituent Councils purchasing, selling or otherwise acquiring, disposing of or encumbering any real property or interests therein;
- 2.1.14 opening and operating bank accounts;
- 2.1.15 accumulating surplus funds for investment purposes;
- 2.1.16 investing any of the funds of the Legatus Group in any investment provided that:
 - 2.1.16.1 in exercising this power of investment, the Legatus Group must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 2.1.16.2 the Legatus Group must avoid investments that are speculative or hazardous in nature;
- 2.1.17 borrowing money and incurring expenditure in accordance with Clause 2.4;
- 2.1.18 giving security for the discharge of liabilities; and
- 2.1.19 doing all other things that are incidental or conducive to the attainment of the objects and purposes of the Legatus Group.

2.2 Duties

The Legatus Group has the following duties:

- 2.2.1 to exercise the functions and powers of the Legatus Group only in the performance and furtherance of the Legatus Group's objects and purposes;
- 2.2.2 to comply with this Charter, the Act, all other applicable law and any lawful direction of the Constituent Councils.

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2.3 Other Powers, Functions and Duties

Legatus Group may exercise such other functions, powers and duties as are delegated to the Legatus Group or authorised by the Constituent Councils from time to time.

2.4 Borrowings and Expenditure

2.4.1 The Legatus Group has the power to incur expenditure as follows:

- 2.4.1.1 in accordance with a budget adopted by the Legatus Group and approved by the Constituent Councils as required by the Act or this Charter; or
- 2.4.1.2 with the prior approval of the Constituent Councils; or
- 2.4.1.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Legatus Group for a purpose of genuine emergency or hardship.

2.4.2 Subject to Clause 2.2 the Legatus Group has the power to borrow money as follows:

- 2.4.2.1 in accordance with a budget adopted by the Legatus Group as required by the Act or this Charter;
- 2.4.2.2 in respect of an overdraft facility or facilities up to a maximum amount of \$100,000;
- 2.4.2.3 with the prior approval of the Constituent Councils.

2.5 Property

2.5.1 All property held by the Legatus Group is held by it on behalf of the Constituent Councils.

2.5.2 No person may sell, encumber or otherwise deal with any property of the Legatus Group without the prior approval of the Constituent Councils and the approval of the Legatus Group by resolution of the Board.

2.6 Delegation by the Legatus Group

2.6.1 The Legatus Group may in accordance with this Charter and the Act by resolution delegate to a committee of the Legatus Group, an employee of the Legatus Group, a Constituent Council or to a person for the time being occupying a particular office or position of the Legatus Group any of its powers and functions under this Charter or the Act but may not delegate:

- 2.6.1.1 the power to impose charges;
- 2.6.1.2 the power to borrow money or obtain any other form of financial accommodation not contained in a Budget adopted by the Legatus Group;

- 2.6.1.3 the power to approve expenditure of money on the works, services or operations of the Legatus Group not contained in a Budget adopted by the Legatus Group and approved by the Constituent Councils;
- 2.6.1.4 the power to approve the reimbursement of expenses or payment of allowances to Board Members;
- 2.6.1.5 the power to adopt or revise a Budget, Business Plan, Strategic Plan or Long Term Financial Plan of the Legatus Group;
- 2.6.1.6 the power to adopt or revise financial estimates and reports.
- 2.6.2 A delegation is revocable at will and does not prevent the Legatus Group from acting in a matter.
- 2.6.3 Where a power or function is delegated to an employee, or a person occupying a particular office or position, that employee or person is responsible to the Chief Executive Officer for the efficient and effective exercise or performance of that power or function.

3. **BOARD OF MANAGEMENT**

3.1 **Structure**

- 3.1.1 The Legatus Group is a body corporate and is governed by the Act and this Charter.
- 3.1.2 The Board is the Legatus Group's governing body and has the responsibility for the administration of the affairs of the Legatus Group ensuring that the Legatus Group acts in accordance with this Charter and all relevant legislation including the Act.

3.2 **Membership of the Board**

- 3.2.1 The Board shall consist of all of the principal members of the Constituent Councils and for the Annual General Meeting if the Principal Member of the Constituent Council is unable to attend then the membership can include their Councils nominated proxy.
- 3.2.2 Each Board Member shall be entitled to exercise one vote on any matter arising and if the regular principal member of the board is on leave, then the Constituent Council must advise the Legatus Group on who their principal member is on the day of any given meeting.

3.3 **Functions of the Board**

- 3.3.1 In addition to the functions of the Board set out in the Act, the functions of the Board include:
 - 3.3.1.1 the formulation of strategic plans and strategies aimed at achieving the objects and purposes of the Legatus Group;

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- 3.3.1.2 providing effective governance and developing such policies and procedures as give effect to good governance and administrative practices;
- 3.3.1.3 to providing input and policy direction to the Legatus Group;
- 3.3.1.4 monitoring, overseeing and evaluating the performance of the Chief Executive Officer of the Legatus Group;
- 3.3.1.5 ensuring that ethical behaviour and integrity is established and maintained by the Legatus Group, the Board and Board Members in all activities undertaken by the Legatus Group;
- 3.3.1.6 ensuring that the activities of the Legatus Group are undertaken in an open and transparent manner;
- 3.3.1.7 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

3.4 Propriety of Members of the Board

- 3.4.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a council.
- 3.4.2 The Board Members are required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 3.4.3 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.

3.5 Chair of the Board

- 3.5.1 A Chair and two Deputy Chairs shall be elected at Annual General Meetings by and from the Board Members.
- 3.5.2 The Chair and Deputy Chairs shall hold office from the Annual General Meeting at which they are elected for a period of two years.
- 3.5.3 Nominations from Constituent Councils for the positions of Chair and Deputy Chairs must be in writing and must reach the Chief Executive Officer no later than one week prior to the date of the relevant Annual General Meeting that these positions become vacant.
- 3.5.4 If the Chair resigns as Chair, is removed from office as Chair, refuses or is unable to act as Chairperson or is no longer a Board Member, either one of the Deputy Chairs may act as Chair until the election of a new Chair at the next Annual General Meeting.

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- 3.5.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, one of the Deputy Chairs chosen by those Board Members present shall preside and in the event of the Chair and both Deputy Chairs being absent from a meeting, the Board Members present shall appoint a Board Member from amongst them, who shall preside for that meeting or until the Chair or a Deputy Chair is present.

3.6 Proceedings of the Board

Board Meetings

- 3.6.1 Ordinary meeting of the Board must take place at such times and places as may be fixed by the Legatus Group Board.
- 3.6.2 An ordinary meeting of the Board will constitute an ordinary meeting of the Legatus Group. The Board shall administer the business of the Legatus Group at the ordinary meeting.
- 3.6.3 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 3.6.4 Meetings of the Board will be open to the public and Chapter 6 Part 3 of the Act extends to the Legatus Group as if the Legatus Group were a council and the Board Members were members of the council.

Notice of Meetings

- 3.6.5 Notice of an ordinary meeting of the Board and an Annual General Meeting must be given by the Chief Executive Officer to each Board Member and Chief Executive Officer of the Constituent Councils at least five (5) clear days prior to the holding of the meeting.
- 3.6.6 The Chief Executive Officer must, in relation to a notice of a meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Legatus Group, provide the notice to all Board Members and the Chief Executive Officers of the Constituent Councils at least four (4) months before the date of the meeting.
- 3.6.7 Notice of a meeting of the Board must:
- 3.6.7.1 be in writing; and

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- 3.6.7.2 set out the date, time and place of the meeting; and
- 3.6.7.3 be signed by the Chief Executive Officer; and
- 3.6.7.4 contain, or be accompanied by, the agenda for the meeting.
- 3.6.8 Any Constituent Council, the Chair or three (3) Board Members may by delivering a written request to the Chief Executive Officer require a special meeting of the Board to be held. The request to the Chief Executive Officer requiring a special meeting to be held must be accompanied by the agenda for the meeting and any written reports intended to be considered at the meeting and if an agenda is not provided the request is of no effect.
- 3.6.9 On receipt of the request pursuant to Clause 3.6.8 the Chief Executive Officer must send a notice of the special meeting to all Board Members and Chief Executive Officers of the Constituent Councils at least twenty four (24) hours prior to the commencement of the special meeting.
- 3.6.10 The Chief Executive Officer must, insofar as is reasonably practicable:
 - 3.6.10.1 ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and
 - 3.6.10.2 supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 3.6.11 Notice of a meeting of the Board may be given to a Board Member:
 - 3.6.11.1 personally; or
 - 3.6.11.2 by delivering the notice (whether by post, electronically or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - 3.6.11.3 by leaving the notice for the Board Member at an appropriate place at the principal office of the Constituent Council for which the Board Member is the principal member; or
 - 3.6.11.4 by a means authorised in writing by the Board Member as being an available means of giving notice.
- 3.6.12 A notice that is not given in accordance with Clause 3.6.11 is taken to have been validly given if the Chief Executive Officer considers it impracticable to give the notice in accordance with that Clause and takes action the Chief Executive Officer considers reasonably practicable in the circumstances to bring the notice to the attention of the Board Member.

- 3.6.13 The Chief Executive Officer must give notice to the public of the times and places of meetings of the Board at least five (5) clear days prior to the holding of the meeting by causing a copy of the notice and agenda for the meeting to be placed on the website of the Constituent Councils and the Legatus Group.
- 3.6.14 Subject to Clause 3.6.16, the Chief Executive Officer must also ensure that a reasonable number of copies of any document or report supplied to Board Members for consideration at a meeting of the Board are available for inspection by members of the public:
- 3.6.14.1 on the Legatus Group website as soon as practicable after the time when the document or report is supplied to Board Members; or
- 3.6.14.2 in the case of a document or report supplied to Board Members at the Board Meeting, at the meeting as soon as practicable after the time when the document or report is supplied to Board Members.
- 3.6.15 The Chief Executive Officer may indicate on a document or report provided to Board Members under Clause 3.6.14.2 any information or matter contained in or arising from a document or report that may, if the Board determines, be considered in confidence in accordance with Clause 3.6.4 provided that the Chief Executive Officer at the same time specifies the basis on which an order could be made pursuant to the provisions of Chapter 6 Part 3 of the Act.
- 3.6.16 Clause 3.6.14 does not apply to a document or report:
- 3.6.16.1 that is subject to the operation of Clause 3.6.15; or
- 3.6.16.2 that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6 Part 3 of the Act.
- 3.6.17 The Chief Executive Officer must maintain a record of all notices of Board meetings given under Clause 3.16 to Board Members.

Quorum

- 3.6.18 A meeting of the Board must not commence until a quorum is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

Voting

- 3.6.19 Unless otherwise required at law or this Charter, all matters for decision of a meeting of the Board shall be decided by a simple majority of the Board Members present and entitled to vote. All Board Members, including the Chair present and entitled to vote are required to vote. All Board Members including the Chair are entitled to a

deliberative vote and if the votes are equal the Chair or other Board Member presiding does not have a second or casting vote.

Confidentiality

- 3.6.20 All Board Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board that is subject to the operation of Clause 3.6.15 or that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 3.6.4 and Chapter 6, Part 3 of the Act.

Minutes

- 3.6.21 The Chief Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented at the next ordinary meeting of the Board where the Chief Executive Officer is absent or excluded from attendance at a meeting of the Board pursuant to Clause 3.6 the person presiding at the meeting shall cause the minutes to be kept.
- 3.6.22 Subject to Clause 3.6.24 a copy of the minutes of a meeting of the Board must be placed on public display at the principal offices of the Constituent Councils and the Legatus Group within five (5) days after the meeting and kept on public display for a period of one (1) month.
- 3.6.23 Subject to Clause 3.6.24, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents placed on public display.
- 3.6.24 Clauses 3.6.22 and 3.6.23 do not apply in relation to a document or part of a document dealt with by the Board on a confidential basis in accordance with Clause 3.6 and Chapter 6, Part 3 of the Act.
- 3.6.25 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures to apply to proceedings at and conduct of meetings of which must be fair and contribute to free and open decision making where the Board has not determined a procedure and the procedure is not specified in this Charter, the procedures specified in Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 will apply.

3.7 Annual General Meeting

- 3.7.1 The Annual General Meeting will:
- 3.7.1.1 be held not later than 30 September in each calendar year;
 - 3.7.1.2 receive the Legatus Group's Annual Report which may incorporate reports from committees and any representatives reports from other organisations;
 - 3.7.1.3 receive the audited financial statement for the preceding financial year;

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- 3.7.1.4 acknowledge the appointment of Board Members;
- 3.7.1.5 elect the Chair and two Deputy Chairs;
- 3.7.1.6 appoint representatives to other organisations;
- 3.7.1.7 consider any other business requiring consideration by the Board Members in general meeting.

4. CHIEF EXECUTIVE OFFICER

- 4.1 The Board shall appoint a Chief Executive Officer of the Legatus Group to manage the affairs of the Legatus Group on terms agreed between the Chief Executive Officer and the Board.
- 4.2 The Chief Executive Officer is responsible to the Legatus Group for the implementation of the decisions of the Legatus Group and will work collaboratively with the Regional Management Group.
- 4.3 The terms and conditions of the engagement and remuneration of the Chief Executive Officer shall be reviewed annually according to any employment agreement that may be in place with the Chief Executive Officer.
- 4.4 The Chief Executive Officer shall cause records to be kept of all activities and financial affairs of the Legatus Group in accordance with this Charter.
- 4.5 The Board shall delegate responsibility for the day to day management of the Legatus Group to the Chief Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Legatus Group.
- 4.6 The functions of the Chief Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
 - 4.6.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 4.6.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 4.6.3 providing information to assist the Board to assess the Legatus Group's performance against its Strategic and Business Plans;
 - 4.6.4 appointing, managing, suspending and dismissing employees of the Legatus Group;
 - 4.6.5 determining the conditions of employment of employees of the Legatus Group, within budgetary constraints set by the Board;
 - 4.6.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 4.6.7 ensuring that the Legatus Group is at all times complying with Schedule 2 of the Local Government Act 1999;

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- 4.6.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Legatus Group;
 - 4.6.9 ensuring that the assets and resources of the Legatus Group are properly managed and maintained;
 - 4.6.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 4.6.11 ensuring that the Legatus Group's annual report is distributed to the Constituent Councils in time to be incorporated in their annual reports;
 - 4.6.12 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and
 - 4.6.13 achieving financial outcomes in accordance with adopted plans and budgets of the Legatus Group.
- 4.7 The Chief Executive Officer may delegate or sub-delegate to:
- 4.7.1 a committee;
 - 4.7.2 an employee of the Legatus Group;
 - 4.7.3 an employee of a Constituent Council; or
 - 4.7.4 a person for the time being occupying a particular office or position,
- any power or function vested in the Chief Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Chief Executive Officer is revocable at will and does not prevent the Chief Executive Officer from acting in relation to a matter.
- 4.8 A written record of all delegations and sub-delegations must be kept by the Chief Executive Officer at all times.

5. FINANCIALS

5.1 Budget

- 5.1.1 The proposed Annual Business Plan and the Budget must be referred to the Constituent Councils at least eight (8) weeks prior to the date of the meeting at which the budget is to be adopted.
- 5.1.2 Constituent Councils may comment on the Annual Business Plan and the Budget in writing to the Chief Executive Officer at least ten (10)

business days before the meeting at which the budget is to be adopted or through its Board Member at that meeting.

- 5.1.3 The Legatus Group must adopt the Annual Business Plan and Budget after 31 May and before 30 June for the ensuing Financial Year.
- 5.1.4 The Legatus Group must provide a copy of its adopted Budget to the Constituent Councils within five (5) business days after the adoption of the Budget by the Legatus Group
- 5.1.5 Reports summarising the financial position and performance of the Legatus Group against the Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
- 5.1.6 The Legatus Group must reconsider its Budget in accordance with the Act and in a manner consistent with the Act and may amend its Budget for a Financial Year at any time before the year ends.
- 5.1.7 The Legatus Group must submit to each Constituent Council for approval, any proposed amendment to the Budget that provides for an additional financial contribution by the Constituent Councils.
- 5.1.8 The contents of the Budget must be in accordance with the Act.

5.2 Financial Standards and Reporting

- 5.2.1 The Legatus Group must ensure that the Financial Statements of the Legatus Group for each Financial Year are audited by the Legatus Group's auditor.
- 5.2.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Constituent Councils pursuant to Clause 6.3.3.

5.3 Financial Management

- 5.3.1 The Legatus Group shall keep proper books of accounts in accordance with the requirements of the Act and Local Government (Financial Management) Regulations 1999.
- 5.3.2 The Legatus Group must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 5.3.3 The Legatus Group will develop and maintain appropriate policies and procedures for all financial transactions including in relation to signing cheques and electronic funds transfer.
- 5.3.4 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Legatus Group.

5.4 Levies

- 5.4.1 The Legatus Group may levy Constituent Councils or any of them for a specified purpose or purposes.

- 5.4.2 A levy must be imposed by a meeting of the Board.
- 5.4.3 The Chief Executive Officer must give notice of the levy to all affected Constituent Councils.
- 5.4.4 A levy will not be binding on Constituent Councils until the expiration of one calendar month from the date of the notice.
- 5.4.5 A Constituent Council which objects in writing to the imposition of the levy within one month of the date of the notice shall be exempt from payment of the levy until its objection is considered at a meeting of the Board.
- 5.4.6 The Legatus Group must, after consideration of the objection of one or more Constituent Councils to a levy, confirm or vary the levy on that Council or exempt that Council from payment of the levy.
- 5.4.7 The Chair may convene an urgent meeting to consider an objection to a levy.

6. MANAGEMENT FRAMEWORK

6.1 Strategic Plan

- 6.1.1 The Legatus Group shall prepare and implement a 4 year Strategic Management Plan and a 2 year Action Plan.
- 6.1.2 The Strategic Management Plan will:
 - (a) identify the Legatus Group objectives over the period;
 - (b) identify the principal activities that the Legatus Group intends to undertake to achieve its objectives;
 - (c) state the measures that are to be used to monitor and access the performance of the Legatus Group over the period;
 - (d) identify the broad means by which its activities are to be carried out;
 - (e) address issues associated with arranging its affairs; and
 - (f) make provision for the review of the Legatus Group charter and activities every 2 years.
- 6.1.3 Submit the Strategic Plan to the Constituent Councils for their approval.
- 6.1.4 The Legatus Group may amend its Strategic Management Plan at any Board meeting for consideration by the Constituent Councils but must review the Strategic Management Plan at least once during its term.

6.2 Annual Business Plan

The Legatus Group shall:

- 6.2.1 prepare an Annual Business Plan linking the core activities of the Legatus Group to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 6.2.2 consult with the Constituent Councils prior to adopting or amending the Annual Business Plan; and
- 6.2.3 ensure contents of the Business Plan is in accordance with the Act.

6.3 Annual Report

- 6.3.1 The Legatus Group must each year, produce an Annual Report summarising the activities, achievements and financial performance of the Legatus Group for the preceding Financial Year.
- 6.3.2 The Annual Report must incorporate the audited financial statements of the Legatus Group for the relevant Financial Year.
- 6.3.3 The Annual Report must be provided to the Constituent Councils by 30 September each year.

6.4 Audit

- 6.4.1 The Legatus Group must cause adequate and proper books of account to be kept in relation to all the affairs of the Legatus Group and must establish and maintain effective auditing of its operations.
- 6.4.2 The Legatus Group must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the Legatus Group.
- 6.4.3 The audited Financial Statements of the Legatus Group, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.

6.5 Audit Committee

- 6.5.1 The Legatus Group must establish an Audit and Risk Management Committee to be comprised of five (5) persons nominated by the Legatus Group and approved by the Constituent Councils.
- 6.5.2 The members of the Audit and Risk Management Committee:
 - 6.5.2.1 must include two (2) professionally qualified officers, one of each from the staff of the Constituent Councils;
 - 6.5.2.2 must include at least 1 person who is not a member of the Board and who is determined by the Constituent Councils to have financial experience relevant to the functions of the Audit and Risk Management Committee;

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6.5.2.3 may include elected members of the Constituent Councils;

6.5.2.4 must have regard to the Act in performing their duties.

6.5.3 The term of appointment of a member of the Audit and Risk Management Committee shall be for a term not exceeding two (2) years at the expiry of which such member will be eligible for reappointment.

7. MISCELLANEOUS

7.1 New Members

7.1.1 Subject to the provisions of the Act, a council may become a Constituent Council by the unanimous agreement of the Constituent Councils and this Charter may be amended to provide for the admission of a new constituent council or councils, with or without conditions of membership.

7.2 Subscription

7.2.1 Every Constituent Council shall be liable to contribute monies to the Legatus Group each financial year.

7.2.2 The amount of each Constituent Council's subscription will be decided at the meeting where they adopt the Annual Business Plan and Budget and that subscriptions will be due and payable within one month of a written request from the Chief Executive Officer for payment.

7.3 Disqualification

7.3.1 Subject to any legislative requirements, a Council which fails to pay its subscription or any other monies due to the Legatus Group within six months from the date upon which the subscription or other monies become due and payable shall cease to be a Constituent Council or, as the case may be, an Affiliate.

7.3.2 The Chief Executive Officer will give notice in writing to the Council that its status as a Constituent Council or, as the case may be, an Affiliate, has been terminated.

7.4 Withdrawal

7.4.1 Subject to the Act and this Charter, a Constituent Council may cease to be a Constituent Council by giving not less than eighteen (18) months' notice in writing of such withdrawal to the Chief Executive Officer provided that its subscription of the current year and other monies outstanding prior to the date of its giving notice of withdrawal have been paid to the Legatus Group.

7.4.2 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Legatus Group at any time before or after such

withdrawal in respect of any act or omission by the Legatus Group prior to such withdrawal.

7.5 Insurance and Superannuation Requirements

- 7.5.1 The Legatus Group shall register with the Local Government Mutual Liability Scheme and Local Government Workers Compensation Scheme and comply with the rules of those Schemes.
- 7.5.2 The Legatus Group shall advise the Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Legatus Group.

7.6 Legatus Group Winding Up

- 7.6.1 The Legatus Group may be wound up in accordance with the Act by unanimous resolution of the Constituent Councils.
- 7.6.2 In the event of a winding up, any surplus assets after payment of all expenses shall be returned to each Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution wind up.
- 7.6.3 If there are insufficient funds to pay all expenses due by the Legatus Group on winding up, a levy shall be imposed on all Constituent Councils in proportion to the subscription paid by each Constituent Council in the financial year prior to the passing of the resolution to wind up.

7.7 Non-derogation and Direction by Constituent Councils

- 7.7.1 The establishment of the Legatus Group does not derogate from the power of any of the Constituent Councils to act independently or jointly in relation to a matter within the jurisdiction of the Legatus Group.
- 7.7.2 Provided that the Constituent Councils have first agreed by unanimous resolution of each Constituent Council as to the action to be taken, the Constituent Councils may jointly direct and control the Legatus Group.
- 7.7.3 Where the Legatus Group is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils that approval must only be granted and must be evidenced by a resolution passed by either or all of the Constituent Councils granting such approval.
- 7.7.4 Unless otherwise stated in this Charter where the Legatus Group is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of all of the Constituent Councils expressed in the same or similar terms.
- 7.7.5 For the purpose of Clause 7.7.1, any direction given by the Constituent Councils must be communicated by notice in writing provided to the

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Chief Executive Officer of the Legatus Group together with a copy of the relevant resolutions of the Constituent Councils.

7.8 Alteration and Review of Charter

- 7.8.1 This Charter will be reviewed by the Constituent Councils at least once in every four (4) years.
- 7.8.2 This Charter may be amended by a resolution passed by a simple majority of the Constituent Councils.
- 7.8.3 Before the Constituent Councils vote on a proposal to alter this Charter, they must take into account any recommendation of the Board.

7.9 Disputes

7.9.1 General

- 7.9.1.1 Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority, ('the Dispute') the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.

7.9.2 Mediation

- 7.9.2.1 A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 7.9.2.
- 7.9.2.2 If the parties are unable to resolve the Dispute within thirty (30) days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:
 - (a) a mediator agreed by the parties; or
 - (b) if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the then President of the Law Society or the President's successor.
- 7.9.2.3 In the event the parties fail to refer the matter for mediation in accordance with Clause 7.9.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 7.9.2.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a

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decision that is binding on a party unless that party has so agreed in writing.

- 7.9.2.5 If mediation does not resolve the Dispute within 28 days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with Clause 7.9.3.

7.9.3 Arbitration

- 7.9.3.1 An arbitrator may be appointed by agreement between the parties.
- 7.9.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or his successor shall nominate an Arbitrator pursuant to these conditions.
- 7.9.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985 (South Australia).
- 7.9.3.4 Upon serving a notice of arbitration the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 7.9.3.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.
- 7.9.3.6 Whenever reasonably possible performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

7.10 Committees

- 7.10.1 The Board may establish a committee of Board Members and/or other persons for the purpose of:
- 7.10.1.1 enquiring into and reporting to the Board on any matter within the Legatus Group's functions and powers and as detailed in the terms of reference given by the Board to the Committee; or
- 7.10.1.2 exercising, performing or discharging delegated powers, functions or duties.
- 7.10.2 A member of a committee established under this Clause holds office at the pleasure of the Board.

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- 7.10.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the Legatus Group's functions and powers and as detailed in the terms of reference determined by the Board.
- 7.10.4 A member of an advisory committee established under this clause holds office at the pleasure of the Board.
- 7.10.5 The Chair of the Board is ex-officio a member of any committee or advisory committee established by the Board.

7.11 Regional Management Group

- 7.11.1 The Regional Management Group shall comprise the Chief Executive Officers or their proxy of the Constituent Councils and they will include the Chief Executive Officer for attendance at their meetings who will in turn provide the secretariat services on behalf of the Regional Management Group.
- 7.11.2 The Regional Management Group will support and work collaboratively with the Chief Executive Officer to implement and deliver the strategic objectives of the Legatus Group.
- 7.11.3 The Regional Management Group will meet at such times and at places determined by the Regional Management Group.
- 7.11.4 The members of the Regional Management Group may attend Board meetings and provide such advice and support to the Board as required from time to time.
- 7.11.5 The proceedings of meetings of the Regional Management Group will be determined by the Regional Management Group.

7.12 Legatus Group Common Seal

- 7.12.1 The Legatus Group shall have a common seal upon which its corporate name shall appear in legible characters.
- 7.12.2 The common seal shall not be used without the express authorisation of a resolution of the Legatus Group Board and every use of the common seal shall be recorded in the minute book of the Legatus Group.
- 7.12.3 The affixing of the common seal shall be witnessed by the Chair or a Deputy Chair and the Chief Executive Officer or such other person as the Legatus Group may appoint for the purpose.
- 7.12.4 The common seal shall be kept in the custody of the Chief Executive Officer or such other person as the Legatus Group may from time to time decide.

7.13 Circumstances Not Provided For

- 7.13.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chair may decide the action to be taken to ensure achievement of the objects of the Legatus Group and its effective administrator.
- 7.13.2 The Chair shall report any such decision at the next general meeting.

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15 REPORTS FOR INFORMATION

15.1 COUNCIL RESOLUTIONS - STATUS REPORT

Record Number: D22/51127

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: 1. Resolution Register

RECOMMENDATION

“that Council, having considered Item 15.1 – *Council Resolutions - Status Report*, dated 28 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to provide Council with an update in relation to the status of ongoing Council Resolutions.

Discussion

The Resolutions Status Report is presented as a standing monthly Agenda Item and provided for Members' information and monitoring.

Provided for as **Attachment 1** to this Report is a 'Resolution Register' showing all ongoing (yet to be completed) resolutions of Council with up to date commentary regarding progress and status. Any items that have been completed since the last Resolutions Status Report are also included, and marked as 'Completed'.

Conclusion

The Resolutions Status Report is a transparent and efficient reporting tool, ensuring that Council Members and the community are regularly updated in relation to the implementation of Council decisions.

References

Legislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Resolution Register - March 2019 - September 2022 - Ongoing						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Forward Agenda, Agenda, Completed')	Responsible Department
25-Mar-19	12.2	Infrastructure and Environment Committee Meeting - 13 March 2019	"that Council endorses resolution 2019/020 of the Infrastructure and Environment Committee, and in doing so instructs the Chief Executive Officer to have particular regard to the financial impact of relevant design specifications, in assessing Eden and Liberty development applications, until a policy is adopted."	2019/119	I&E Committee Forward Agenda - 2023	Infrastructure and Environment
25-Mar-19	18.2	Motion on Notice - APC Services	"that the Chief Executive Officer initiate a review of services administered by Adelaide Plains Council to identify any areas of cost efficiency and or new processes not covered by the organisational review."	2019/129	Ongoing. Preliminary service review incorporated into Review of Office Accommodation and Services. Substantial review will form part of 2022 Organisation Review	Governance and Executive Office
24-Feb-20	14.7	Two Wells District Tennis Club Lease Request	"that Council, having considered Item 14.7 – Two Wells District Tennis Club Lease Request, dated 24 February 2020, receives and notes the report and in doing so: 1. Authorises the Chief Executive to seek the assistance of Norman Waterhouse Lawyers and to negotiate and finalise the Lease Agreement between Council and the Two Wells District Tennis Club Inc for the lease of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells 2. Authorises, pursuant to section 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Two Wells District Tennis Club and 3. In accordance with section 166(1)(j) of the Local Government Act 1999, Council, being satisfied that the whole of a portion of land within Crown Reserve 5753, Folios 647, adjacent to the Two Wells Netball Club on Old Port Wakefield Road, Two Wells, is being used by an organisation which, in the opinion of Council, provides a benefit or service to the local community, grants a discretionary rebate of 100% of the rates imposed, effective from the 2020/21 rating year."	2020/055	Ongoing. Tennis Club has executed the lease. APC Mayor and CEO to execute upon receipt of Ministerial consent. Most recent follow up with DEW on 15 November 2022 and 24 November 2022. Development approval was granted on 19 August 2022. The matter is progressing.	Governance and Executive Office
23-Nov-20	14.6	Mallala Resource Recovery Centre - Twelve Month Closure Review	"that Council, having considered Item 14.6 – Mallala Resource Recovery Centre – Twelve Month Closure Review, dated 23 November 2020, instructs the Chief Executive Officer to bring back a report to Council exploring future land use/disposal options in relation to the former Mallala Resource Recovery Centre site."	2020/407	I&E Committee Forward Agenda - 2023	Infrastructure and Environment

14-Dec-20	14.7	Third Creek Road Closure - Outcome of Public Consultation	<p>"that Council, having considered Item 14.7 – Third Creek Road Closure – Outcome of Public Consultation, dated 14 December 2020, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Acknowledges that public consultation was undertaken in relation to the proposed closure of Third Creek Road and that no submissions were received; and 2. Instructs the Chief Executive Officer to finalise Third Creek Road closure in accordance with the Roads (Opening and Closing) Act 1991." 	2020/448	Awaiting LTO to deposit the plan and issue new title to Council	Governance and Executive Office
22-Feb-21	14.1	Light & Adelaide Plains Region Economic Development Authority - Regional Subsidiary Charter	<p>"that Council, having considered Item 14.1 – Light & Adelaide Plains Region Economic Development Authority – Regional Subsidiary Charter, dated 22 February 2021, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Confirms its intention to establish a regional subsidiary under section 43 of the Local Government Act 1999, to be known as the Light & Adelaide Plains Region Economic Development Authority (the Regional Subsidiary) and 2. Instructs the Chief Executive Officer to, on the Council's behalf, and following a further joint Informal Gathering between Adelaide Plains Council and Light Regional Council, apply to the relevant Minister, under Schedule 2 Part 2 of the Local Government Act 1999, in relation to the proposed establishment of the Regional Subsidiary." 	2021/062	Ongoing. Refer 2022/077	Governance and Executive Office
26-Jul-21	18.1	Motion on Notice – Sealing Coastal Roads	<p>"that Council:</p> <ol style="list-style-type: none"> 1. Instructs the Chief Executive Officer to undertake detailed design in relation to the construction and sealing of Parham Esplanade (north Parham Road to end of road south of Wilson Street – 1.32km) 2. Acknowledges that an allocation of \$20,000 will be incorporated into the first quarter 2021/2022 budget revision." 	2021/175	Ongoing. Budget allocation completed, detailed design ongoing	Infrastructure and Environment
27-Sep-21	14.6	Outcome of Public Consultation - Draft Lease Portion of Mallala Oval to Mallala and Districts Lions Club	<p>"that Council, having considered 14.6 – Outcome of Public Consultation – Draft Lease Portion of Mallala Oval to Mallala and Districts Lions Club, dated 27 September 2021, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Authorises the Chief Executive to negotiate and finalise the Lease Agreement between Council and the Mallala and District Lions Club for the lease of a portion of land Allotment 20 DP 95617, Mallala (known as the Mallala Oval) and comprised in Certificate of Title Volume 6163 Folio 218, to the Mallala and District Lions Club. and 2. Authorises, pursuant to section 44 of the Local Government Act 1999, the Mayor and Chief Executive Officer to execute the lease agreement between the Adelaide Plains Council and the Mallala and District Lions Club upon the necessary approvals being granted." 	2021/352	Ongoing. Development Application has been lodged. Awaiting additional documentation to be provided by the applicant	Governance and Executive Office

27-Sep-21	21.1	Sale of Land for Non-Payment of Rates	<p>"that Council, having considered Item 21.2 – Sale of Land for Non -Payment of Rates, dated 27 September 2021, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Authorises the Chief Executive Officer to take action pursuant to Section 184 of the Local Government Act 1999 to recover outstanding rates in accordance with Rates Arrears and Debtor Management Policy from properties listed in Attachment 1 to this Report 2. Pursuant to Section 38 and 44 of the Local Government Act 1999 authorises the Chief Executive Officer and the Mayor to execute the necessary documents in relation to the sale of the respective properties (if any) under common seal and 3. Authorises the Chief Executive Officer or his delegate to call for Expressions of Interest from Licensed Real Estate Agents/Auctioneers to undertake the Auction of those properties that proceed to Public Auction (if any) to recover outstanding rates pursuant to Section 184 of the Local Government Act 1999." 	2021/364	Ongoing. Update report presented to Ordinary Meeting on 28 March 2022	Finance and Business
8-Nov-21	4.1	Outcome of Public Consultation - Wasleys Bridge Closure or Load Limit Reduction	<p>"that Council, having considered Item 14.9 – Outcome of Public Consultation – Wasleys Bridge Closure or Load Limit Reduction, dated 25 October 2021, and in doing so, instructs the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. In accordance with the provisions of Section 32 of the Road Traffic Act 1961, apply a load limit of 6.5 tonnes, emergency vehicles, Council vehicles and service vehicles exempted, to Wasleys Road Bridge (Light River), Barabba 2. Relinquish the Bridge Renewal Program – Round 5 funding of \$107,500 and 3. Apply for Bridge Renewal Program – Round 6, with Council's contribution to be confirmed upon determination of the application." 	2021/387	Ongoing. Load limit applied, funding application ongoing	Infrastructure and Environment
28-Mar-22	15.3	Light and Adelaide Plains Region Economic Development Authority - Status Update	<p>"that Council, having considered Item 15.3 – Light Adelaide Plains Region Economic Development Authority – Status Update, dated 28 March 2022 receives and notes the report and in doing so instructs the Chief Executive Officer to arrange a meeting with Minister Geoff Brock in order to progress the LAPREDA application, cordially inviting the Adelaide Plains Council Mayor, Light Regional Council Mayor and Chief Executive Officer to attend."</p>	2022/077	Ongoing. Council is continuing to liaise with the Minister with further communications and updates to follow after the local government general election	Governance and Executive Office
26-Apr-22	14.5	Parham Float Parking	<p>"that Council, having considered Item 14.5 – Parham Float Parking, dated 26 April 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Affirms the strategic value of horses for recreation and visitors on a day by day basis and for events and that a preferred option for float parking is needed; 2. Notes the Background and Options – Parham Float Parking Paper in Attachment 1 to this Report includes: <ol style="list-style-type: none"> a. Two float/car park options on Council land for further engagement to inform a preferred option: <ol style="list-style-type: none"> i. Main Street western portion; ii. West of Social Club; b. A proposed upgrade to create a Levee Trail including for use by horses; c. A draft Rider Information Sheet; d. Information about Council's approach to horse events; e. An intent to install 'Beware Horses' signs; 3. Authorises the Chief Executive Officer to undertake editorial to the draft Background and Options Parham Float Parking Paper in Attachment 1 to this Report to make it suitable to inform consultation; and 4. Instructs the Chief Executive Officer to undertake public consultation in accordance with Council's Public Consultation Policy and to bring back a subsequent report to Council." 	2022/111	Forward Agenda - early 2023. Public consultation concluded on 30 August 2022	Development and Community

26-Apr-22	21.2	Parham Camping Reserve Management and Road Closure	<p>“that Council, having considered Item 21.2 – Parham Camping Reserve – Management and Road Closure, dated 26 April 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Instructs the Chief Executive Officer to undertake a road closure pursuant to Section 5 of the Roads (Opening and Closing) Act 1991 in relation to the relevant Portion of Esplanade, Parham; and 2. Acknowledges that a budget variation of \$10,000 will be incorporated into the third quarter budget review 2021/2022.” 	2022/124	Ongoing. Council has engaged a surveyor and is in the process of seeking updated advice in relation to the next necessary steps.	Governance and Executive Office
23-May-22	14.4	Draft Hart Reserve Master Plan - Feedback and Endorsement	<p>“that Council, having considered Item 14.4 – Draft Hart Reserve Master Plan – Feedback and Endorsement, dated 23 May 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Adopts ‘Option 1’ as the Hart Reserve Master Plan as presented at Attachment 1 to this Report; and 2. Instructs the Chief Executive Officer to undertake detailed investigation into the cost of a skate park (‘Option 2’) within Hart Reserve and bring back a report in relation to those investigations.” 	2022/133	Ongoing. Detailed investigations underway.	Development and Community
23-May-22	21.4	Heritage Survey Review	<p>“that Council, having considered Item 21.4 – Heritage Survey Review, dated 23 May 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Notes the Heritage Review Report in Attachment 1 to this Report includes: <ol style="list-style-type: none"> a. The Local Heritage Assessment Sheets identifying 34 properties as being of local heritage value; b. The Buckland Park State Heritage Assessment identifying the property as being of State heritage value; 2. Endorses in principle commencing an Amendment to the Planning and Design Code: <ol style="list-style-type: none"> a. To formally designate as local heritage places the 34 properties identified in Attachment 1 to this report; b. With early commencement of the Amendment to enable the buildings being listed on an interim basis to prevent risk of demolition during consultation. 3. Endorses in principle nominating the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place; 4. Authorises the Chief Executive Officer to commence the statutory processes: <ol style="list-style-type: none"> a. To initiate an amendment to the Planning and Design Code including engagement with property owners under the Planning, Development and Infrastructure Act 2016; b. To nominate the Buckland Park Station complex of buildings to the SA Heritage Council for consideration as a potential State heritage place, noting the Department of Environment and Water are the lead agency for engagement with property owners, under the Heritage Places Act 1993; 5. Notes administration intent to include an allocation of up to \$10,000 in the draft budget for 2023/24 for the purpose of a local heritage incentives and advisory service.” 	2022/151	Ongoing.	Development and Community
27-Jun-22	14.1	Council Accommodation and Services Review - Preliminary Report	<p>“that Council, having considered Item 14.1 – Council Accommodation and Services Review – Preliminary Report, dated 27 June 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Adopts the Discussion Paper prepared by Holmes Dyer (Attachment 1); and 2. Instructs the Chief Executive Officer to prioritise community and stakeholder engagement in relation to the review of Council Accommodation and Services, including holding targeted workshops, following the Council Elections in November 2022.” 	2022/163	Engagement to commence following the Council Elections in November 2022	Governance and Executive Office

27-Jun-22	12.3	Infrastructure and Environment Committee Meeting	<p>“that Council endorses resolution 2022/011 of the Infrastructure and Environment Committee and in doing so:</p> <ol style="list-style-type: none"> 1. Instructs the Chief Executive Officer to engage a suitably qualified consultant in accordance with Council’s Procurement Policy to undertake stage 2 requirements of the PLEC application and 2. Acknowledges that an allocation of \$30,000 will be incorporated into the appropriate quarterly budget revision in the 2022/2023 Financial Year.” 	2022/174	Ongoing	Infrastructure and Environment
27-Jun-22	12.3	Infrastructure and Environment Committee Meeting	<p>“that Council endorses resolution 2022/012 of the Infrastructure and Environment Committee and in doing so:</p> <ol style="list-style-type: none"> 1. Instructs the Chief Executive Officer to engage a suitably qualified consultant in accordance with Council’s Procurement Policy to deliver a community waste education program; and 2. Acknowledges that an allocation of \$15,000 will be incorporated into the appropriate quarterly budget revision in the 2022/2023 Financial Year.” 	2022/175	Ongoing	Infrastructure and Environment
27-Jun-22	14.4	Adelaide Plains Growth Strategy	<p>“that Council, having considered Item 14.4 – Adelaide Plains Growth Strategy, dated 27 June 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to:</p> <ol style="list-style-type: none"> 1. Commence consultation on the draft Growth Strategy and Background Paper presented as Attachments 1 and 2 to this report, in accordance with Council’s Public Consultation Policy; 2. Refine the draft Growth Strategy and Background Paper presented as Attachments 1 and 2 to this report based on 2021 Census data when available, with changes to comprise editorial matters but not changes to policy; and 3. Report back to Council following completion of the consultation process.” 	2022/185	Forward Agenda - early 2023. Public consultation concluded on 23 August 2022	Development and Community
27-Jun-22	14.6	Request to Paint Two Wells Oval Water Tank	<p>“that Council, having considered Item 14.6 – Request to Paint Two Wells Oval Water Tank, dated 27 June 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Approves the Two Wells Football and Netball Sporting Club to undertake painting of a mural on the water tank at the Two Wells Oval, subject to the artwork proof being reviewed and approval prior to painting commencement; and 2. Notes, and instructs the Chief Executive Officer to advise the Two Wells Football and Netball Club, that the tank will be decommissioned in the short to medium term. Recycled water options are being perused, once recycled is established the existing water tank will no longer be required and decommissioned.” 	2022/187	Ongoing. CEO has notified the Club, awaiting artwork proofs prior to painting commencing	Infrastructure and Environment
25-Jul-22	13.1	Two Wells Scout Facility Relocation - Lease - Outcome of Public Consultation	<p>“that Council, having considered Item 13.1 – Two Wells Scout Facility Relocation – Lease – Outcome of Public Consultation, dated 25 July 2022, receives and notes the report and in consideration of the feedback received during public consultation and the further consultation with Scout SA, instructs the Chief Executive Officer to amend the Draft Ground Lease between Council and Scouts SA (Attachment 1), by reducing the proposed lease area for Scouts SA (being portion of Allotment 103 comprised in Crown Record Volume 5753 Folio 647), as per map outlined in blue within Attachment 5 to this report, in order to permit vehicular access to the Two Wells Bowling Club Machinery Shed and Water Tank.”</p>	2022/236	Completed	Governance and Executive Office
25-Jul-22	13.1	Two Wells Scout Facility Relocation - Lease - Outcome of Public Consultation	<p>“that Council, having considered Item 13.1 – Two Wells Scout Facility Relocation – Lease – Outcome of Public Consultation, dated 25 July 2022, instructs the Chief Executive Officer to seek the consent of the Minister for Climate, Water and Environment to:</p> <ol style="list-style-type: none"> 1. Change the current dedication of Allotment 103 comprised in Crown Record Volume 5753 Folio 647 from ‘Recreation Purposes’ to a dual dedication of ‘Recreation and Community Purposes’ to accommodate the proposed Two Wells Scout Hall relocation; and 2. Enter into a Lease Agreement with The Scouts Association of Australia SA Branch prior to any development occurring on the proposed lease area, being portion of Allotment 103 comprised in Crown Record Volume 5753 Folio 647, as per map outlined in blue within Attachment 5 to this report.” 	2022/237	Consent being sought from Minister for EW to lease portion of CR 5753/647, including change of dedication. Pending Approval for the ‘Development on Crown land’ 21/10/22 DEW advise dedication can remain as “Recreation” only.	Governance and Executive Office

25-Jul-22	13.7	Draft Equine Strategy	<p>“that Council, having considered Item 13.7 – Draft Equine Strategy, dated 25 July 2022, receives and notes the report and in doing so:</p> <ol style="list-style-type: none"> 1. Endorses the Draft Equine Strategy and Background Paper as presented in Attachments 1 and 2 to this Report to be released for the purposes of undertaking consultation as envisaged in the Council’s Public Consultation Policy; and 2. Delegates authority to the Chief Executive Officer to undertake editorial but not policy changes as necessary.” 	2022/245	Forward Agenda - early 2023. Public consultation concluded on 1 November 2022	Development and Community
22-Aug-22	20.1	Crown Land, Two Wells - August 2022	<p>“that Council, having considered Item 20.1 – Crown Land, Two Wells – August 2022, dated 22 August 2022, receives and notes the report and in doing so acknowledges that, in accordance with the Contract for the Sale and Purchase, the settlement date for the purchase of Section 180 Old Port Wakefield Road, Two Wells (being the whole of the land in Crown Record Volume 5984, Folio 730) and Section 716 Buckland Park Road, Two Wells (being portion of the land in Crown Record Volume 5755, Folio 739) is Monday 24 October 2022.”</p>	2022/266	Completed	Governance and Executive Office
22-Aug-22	20.1	Crown Land, Two Wells - August 2022	<p>“that Council, having considered Item 20.1 – Crown Land, Two Wells – August 2022, dated 22 August 2022:</p> <ol style="list-style-type: none"> 1. Resolves that, having due regard to the relevant principles underpinning Council’s approach to procurement set out in Council’s Procurement Policy, it is appropriate to engage Alinea Group to undertake the next tranche of the market engagement exercise on the basis of the matters set out within the Report to Council 2. Appoints Alinea Group to undertake Stages 1 -4 of the transaction strategy as set out within the Letter of Offer to Council dated 10 June 2022 and presented as Attachment 2 to this Report, being a detailed market engagement and expression of interest campaign, including preparation of a land development concept plan which will largely reflect Council’s previously adopted guiding principles for the subject land 3. Acknowledges that the necessary budget revisions will occur at the 2022/2023 first quarter budget review (with a forecast budget variation of \$180,000) and 4. Acknowledges that appointment of an appropriate consultant for Stages 5 -8 (being request for detailed plans and transaction management to contractual close) will be determined by resolution at an appropriate time in the future and in accordance with Council’s Procurement Policy.” 	2022/267	Ongoing. Market engagement and EOI period closes 15 December 2022. A further and more detailed report will be presented to Council in January 2023.	Governance and Executive Office
22-Aug-22	20.1	Crown Land, Two Wells - August 2022	<p>“that Council, having considered Item 20.1 – Crown Land, Two Wells – August 2022, dated 22 August 2022:</p> <ol style="list-style-type: none"> 1. Acknowledges that it is not sustainable or realistic for the Chief Executive Officer (nor his Executive) to drive delivery of this project in the absence of commensurate resourcing being made available, while simultaneously managing primary workload duties and 2. Authorises the Chief Executive Officer to adequately resource the significant workload associated with catalysing and activating town centre investment and expansion in Two Wells, consistent with Council’s responsibilities pursuant to Section 6 and 7 of the Local Government Act 1999, with the necessary budget revisions to occur at the 2022/2023 first quarter budget review (with a forecast budget variation of \$180,000).” 	2022/268	Ongoing. New positions will be reflected in the CEO’s Organisation Review.	Governance and Executive Office

22-Aug-22	20.1	Crown Land, Two Wells - August 2022	<p>that Council, having considered Item 20.1 – Crown Land, Two Wells – August 2022, dated 22 August 2022, authorises the Chief Executive Officer to publish the following information as part of the public statement in relation to the Crown Land, Two Wells initiative notwithstanding the existence and operation of the various Section 91(7) orders pertaining to that information:</p> <p>1. Council and the Minister for Climate, Environment and Water have entered into a Contract for the Sale and Purchase Section 180 Old Port Wakefield Road Two Wells (being the whole of the land in Crown Record Volume 5984, Folio 730) and Section 716 Buckland Park Road Two Wells (being portion of the land in Crown Record Volume 5755, Folio 739) (the Subject Land), with a settlement date of Monday 24 October 2022</p> <p>2. Council has engaged of Alinea Group to undertake a detailed market engagement and expression of interest process, with commentary to aid and assist the community in understanding the next tranche of the process and what it means in realising investment for Two Wells (likely timelines also to be disclosed) and</p> <p>3. An overview of the various, diligent and detailed preparatory work/steps that have been undertaken in relation to the Crown Land, Two Wells initiative from 2017 to present and including:</p> <p>a. Retail Supply and Demand Study prepared by Property and Advisory in December 2019</p> <p>b. Relocation of the community groups previously occupying the Subject Land (Adelaide Plains Kennel and Obedience Club and Adelaide Plains Trotting Owners and Trainers Association) into new facilities at Lewiston (noting that this process and outcome is not subject to Section 91(7) orders)</p> <p>c. Revocation of Community Land Classification over the Subject Land (noting that this process and outcome is not subject to Section 91(7) orders)</p> <p>d. Negotiations with the Minister leading to a commitment to deal exclusively with Council in the disposal of the land</p> <p>e. Ministerial declaration that the Subject Land is surplus to Government requirements</p> <p>f. Ministerial declaration to revoke the Crown dedication over the Subject Land</p> <p>g. Adoption of guiding principles by Council (not to disclose their extent but to inform the community that a framework for the orderly development of the site has been established)."</p>	2022/269	Completed	Governance and Executive Office
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/024 of the Infrastructure and Environment Committee and in doing so:</p> <p>1. Instructs the Chief Executive Officer to progress with centre median lighting for stage 2 design, noting that community consultation will be a necessary first step in the process prior to arriving at a final determination and</p> <p>2. Acknowledges that further reports will be presented to Council on the progress of the Undergrounding of Power – Two Wells Main Street."</p>	2022/276	Ongoing	Infrastructure and Environment
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/025 of the Infrastructure and Environment Committee and in doing so instructs the Chief Executive Officer to undertake the necessary process to enable the development of CR6249/280 (Attachment 3) for stormwater and passive recreation uses."</p>	2022/277	Ongoing	Infrastructure and Environment
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/026 of the Infrastructure and Environment Committee and in doing so recommends to Council that it assign the road name Wake Road to the road reserve marked Lot 103 – Blue line (St Andrews Road to Western boundary of Land division) in Attachment 4."</p>	2022/278	Ongoing	Infrastructure and Environment
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/027 of the Infrastructure and Environment Committee and in doing so recommends to Council that it assign the road name Gazzola Court to the road reserve marked Lot 104 – Red line (Lot 103 to Western boundary of Land division) in Attachment 4."</p>	2022/279	Ongoing	Infrastructure and Environment
22-Aug-22	11.3	Infrastructure and Environment Committee Meeting	<p>"that Council endorses resolution 2022/028 of the Infrastructure and Environment Committee and in doing so recommends to Council that it assign the road name Fielke Road to the road reserve marked Lot 105 – Green Line (St Andrews Road to Lot 103) in Attachment 4."</p>	2022/280	Ongoing	Infrastructure and Environment
22-Aug-22	13.3	Policy Review – Code of Practice – Access to Council Meetings and Documents	<p>"that Council, having considered Item 13.3 – Policy Review – Code of Practice – Access to Council Meetings and Documents, dated 22 August 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to undertake public consultation, in accordance with Council's Public Consultation Policy, on the draft Code of Practice – Access to Council Meetings and Documents as presented at Attachment 1 to this Report."</p>	2022/285	Forward Agenda - December 2022. Public consultation was undertaken, no submissions received.	Governance and Executive Office

22-Aug-22	13.4	Request to Fly the Rainbow Flag	"that Council, having considered Item 13.4 – Request to Fly the Rainbow Flag, dated 22 August 2022, receives and notes the report and in doing so instructs the Chief Executive Officer to fly the rainbow flag on the flag pole at East Reserve, Mallala during business hours for the month of November 2022 and acknowledges that Adelaide Plains Council will be listed as a supporter in the Feast Program Guide and on the Feast website."	2022/286	Completed. Council is currently raising the rainbow flag each day of November.	Governance and Executive Office
22-Aug-22	13.5	Revocation of Community Land Classification and Transfer of Land to Minister	"that Council, having considered Item 13.5 – Revocation of Community Land Classification and Transfer of Land to Minister – Port Prime Township – Adelaide International Bird Sanctuary National Park, dated 22 August 2022, receives and notes the report and in doing so: 1. Pursuant to Section 194(3)(b) of the Local Government Act 1999, revokes the Community Land Classification of 27 Allotments within the Port Prime Township, comprised in Certificate of Title Volume 5687 Folio 238 and remove the land from its Community Land Register. 2. Delegates authority to the Chief Executive Officer to finalise the transfer of the 27 Allotments within the Port Prime Township, comprised in Certificate of Title Volume 5687 Folio 238, to the Minister for Climate, Environment and Water for no consideration, for dedication as part of the Adelaide International Bird Sanctuary National Park."	2022/287	Completed	Governance and Executive Office
22-Aug-22	13.5	Motion Without Notice	"that Council instructs the Chief Executive Officer to commence discussions with the appropriate authorities in respect of leasable opportunities in and around Parham for the prospective development of a dedicated horse float parking area and to bring a report back at the appropriate juncture."	2022/288	Forward Agenda - early 2023	Development and Community
22-Aug-22	13.6	Short Term Staff Accommodation - 65 Old Port Wakefield Road Two Wells	"that Council, having considered Item 13.6 – Short Term Staff Accommodation – 65 Old Port Wakefield Road Two Wells, dated 22 August 2022, receives and notes the report and in doing so: 1. Reallocates \$94,000 from the 'Council Chamber and Meeting Rooms Audio/Video Upgrade' Project to the Short Term Staff Accommodation Project 2. Instructs the Chief Executive Officer to progress the Short Term Staff Accommodation Project, including: a. Preparation of building plans and lodgement of a development application for a change of land use and b. Obtaining quotes for the proposed and necessary building work and 3. Acknowledges that further reports may be presented to Council in due course regarding additional budget allocations (if necessary) and/or progress of the Short Term Staff Accommodation Project."	2022/289	Ongoing	Development and Community
22-Aug-22	13.7	Draft Two Wells Walking Cycling Plan	"that Council, having considered Item 13.7 – Draft Two Wells Walking Cycling Plan, dated 22 August 2022, receives and notes the report and in doing so: 1. Endorses the Draft Two Wells Walking Cycling Plan as presented in Attachment 1 to this report to be released for the purposes of undertaking consultation as envisaged in the Public Consultation Policy and 2. Delegates authority to the Chief Executive Officer to undertake editorial but not policy changes necessary."	2022/290	Ongoing	Development and Community
22-Aug-22	14.3	Tourism and Economic Development Opportunity	"that Council, having considered Item 14.3 – Tourism and Economic Development Opportunity, dated 22 August 2022, receives and notes the report and in doing so acknowledges the opportunity to pursue tourism and economic development-related investment along the coastal foreshores for campground activity to occur and instructs the Chief Executive Officer to bring back a further report on the matter following the expiration of caretaker period and post the November 2022 Local Government Elections."	2022/294	Forward Agenda - early 2023	Governance and Executive Office

26-Sep-22	18.1	Motion Without Notice	"that the Chief Executive Officer bring back a report to the first meeting of the new elected body setting out all relevant background and information regarding the Gawler River Floodplain Management Authority, including risks posed (financial, legal, reputation, operational) in either remaining or withdrawing from the subsidiary."	2022/326	Forward Agenda - December 2022. The CEO provided the Elected Body with a macro overview of all things GRFMA-related at the Council Member Induction Workshop held on 23 November 2022. A more detailed and thorough report will be provided to the December 2022 Ordinary Meeting in relation to this matter.	Governance and Executive Office
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Resolution Register - October 2022 - All						
Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Department
24-Oct-22	2.1	Confirmation of Minutes	"that the minutes of the Ordinary Council Meeting held on 26 September 2022 (MB Folios 17665 to 17672 inclusive) be accepted as read and confirmed."	2022/327	Completed	Governance and Executive Office
24-Oct-22	11.1	Adelaide Plains Council Historical Committee Meeting	"that Council receives and notes the minutes of the Adelaide Plains Council Historical Committee meeting held 4 October 2022."	2022/328	Completed	Governance and Executive Office
24-Oct-22	13.1	Adoption of Annual Report	"that Council, having considered Item 13.1 – Adoption of Annual Report 2021-2022, dated 24 October 2022, receives and notes the report and in doing so: 1. Adopts the Annual Report 2021-2022 as presented in Attachment 1 to this Report, subject to endorsement of the 2021-2022 Audited Annual Financial Statements; and 2. Authorises the Chief Executive Officer to make any necessary final minor and administrative amendments to the Annual Report."	2022/329	Completed	Governance and Executive Office
24-Oct-22	13.2	Exclusion of Land from Community Land Classification – Two Wells	"that Council, having considered Item 13.2 – Exclusion of Land from Community Land Classification – Two Wells, dated 24 October 2022, receives and notes the report and in doing so: 1. Resolves to exclude the subject land being Section 180 Old Port Wakefield Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record Volume 6273, Folio 716 and Section 716 Buckland Park Road, Two Wells, Hundred of Port Gawler, being the whole of the land in Crown Record volume 6274, Folio 514, from community land classification pursuant to Section 193(4)(a) of the Local Government Act 1999; 2. Notes that the settlement date has changed to 27 October 2022; and 3. Authorises the Chief Executive Officer to publish notice of this resolution in the Gazette."	2022/330	Completed	Governance and Executive Office
24-Oct-22	13.3	Annual Review of Confidential Items	"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, receives and notes the report and acknowledges that a formal review of Council's confidential items has been undertaken."	2022/331	Completed	Governance and Executive Office
24-Oct-22	13.3	Annual Review of Confidential Items	"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 13 December 2021 in relation to Item 21.1 – Australia Day Awards 2022 be revoked."	2022/332	Completed	Governance and Executive Office
24-Oct-22	13.3	Annual Review of Confidential Items	"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 23 May 2022 in relation to Item 21.3 – Council Owned Units – Mallala, Rent Review be revoked."	2022/333	Completed	Governance and Executive Office
24-Oct-22	13.3	Annual Review of Confidential Items	"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 23 May 2022 in relation to Item 21.5 – Feedback on ESCOSA Proposed Framework and Approach – S122 Strategic Management Plan Advice Scheme be revoked."	2022/334	Completed	Governance and Executive Office
24-Oct-22	13.3	Annual Review of Confidential Items	"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that the Section 91(7) of the Local Government Act 1999 order made on 25 July 2022 in relation to Item 21.1 – Gawler River Floodplain Management Authority – Charter Review 2 be revoked."	2022/335	Completed	Governance and Executive Office

24-Oct-22	13.3	Annual Review of Confidential Items	<p>"that Council, having considered Item 13.3 – Annual Review of Confidential Items, dated 24 October 2022, resolves that:</p> <p>1. Pursuant to Section 91(9)(a) of the Local Government Act 1999, having reviewed the confidential order made on 7 July 2022 under Sections 90(2) and 90(3)(a) of the Local Government Act 1999, the Council, pursuant to Section 91(7) of the Local Government Act 1999 orders that Attachment 1 and Attachment 2 relating to Item 4.1 – Summary Report on Chief Executive Officer Annual Performance Review dated 7 July 2022 continue to be retained in confidence and not available for public inspection until further order of Council, and that this order be reviewed every 12 months on the basis that the item contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person, being information regarding the performance of the Chief Executive Officer pursuant to their contract of employment, and that resolution 2022/199 be released and made available for public inspection; and</p> <p>2. Pursuant to Section 91(9)(c) of the Local Government Act 1999, Council delegates the authority to the Chief Executive Officer to revoke this confidentiality order."</p>	2022/336	Completed	Governance and Executive Office
24-Oct-22	14.1	Council Resolutions – Status Report	<p>"that Council, having considered Item 14.1 – <i>Council Resolutions – Status Report</i>, dated 24 October 2022, receives and notes the report."</p>	2022/337	Completed	Governance and Executive Office
24-Oct-22	14.2	Crown Land, Two Wells - October 2022	<p>"that Council, having considered Item 14.2 – <i>Crown Land, Two Wells – October 2022</i>, dated 24 October 2022, receives and notes the report."</p>	2022/338	Completed	Governance and Executive Office
24-Oct-22	17.1	Motion on Notice	<p>"that Council acknowledge the 47 years of continuous service as a Councillor on the Adelaide Plains Council and his contribution to Council and the community."</p>	2022/339	Completed	Governance and Executive Office
24-Oct-22	17.2	Motion on Notice	<p>"that Council instructs the Chief Executive Officer to bring back a report to a subsequent meeting of Council regarding the concept of developing a new civic/community centre which includes the following:</p> <ul style="list-style-type: none"> • An overview of the Holmes Dyer Review of Council Accommodation; • Opportunities to leverage off the soon to be acquired Crown Land at Two Wells to fund the centre; and • Timing and next steps to achieve the outcome." 	2022/340	Forward Agenda - December 2022. The CEO provided the Elected Body with a macro overview of all things Community/Civic Centre-related at the Council Member Induction Workshop held on 23 November 2022. A full and thorough report will be tabled at the December Ordinary Meeting in relation to this matter.	Governance and Executive Office

15.2 QUESTIONS LAPSED

Record Number: D22/51126

Author: Manager Governance and Administration

Authoriser: General Manager - Governance and Executive Office

Attachments: Nil

RECOMMENDATION

“that Council, having considered Item 15.2 – *Questions Lapsed*, dated 28 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to satisfy Regulation 12(20) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) which requires a chief executive officer to report on each question that lapses under Regulation 12(19) to the council at the first ordinary meeting after a general election.

Background

Meeting procedures are the rules and guidelines under which formal meetings of a council operate. At a minimum, formal meetings of Council, and Council Committees, must operate in accordance with the Regulations.

Regulation 12(12) provides that, during a formal Council Meeting, a member who has not spoken in the debate on a question may move a formal motion and, Regulation 12(13) states that a formal motion must be in the form set out in Regulation 12(14), which includes a formal motion at Regulation 12(14)(c) that ***the question lie on the table***. The effect of such a motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution and, if so retrieved, debate is then resumed at the point of interruption.

Discussion

Regulation 12(19) provides that any question that lies on the table as a result of a successful formal motion under Regulation 12(14)(c) lapses at the next general election. Further, pursuant to Regulation 12(20), the chief executive officer must report on each question that lapses under Regulation 12(19) to the council at the first ordinary meeting of the council after the general election.

There are no questions that lie on the table at the time of the general election.

Conclusion

This report is provided to satisfy Regulation 12(20) of the Regulations. There are no questions that lie on the table at the time of the general election.

ReferencesLegislation

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Code of Practice – Meeting Procedures

15.3 COUNCIL MEMBERS ALLOWANCES AND BENEFITS**Record Number:** D22/51396**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office

Attachments:

1. Remuneration Tribunal - Report 2 of 2022 - Members of Local Government
2. Remuneration Tribunal - Determination 2 of 2022 - Members of Local Government
3. Remuneration Tribunal - Supplementary Report and Determination 5 of 2022 - Members of Local Government

RECOMMENDATION

“that Council, having considered Item 15.3 – *Council Members Allowances and Benefits*, dated 28 November 2022, receives and notes the report and acknowledges that a further report and a draft *Council Members Allowances and Benefits Policy* will be presented to Council for consideration.”

Purpose

The purpose of this report is to inform Council Members of their statutory entitlement to certain allowances, benefits and reimbursements in relation to their office and official functions and duties.

Background

Under the *Local Government Act 1999* (the Act) Council Members are entitled to:

- An allowance determined by the Remuneration Tribunal in relation to that member’s office (Section 76); and
- Reimbursements of certain expenses (whether prescribed, or as approved by Council) incurred in performing or discharging their official functions and duties (Section 77).

Discussion**Allowance determined by the Remuneration Tribunal**

The Act provides as follows:

Section 76—Allowances

(1) Subject to this Act, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.

On 5 July 2022, and in accordance with Section 76 of the Act, the Remuneration Tribunal (the Tribunal) determined the allowance payable to elected members of Local Government Councils constituted under the Act.

A copy of the report considered by the Tribunal is presented as **Attachment 1**, and a copy of the Tribunal's determination (the Tribunal Determination) is presented as **Attachment 2** to this Report.

The Tribunal Determination provides the following annual allowances:

- A Councillor who is not the Mayor or Deputy Mayor: **\$10,955**;
- The Mayor: four (4) times the allowance for councillors of that council – in this instance **\$43,820**;
- The Deputy Mayor: one and a quarter (1.25) times the allowance for councillors of that council – in this instance **\$13,693.75**.

A supplementary Tribunal Report and Determination made on 15 November 2022 (presented as **Attachment 3** to this report) provides that a Deputy Mayor who undertakes the duties of Mayor for a period of one month or longer is entitled to receive the Mayor allowance for the entirety of the time they undertake those duties, instead of the usual allowance.

The *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) provides that an allowance may be paid in instalments up to three (3) months in advance or three (3) months in arrears of each month in respect of which an instalment is payable. Council's standard practice is to pay monthly in arrears.

The Tribunal Determination also sets out the:

- Additional allowance, in the form of a sitting fee, of \$123 (limited to an aggregate amount of \$731 per year) payable to a Councillor (other than the Mayor or Deputy Mayor) who is the presiding member of a committee;
- Travel time allowance for members of non-metropolitan councils, payable in addition to any entitlement to reimbursement of expenses actually incurred:
 - An allowance of \$454 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route;
 - An allowance of \$775 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route;
 - An allowance of \$1,162 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route; and
 - An allowance of \$1,649 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.

Reimbursement of Expenses

The Act provides as follows:

Section 77—Reimbursement of expenses

(1) A member of a council is entitled to receive from the council—

(a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and

(b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the council (either specifically or under a policy established by the council for the purposes of this section), incurred in performing or discharging official functions and duties.

(2) A policy under subsection (1)(b) lapses at a general election of the council.

Prescribed Expenses

Regulation 5 sets out the kinds of expenses for which a member of a council will be reimbursed as follows:

(a) travelling expenses actually and necessarily incurred by the member in travelling to or from a prescribed meeting if—

(i) the journey is an eligible journey; and

(ii) the journey is by the shortest or most practicable route;

(b) expenses for the care of—

(i) a child of the member; or

(ii) a dependant of the member requiring full-time care, actually and necessarily incurred by the member as a consequence of the member's attendance at a prescribed meeting.

(2) However—

(a) in relation to the operation of subregulation (1)(a)—

(i) if an eligible journey relates to travel between a place within the area of a council and a place outside the area of a council (in either direction), the member is only entitled to be reimbursed in respect of expenses that can be attributed to travel within the area of the council; and

(ii) the rate of reimbursement for motor vehicle costs will be at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth; and

(b) in relation to the operation of subregulation (1)(b)—a member of a council is not entitled to be reimbursed if the care is provided by a person who ordinarily resides with the member.

Expenses Requiring Council Approval

Regulation 6 sets out the kinds of expenses for which a member of a council *may* be reimbursed (if approved by Council) as follows:

- (a) expenses incurred in the use of a telephone, fax or other telecommunications device, or in the use of a form of electronic communication, on the business of the council;*
- (b) travelling expenses incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*
- (c) travelling expenses incurred by the member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the council;*
- (d) expenses for the care of—*
 - (i) a child of the member; or*
 - (ii) a dependant of the member requiring full-time care, incurred by the member as a consequence of the member's attendance at a function or activity on the business of the council (other than for which the member is reimbursed under section 77(1)(a) of the Act);*
- (e) expenses incurred by the member as a consequence of the member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles or duties of a member of a council (other than for which the member is reimbursed under section 77(1)(a) of the Act).*

Council Members Allowances and Benefits Policy

A council may, and Adelaide Plains Council has previously resolved to, adopt a policy approving the reimbursement of particular expenses pursuant to section 77(1)(b) of the Act.

The Act provides that any council policy under section 77(1)(b) lapses at a general election of Council. With a general election having just taken place, it follows that Council's previous *Council Members Allowances and Benefits Policy*, adopted in February 2019, is now lapsed (i.e. no longer applies). Accordingly, further report and draft *Council Members Allowances and Benefits Policy* will be presented to Council for consideration at a subsequent Ordinary Council Meeting.

Conclusion

This report is presented to inform Council Members of their statutory entitlement to certain allowances, benefits and reimbursements in relation to their office and official functions and duties under the Act and Regulations.

References

Legislation

Local Government Act 1999

Local Government (Members Allowances and Benefits) Regulations 2010 (SA)

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Annual Business Plan and Budget 2022-2023



No. 2 of 2022

REPORT OF THE REMUNERATION TRIBUNAL
2022 ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS

INTRODUCTION AND BACKGROUND

1. Section 14 of the *Remuneration Act 1990* provides that the Remuneration Tribunal ("the Tribunal") has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
2. The Tribunal's jurisdiction in relation to members of local government councils ("members") is governed by section 76 of the *Local Government Act 1999*. That section confers jurisdiction upon the Tribunal to determine allowances for members, once every four years.
3. The Tribunal notes that its jurisdiction for members under the above legislation is limited and specific. The Tribunal's powers are limited to the determination of allowances only and the Tribunal must consider certain criteria as set out in the legislation.
4. The last review of this entitlement was conducted by the Tribunal in 2018. The Tribunal notes that, for the three years between Tribunal reviews, allowances are indexed each year according to the above legislation.

PROCEDURAL HISTORY

5. Section 10(2) of the *Remuneration Act 1990* provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
6. Section 10(4) of the *Remuneration Act 1990* provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
7. On 8 February 2022, the Tribunal wrote to the Premier of South Australia ("the Premier"), as the Minister responsible for the Act, the Minister for Local Government, as the Minister responsible for the *Local Government Act 1999*, and to the Local Government Association of South Australia ("LGA"), inviting submissions to the Tribunal.

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8. A public notification of the review and a guideline for the making of submissions was published on the Tribunal's website the same day, advising that the Tribunal had "*initiated a review of allowances for Elected Members of Local Government Councils*".¹ This determination relates to members of South Australian local government councils excluding members of the Adelaide City Council. Allowances for members of the Adelaide City Council will be addressed in a separate determination by the Tribunal.
9. The Tribunal issued guidelines for the making of submissions that gave prior notice that the Tribunal would consider the following factors in the making of its determination:
 - Name and contact details of the Council, individual or association making the submission.
 - The geographical size (area) of the Council.
 - Population (number of electors).
 - The revenue (\$) of the Council.
 - The ratio of members to ratepayers.
 - Meetings (number of council and committee meetings held in last 12 months, number of members attending council and committee meetings).
 - Amount of allowance deemed appropriate (submission may present an evidence based justification for an adjustment).
 - Any other relevant factors, without limiting the issues that might be addressed (this may include comment on any issues with the current Determination, or council groupings for the purpose of determining the level of allowance, or the Council's capacity to pay).
10. These factors reflected the provisions of section 76(3) of the *Local Government Act 1999* and matters considered by the Tribunal to be potentially relevant to the establishment of allowances.
11. The closing date for written submissions was 8 April 2022.
12. The Tribunal conducted a hearing on 2 May 2022 for councils and individuals to make oral submissions to the Tribunal.

LEGISLATIVE PROVISIONS

13. Section 76 of the *Local Government Act 1999*, as amended, is set out as follows:

"76—Allowances

- (1) *Subject to this Act, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*
- (2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*

¹ The public notification advised that the scope of the review included allowances for elected members as defined in section 76 of the *Local Government Act 1999* and section 24 of the *City of Adelaide Act 1998*.

- (3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*
- (a) *the role of members of council as members of the council's governing body and as representatives of their area;*
 - (b) *the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*
 - (ba) *the ratio of members to ratepayers;*
 - (c) *the fact that an allowance under this section is not intended to amount to a salary for a member;*
 - (d) *the fact that an allowance under this section should reflect the nature of a member's office;*
 - (e) *the provisions of this Act providing for the reimbursement of expenses of members.*
- (4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of **remuneration** in the Remuneration Act 1990.*
- (5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*
- (a) *allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and*
 - (b) *allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.*
- (6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).*
- (7) *The rates of allowances may vary from office to office, and from council to council.*
- (8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*
- (a) *commencing on the conclusion of the relevant periodic election; and*
 - (b) *concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).*
- (9) *An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index.*
- (10) *Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.*

- (11) *Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.*
- (12) *An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).*
- (13) *Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the President of the Tribunal after consultation with the LGA.*
- (13a) *The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.*
- (14) *Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.*
- (15) *In this section—*

Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

designated day, in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections."

- 14. Relevantly, the Tribunal's jurisdiction is confined to the making of Determinations, on a four-yearly basis, in relation to allowances of members. Section 76 recognises that the Tribunal may determine differential allowance amounts and increases depending on its assessment of these legislative criteria.
- 15. The Tribunal notes that the allowances referenced in the *Local Government Act 1999* fall within the definition of remuneration in the *Remuneration Act 1990* as follows:

"3—Interpretation

In this Act—

remuneration includes—

- (a) salary; and
- (b) allowances; and
- (c) expenses; and
- (d) fees; and
- (e) any other benefit of a pecuniary nature;

the Tribunal means the Remuneration Tribunal established under Part 2."

- 16. The Tribunal notes that in accordance with section 76(3)(c) of the *Local Government Act 1999*, the allowance paid to members is "...not intended to amount to a salary for a member." The Tribunal has proceeded with this review on that basis.

ROLE AND FUNCTIONS OF MEMBERS

- 17. The role of members is expressed at section 59 of the *Local Government Act 1999*. The Tribunal has had due regard to the official role and functions set out below in the making of its Determination.

“59—Roles of members of councils

- (1) *The role of a member of a council is—*
- (a) *as a member of the governing body of the council—*
- (i) *to act with integrity; and*
 - (ii) *to ensure positive and constructive working relationships within the council; and*
 - (iii) *to recognise and support the role of the principal member under the Act; and*
 - (iv) *to develop skills relevant to the role of a member of the council and the functions of the council as a body; and*
 - (v) *to participate in the deliberations and activities of the council; and*
 - (vi) *to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and*
 - (vii) *to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and*
 - (viii) *to ensure, as far as is practicable, that the principles set out in section 8 are observed; and*
 - (ix) *to participate in the oversight of the chief executive officer's performance under the council's contract with the chief executive officer; and*
 - (x) *to serve the overall public interest; and*
- (b) *as a person elected to the council—to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.*
- (2) *A member of a council may, with the principal member's authorisation, act in place of, or represent, the principal member.*
- (3) *A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.”*

SUBMISSIONS

18. A summary of written submissions made to the Tribunal by councils and individuals is included below:

Council	Type of submission	Summary of Issues Raised
Coorong District Council	Council	<ul style="list-style-type: none"> Change in members to ratepayers ratio (less members) Increase Deputy Mayor Allowance (to reflect acting arrangements for Mayor and mentoring other members)
City of Marion Council	Council	<ul style="list-style-type: none"> Members can now attend meetings remotely, leading to efficiencies in travelling time
Port Pirie Regional Council (Individual, Mayor)	Individual, Member	<ul style="list-style-type: none"> Reclassify all group 5 councils to group 4 Members should receive a 5% pay increase across the board Mayor should receive 6 times allowance of a member Deputy Mayor should receive 1.75 times that of a member

Council	Type of submission	Summary of Issues Raised
Tea Tree Gully Council	Council	<ul style="list-style-type: none"> Requests reclassification from group 1B to group 1A
Tim Looker, City of Holdfast Bay	Individual, former Member	<ul style="list-style-type: none"> That the allowance for Holdfast Bay be reduced The city is over-represented (too many members) The workload is light and not deserving of such a high level of allowance
Walkerville Council	Council	<ul style="list-style-type: none"> Council deems that an annual increase of Consumer Price Index ("CPI") is reasonable
Whyalla Council	Council	<ul style="list-style-type: none"> Increase Mayor allowance to 5 times member allowance, and consider unique circumstances of mayor Regional mayor should receive 6 times member allowance
Malcolm Herrmann (individual, Adelaide Hills Council)	Individual, Member	<ul style="list-style-type: none"> Seeks higher sitting fee for committees Seeks a higher travelling time payment
City of Victor Harbor	Council	<ul style="list-style-type: none"> Seeks reclassification from Group 3 to Group 2
City of Port Lincoln (individual, Mayor Brad Flaherty)	Individual, Member	<ul style="list-style-type: none"> Seeks reclassification from Group 3 to Group 2
Robert Mann (individual, City of Victor Harbor)	Individual, Member	<ul style="list-style-type: none"> Paying a higher rate may help with the quality of candidates and hence lower costs in relation to code of conduct issues.
City of Charles Sturt	Council	<ul style="list-style-type: none"> Current grouping is appropriate
Adelaide Hills Council	Council	<ul style="list-style-type: none"> Council allowance form only a very minor part of Council revenues Time travelling component is insufficient and should include ward duties

19. Consistent with the observations of the Tribunal in its 2018 Report, the number of submissions made has continued to decrease. The submissions received were commonly focussed on requests for changed group allocations and allowances for mayors and deputy mayors and recognition of specific regional considerations. To avoid doubt, the Tribunal has included chairpersons and deputy chairpersons in its consideration of mayors and deputy mayors respectively.
20. In conducting this review, the Tribunal has sought data from various official sources including the Local Government Grants Commission of South Australia and the Electoral Commission of South Australia.
21. The Tribunal also conducted an analysis of certain metrics of councils, including the number of persons, revenues, geographical area and the ratio of members to ratepayers.

CONCLUSIONS

22. The Tribunal recognises that this review is being undertaken at an important time for local government in South Australia.
23. There is increased public scrutiny of local government operations in the context of its efficiency, its capacity to demonstrate efficient service delivery and its ability to articulate its role and functions. There are pressures to consider the efficiency gains that might arise from mergers or shared service delivery arrangements. Where changes in these respects have been made, there is a need to demonstrate that these have been beneficial.
24. The objective of the current review is to determine a fair rate of allowance, based on consideration of the legislative criteria. These allowances do not equate with salaries in the normal context in that they do not reflect a normal commercial or work value-based rate of remuneration that takes full account of the time, the commitment and the responsibility associated with these roles. The Tribunal recognises at the outset that there is a significant element of voluntary community commitment on the part of members of local government. What is clear from the *Local Government Act 1999* is that allowances provide at least partial recognition of the time and expenses incurred by members depending on the nature and structure of the council and the functions they perform as members.
25. The Tribunal considers that there is a legitimate community expectation that members will be capable of fully comprehending the significance of their roles, will be open to constructive debates and will comply with the relevant behavioural expectations for members. The Tribunal has adopted a position whereby the allowance levels presume that appropriate behaviour standards are met. The Tribunal does not regard these issues to be relevant to setting allowances.
26. The Tribunal acknowledges the very broad range of skills and contributions made by members.
27. In this report the Tribunal commences with a review of the traditional approach to reviewing allowance amounts. We then consider the issues raised in the context of this traditional system before explaining our conclusions about the quantum of allowances.

The grouping of councils

28. Previous determinations of the Tribunal have established groupings of councils. There are effectively six discrete groups. Within each group, common allowance amounts apply.
29. The current council groups are disposed² as follows:

Group 1A City of Charles Sturt City of Onkaparinga City of Port Adelaide Enfield City of Salisbury	Group 1B City of Holdfast Bay City of Marion City of Mitcham City of Playford City of Tea Tree Gully City of West Torrens
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² Appendix 1, *Determination of the Remuneration Tribunal Allowances for Members of Local Government Councils No. 6 of 2018*

Group 2 Adelaide Hills Council Alexandrina Council Barossa Council Campbelltown City Council City of Burnside City of Mount Gambier City of Prospect City of Norwood Payneham and St Peters City of Unley City of Whyalla District Council of Mount Barker Port August City Council Rural City of Murray Bridge Town of Gawler	Group 3 Berri Barmera Council City of Port Lincoln City of Victor Harbor Clare and Gilbert Valleys Council District Council of Loxton Waikerie District Council of The Copper Coast District Council of Yorke Peninsula Light Regional Council Naracoorte Lucindale Council Port Pirie Regional Council Tatiara District Council Wattle Range Council
Group 4 Adelaide Plains Council Corporation of the Town of Walkerville District Council of Coorong District Council of Grant District Council of Lower Eyre Peninsula District Council of Yankalilla District Council of Renmark Paringa Kangaroo Island Council Northern Areas Council Regional Council of Goyder Wakefield Regional Council	Group 5 Barunga West Council District Council of Ceduna District Council of Cleve District Council of Coober Pedy District Council of Elliston District Council of Franklin Harbour District Council of Franklin Harbour District Council of Karoonda East Murray District Council of Kimba District Council of Mount Remarkable District Council of Orroroo Carrieton District Council of Peterborough District Council of Robe District Council of Streaky Bay District Council of Tumby Bay Flinders Ranges Council Kingston District Council Southern Mallee District Council Wudinna District Council

30. Notwithstanding the capacity for councils to argue that the grouping system in overall terms was not appropriate, few of the submissions sought to challenge this. One submission sought broad clarification of the current grouping system and only a small number of submissions requested that their council group allocation be reviewed so that they were classified in a higher grouping.
31. Before considering the allowance amounts in the context of the Grouping system, the Tribunal reviewed the extent to which it could be fully satisfied that each of the groups reflected a fair

characterisation of the statutory criteria in section 76 of the *Local Government Act 1999*. Disparities between councils within these groups and some inherent inconsistencies are readily apparent. The Tribunal is satisfied that while the current grouping arrangement can be applied for the purposes of this Determination, consideration of council functions collectively does not allow for optimal consideration of the legislative criteria the Tribunal is required to assess. The submissions, seen in the context of the disparities within the groups, do not permit council specific allowance adjustments that recognise the legislative criteria.

32. It is inherently difficult to address the factors in section 76(3) of the *Local Government Act 1999* in a group context. Consequently, as part of the next four-yearly review the Tribunal proposes to reconsider this traditional arrangement. Specifically, the Tribunal invites consideration of an alternative approach that would establish an appropriate allowance for a "standard" or "benchmark" council, with specific additions or deductions for all other councils to recognise each of the criteria in section 76(3). The Tribunal proposes to consider whether such an approach would more fairly recognise the impact of these statutory criteria and encourage councils to review the way in which they operate. Any such review must be evidence based. Whilst it was open to the Tribunal to delay the determination of this review to provide an opportunity for submissions on this proposition, the nature of the submissions received and likely delays mitigated against this. Councils are encouraged to consider this proposition well in advance of the next four-yearly review.
33. In its 2018 review the Tribunal concluded that the limited number of submissions and the content of those submissions suggested that there was limited interest on the part of councils in general in changes to the current structure of allowances and the level of those allowances. We see little change from that position but the Tribunal is intent on providing an opportunity for more relevant recognition of the legislative criteria. While the general position adopted by most of the councils that made submissions was to the effect that there was no disagreement about their categorisation in a given band, later in this report, the Tribunal has considered the changes proposed by some councils.
34. The Tribunal notes that most of the submissions made essentially presumed a status quo position and provided minimum information relating to the specified criteria, whilst not detailing views about the conclusions which the Tribunal should draw from that information. In this respect the general standard of submissions provided very limited assistance to facilitate assessments against the legislative criteria. Even the limited number of submissions that addressed the statutory criteria did not provide the Tribunal with a sustainable basis upon which to identify a different approach to the current broad generic groupings.
35. The Tribunal distinguishes the submission made by the City of Marion. While that submission did not propose significant change to the current arrangements, it did provide a clear summary of the characteristics of that council in the context of the legislative criteria. The Tribunal suggests that submissions of this nature would assist in future consideration of allowances.
36. The Tribunal has noted that council submissions generally supported CPI based increases to current Allowances. The limited number of alternative positions are summarised below.

Requests to change allowances generally

37. The Adelaide Hills Council made a submission that increased complexity, significant responsibilities and legislative obligations associated with member functions warranted a doubling of the current allowances. The Tribunal considers that this submission did not substantiate this claimed increase in the member allowances against the legislative criteria

or in the context of the grouping system. The council's submission suggested restructuring the grouping criteria to incorporate considerations of population density and ward size. The Tribunal has recognised potential inherent deficiencies in the grouping system and has expressed an intention to give the local government sector the opportunity to consider those issues in a more fulsome manner at the next review. To the extent that the submission simply asserts that council budgets can afford an increase of the nature sought, the Tribunal rejects consideration of that issue alone.

38. The Mayor of the Port Pirie Regional Council made a personal submission proposing a five percent increase in the allowances payable to members generally. The Mayor sought annual indexation of this amount at no less than the CPI rate. The Tribunal is not satisfied that an adequate evidentiary case for such an increase has been put or that a claim of this nature is consistent with the legislative criteria that the Tribunal is required to consider.
39. The Coorong District Council proposed adjusting the member allowances on the basis of movements in the wage price index rather than the CPI. The Tribunal is not satisfied that such a position is consistent with the reference to CPI in the legislation where the references are to the CPI and not another economic measure published by the Australian Bureau of Statistics. The Coorong District Council also suggested that consideration be given to a different approach to the calculation of allowances to better take account of the differing characteristics of councils. The Tribunal notes this suggestion in the context of its proposal for consideration of a different approach to the determination of allowances in the future. The Tribunal also notes that Coorong District Council proposes a biennial review of allowances which is inconsistent with the legislative requirements.
40. The City of Tea Tree Gully provided data to facilitate consideration of the legislative criteria and made a submission seeking a more general review of allowance amounts, together with a request that the Tribunal consider adjusting the timing of future reviews to better correspond to council budgets. To the extent permitted by the *Local Government Act 1999*, the Tribunal recognises this concern about timing.
41. The City of Victor Harbor submission expressed the view that allowances are not currently adequate given the time and expertise commitments required. The Tribunal notes this position but does not accept that this submission provides an evidentiary basis for increasing amounts as the changes sought are not fully established in their own right, or within the context of local government generally.
42. Mr Mann, a councillor for the City of Victor Harbor, made a personal submission. Mr Mann's individual submission was to the effect that increased allowances would assist in improving the operations of local government, given increased complexities associated with local government functions. Mr Mann asserts that increased payments for members would encourage younger persons to take on these roles. Again, the Tribunal considers that the legislative criteria it is obliged to consider preclude the adoption of broad global statements of this nature.
43. Mr Looker made an individual submission seeking a reduction in the allowance amounts applicable to the councillors of the City of Holdfast Bay. In his submission, Mr Looker argued for a reduction in allowances for that council on the basis that the City of Holdfast Bay had not made savings by reducing the number of councillors. The Tribunal is not satisfied that Mr Looker's assertions are properly established or that they take into account the entirety of the relevant circumstances that need to be considered in the context of the legislative criteria.

Requests to review specific group allocations

44. The City of Victor Harbor requested that it should be reclassified from Group 3 to Group 2, largely on the basis that it better aligned with the councils in Group 2. The City of Victor Harbor referred to its proximity to Adelaide and seasonal population growth in support of its submission, while asserting these factors were not taken into account in its current grouping. The Tribunal has noted this submission and the arguments incorporated in it and recognises these concerns. However, the Tribunal is concerned that reclassifying the City of Victor Harbor as a Group 2 council would create as many anomalies as it would resolve given the inherent uncertainty about the basis for groupings. The Tribunal is not inclined to reclassify the City of Victor Harbor in this review but invites further submissions at the next review.
45. The City of Port Lincoln is currently classified as a Group 3 council. The Mayor of the City of Port Lincoln made a personal submission seeking that the City be reclassified as a Group 2 council. This submission referred to the growth of the City over the past ten years and the extent to which it was more comparable with other Group 2 councils. Again, the Tribunal has noted this submission and recognises that certain of the criteria favour comparisons with other Group 2 councils. However, as was the case with the City of Victor Harbor, reclassification of the City of Port Lincoln will immediately create potential anomalies with other comparable Group 3 councils. Again, the Tribunal invites a further submission for the next review with more detailed explanations of its position relative to the section 76 criteria.
46. The Port Pirie Regional Council is classified as a Group 3 council. The Mayor of the council made a personal submission dealing with a range of matters, which included a submission that all Group 5 councils should be reclassified as Group 4 councils. The basis for this proposal is unclear to the Tribunal but in the absence of a sustainable foundation for this position, the Tribunal is not prepared to make a change of this nature.
47. The City of Tea Tree Gully is currently classified a Group 1B council. In its submission the City of Tea Tree Gully suggested it should be reclassified as a Group 1A council. The City also suggested alternative approaches to setting allowances. The Tribunal is not satisfied that the City has presented a sustainable case for either its reclassification as a Group 1A council on comparative grounds, or a sustainable case for the adoption of an alternative approach to establishing allowance amounts.

Requests to alter allowance arrangements applicable to mayors and chairpersons

48. From 2010, the Tribunal has adopted the position that mayors and chairpersons (excluding the Lord Mayor of the Adelaide City Council) should receive an allowance four times the annual amount applicable to members for that council.
49. The Whyalla City Council proposed that allowances for mayors should be increased to five times the annual allowance payable to members with regional mayors to receive an allowance six times the annual allowance payable to members. This submission was made on the basis that the responsibilities of mayors had increased following recent changes to the *Local Government Act 1999*. The further increase for regional mayors was sought on the basis that the Tribunal should establish a framework for recognition of the unique and complex circumstances confronting some councils. These included the need for some regional council mayors to actively engage in critical negotiations about significant projects and issues particularly relevant to their community. The Tribunal recognises that a capacity to distinguish between the requirements of a particular regional mayor and mayors generally may be appropriate in the future. However, such a distinction is difficult to reconcile with allowances to mayors that are based on allowances determined for the current groups. Additionally, the

Tribunal notes that such a proposal has not been promulgated by other councils. The Tribunal is not satisfied that the information provided represents a compelling case for a change that may establish unintended consequences.

50. The personal submission made by the Mayor of the City of Port Lincoln proposed increased recognition of the demands on a mayor. This submission asserted that the Tribunal's 2014 Determination relating to the City of Adelaide was apposite to the functions undertaken by both the mayor and councillors of the City of Port Lincoln. While the Tribunal recognises that this submission may reflect a correct recognition of a change in the role of mayors and members, it does not provide a sustainable basis for that increase, nor address the relevant statutory criteria. Nor indeed can it be taken to reflect a general position within local government.

Requests to alter deputy mayors and deputy chairpersons allowance arrangements

51. The Adelaide Hills Council proposed that the allowance amount for deputy mayors be set at two times the annual allowance for members or for this amount to be payable at the mayor's allowance rate when the deputy is undertaking the mayoral role. The Tribunal is not satisfied that there should be an across the board increase to two times the annual allowance for members because evidence about the comparative criteria for deputy mayors has not been provided but has concluded that, if a deputy mayor is required to undertake the duties of a mayor for a period of at least one month, the mayoral allowance rate should apply.
52. The Coorong District Council proposed a review of the allowance for deputy mayors because of asserted increased expectations of these roles. The Tribunal is not satisfied that this assertion represents a sustainable basis for change.
53. The Mayor of the Port Pirie Regional Council made a personal submission that the allowance for deputy mayors be increased to 1.75 times the annual allowance for a member. The Tribunal is not satisfied that a basis for this proposal has been established.

Requests to alter allowance payments to the presiding members of prescribed committees

54. In its 2018 Determination, the Tribunal confirmed an allowance amount for members who are presiding members of prescribed committees.
55. Mr Hermann, a councillor for the Adelaide Hills Council made a personal submission seeking a sitting fee for the Audit Committee. The Tribunal is not satisfied that a basis for such a fee has been established on the material provided.

Travel Time payments

56. In previous determinations the Tribunal has provided for a Travelling Time allowance for non-metropolitan councils. The 2018 Determination varied this Travel Time Allowance in the following terms:

"An allowance of \$410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 30 kms but less than 50 kms from that council's principal office, via the most direct road route.

An allowance of \$700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at least 50 kms but less than 75 kms from that council's principal office, via the most direct road route.

An allowance of \$1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located at

least 75 kms but less than 100 kms from that council's principal office, via the most direct road route.

An allowance of \$1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located 100 kms or more from that council's principal office, via the most direct road route.

The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred."

57. The Tribunal notes that travel expenses are separately covered by the legislation.
58. The Adelaide Hills Council submitted that travel times within its two wards, representing 569km and 225km, were undervalued by the travel time involved. The council suggested that the Travel Time Allowance should be restructured to include both a meeting attendance and a ward duties component to more appropriately recognise the travel time on council business. The Tribunal recognises that travel time within councils and within wards varies. Minimal information about other councils is available to the Tribunal, and indeed, other submissions note the reduction in travel time associated with increased video meeting participation. The Tribunal is not satisfied that sufficient information about this proposal has been provided so as to properly address an issue affecting many councils.
59. Mr Hermann, a councillor for the Adelaide Hills Council made a personal submission seeking a general member allowance in recognition of the extent of travel he undertook relative to other members of that council. The Tribunal is not satisfied that an additional specific payment is warranted on the basis of this submission, or that it establishes the need for a change in the existing travel time allowance.
60. The Tribunal notes that the Coorong District Council is not expected to have wards from the November 2022 council elections with consequent increased travel times.

Other submissions

61. The Manager Strategy and Governance at the City of Holdfast Bay has requested that the Tribunal clarify the potential for confusion about whether the allowance for a deputy mayor should be paid in addition to the allowance for a presiding member of a prescribed committee if that member performs both functions.
62. The Tribunal has noted that the 2018 Determination states:

"The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council."
63. The Tribunal considers that this Determination establishes that the allowance applicable to a presiding member of a prescribed committee does not apply to either a mayor or deputy mayor undertaking those functions, that is, if a deputy mayor is also a member of a prescribed committee, the allowance is not duplicated.

Summary of the Tribunal position with respect to proposals seeking allowance changes.

64. Having considered the submissions seeking alterations to current allowance arrangements, the Tribunal has determined that the current structure of allowances set in 2018 should be retained for the purposes of this review. The submissions disclose highly variable appreciations of the legislative criteria the Tribunal is required to consider. They also generally fail to recognise the relative positions of councils and the extent to which a change made to

one council is likely to create anomalies in other councils. This again tends to support the proposal that the Tribunal has made for a future change in the general approach to establishing allowances.

65. The Tribunal notes that some councils may have achieved significant operational improvements, or confronted major community change or challenges but absent a better means of collectively considering these issues, the Tribunal has adopted the position that existing allowances should only be adjusted to ensure appropriate recognition of cost of living changes.
66. The Tribunal is satisfied that, in overall terms, the increases summarised below meet the requirements inherent in section 76(4) of the *Local Government Act 1999*. The submissions received refer to the role of members of councils. The Tribunal has noted that the current grouping system incorporates consideration of the size, population and revenue of councils and to economic, social, demographic and regional factors. The Tribunal has noted overall information relating to the ratio of members to ratepayers but has not made a specific allowance adjustment to this effect. The Tribunal has expressed its concern that the current system lacks the capacity to properly recognise these specific criteria, and creates inherent difficulties in comparing initiatives and characteristics of councils, and has suggested that councils generally consider options for substantial change. The Tribunal notes that there remains confusion about the distinction between salary arrangements and the allowances that are reflected in some of the submissions put, but is nevertheless satisfied that the amounts proposed recognised the vital voluntary nature of the role of members. The allowances summarised below reflect the varying nature of offices held by members and take into account the provisions of the *Local Government Act 1999* enabling the reimbursement of expenses.

67. General increase to allowances

- 67.1. The Tribunal has applied a general increase to the amount of the allowances for members of local government. This increase takes into account the provisions of section 76(9) of the *Local Government Act 1999* dealing with the annual recognition of CPI movements for the three years between reviews of this nature. This section states:

"(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index."

- 67.2. The Tribunal considers an increase to current member allowances of three percent is appropriate. The Tribunal is satisfied that this adjustment, when considered in the context of the annual increases that have been applied over the past three years reflects the reasonable maintenance of allowance payments against consumer price index movements.

Principal Members (Mayors and Chairpersons), Deputy Mayors and Deputy Chairpersons

- 67.3. The Tribunal has not altered the basis for allowances payable to principal members, deputy mayors and deputy chairpersons.

Deputy Presiding Member/s of a prescribed committee

- 67.4. The Tribunal confirms that for the deputy presiding member/s of a prescribed committee, the deputy presiding member/s who undertakes the duties of a presiding

member for a minimum period of one month should receive the presiding member allowance for the entirety of the time they undertake those expanded duties.

Presiding Member of a committee that is not a prescribed committee

- 67.5. The Tribunal has increased the sitting fee payable to a councillor (other than a principal member, deputy mayor, deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee that is not a prescribed committee by three percent.

Travel Time Allowance

- 67.6. The Tribunal has not altered the basis for payment of the Travel Time Allowance but has increased these amounts by three per cent.

Changes to Council Groupings

- 67.7. The Tribunal has not altered the current council groupings.

FREQUENCY OF REVIEWS

68. The Tribunal intends to review the allowances for members on a four yearly basis in accordance with the *Local Government Act 1999*. The next review will be in 2026. The Tribunal has foreshadowed a significant review of the allowance setting approach may be undertaken in 2026.

OPERATIVE DATE

69. As provided for by section 76(8) of the Act, the accompanying Determination will come into operation upon the conclusion of the 2022 Local Government Elections.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 5th day of July 2022



No. 2 of 2022

**DETERMINATION OF THE REMUNERATION TRIBUNAL
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS**

SCOPE OF DETERMINATION

1. The Remuneration Tribunal has jurisdiction under section 76 of the *Local Government Act 1999* ("the Act"), to determine the allowance payable to members of Local Government Councils constituted under that Act.
2. This Determination applies to the members of Councils constituted under the Act, but does not apply to members of the Adelaide City Council.

INTERPRETATION

3. In this Determination, unless the contrary appears:

"Committee" means a committee established by a council in terms of section 41 of the Act.

"Councillor" means a person appointed or elected as a member of a local government council under the Act.

"Principal Member" means a principal member under the Act.

"Prescribed Committee" means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development.

ALLOWANCES

4. Councillors

The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee shall be as follows:

Council Group	\$ per annum
Group 1A	\$25,838
Group 1B	\$22,828
Group 2	\$19,110
Group 3	\$15,381
Group 4	\$10,955
Group 5	\$7,192

Council Groups are provided in Appendix 1.

5. **Principal Member (Mayor / Chairperson)**

The annual allowance for the principal member of a local government council constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

6. **Deputy Mayor / Deputy Chairperson**

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council. For the purpose of this clause, the level of allowance is payable at a maximum of 1.25 times only and does not multiply for each of the qualifying criteria.

7. **Presiding Member of a Committee**

A deputy presiding member who undertakes the duties of a presiding member of a committee for a minimum period of one month should receive the presiding member allowance for the entirety of the time they undertake those expanded duties.

8. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member, deputy mayor, deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee that is not a prescribed committee at the following rates:

- a. Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of \$255 per meeting limited to an aggregate amount of allowance of \$1,527 per annum;
- b. Where the councillor is a member of a council in Group 2 or Group 3; an allowance of \$188 per meeting limited to an aggregate amount of allowance of \$1,129 per annum;
- c. Where the councillor is a member of a council in Group 4 or Group 5; an allowance of \$123 per meeting limited to an aggregate amount of allowance of \$731 per annum.

TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS

9. An allowance of \$454 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.
10. An allowance of \$775 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route.
11. An allowance of \$1,162 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route.

12. An allowance of \$1,649 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.
13. The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.
14. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

DATE OF OPERATION

15. As provided for by section 76(8) of the Act, this Determination will come into operation on the conclusion of the 2022 Local Government Elections.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 5th day of July 2022

Appendix 1 – Council Groups

GROUP 1A
City of Charles Sturt
City of Onkaparinga
City of Port Adelaide Enfield
City of Salisbury

GROUP 1B
City of Holdfast Bay
City of Marion
City of Mitcham
City of Playford
City of Tea Tree Gully
City of West Torrens

GROUP 2
Adelaide Hills Council
Alexandrina Council
Barossa Council
Campbelltown City Council
City of Burnside
City of Mount Gambier
City of Prospect
City of Norwood Payneham and St Peters
City of Unley
City of Whyalla
District Council of Mount Barker
Port Augusta City Council
Rural City of Murray Bridge
Town of Gawler

GROUP 3
Berri Barmera Council
City of Port Lincoln
City of Victor Harbor
Clare and Gilbert Valleys Council
District Council of Loxton Waikerie
District Council of The Copper Coast
District Council of Yorke Peninsula
Light Regional Council
Mid Murray Council
Naracoorte Lucindale Council
Port Pirie Regional Council
Tatiara District Council
Wattle Range Council

GROUP 4
Adelaide Plains Council
Corporation of the Town of Walkerville
District Council of Coorong
District Council of Grant
District Council of Lower Eyre Peninsula
District Council of Yankalilla
District Council of Renmark Paringa
Kangaroo Island Council
Northern Areas Council
Regional Council of Goyder
Wakefield Regional Council

GROUP 5
Barunga West Council
District Council of Ceduna
District Council of Cleve
District Council of Coober Pedy
District Council of Elliston
District Council of Franklin Harbour
District Council of Karoonda East Murray
District Council of Kimba
District Council of Mount Remarkable
District Council of Orreroo Carrieton
District Council of Peterborough
District Council of Robe
District Council of Streaky Bay
District Council of Tumby Bay
Flinders Ranges Council
Kingston District Council
Southern Mallee District Council
Wudinna District Council

Appendix 2 – Non – Metropolitan Councils

Adelaide Hills Council	Port Pirie Regional Council
Adelaide Plains Council	Regional Council of Goyder
Alexandrina Council	Rural City of Murray Bridge
Berri Barmera Council	Southern Mallee District Council
Barossa Council	Tatiara District Council
City of Whyalla	Wakefield Regional Council
Clare and Gilbert Valleys Council	Wattle Range Council
District Council of Barunga West	Wudinna District Council
District Council of Ceduna	
District Council of Cleve	
District Council of Coober Pedy	
District Council of Coorong	
District Council of Elliston	
District Council of Franklin Harbour	
District Council of Grant	
District Council of Karoonda East Murray	
District Council of Kimba	
District Council of Lower Eyre Peninsula	
District Council of Loxton Waikerie	
District Council of Mount Barker	
District Council of Mount Remarkable	
District Council of Orroroo Carrieton	
District Council of Peterborough	
District Council of Renmark Paringa	
District Council of Robe	
District Council of Streaky Bay	
District Council of The Copper Coast	
District Council of Tumby Bay	
District Council of Yankalilla	
District Council of Yorke Peninsula	
Flinders Ranges Council	
Kangaroo Island Council	
Kingston District Council	
Light Regional Council	
Mid Murray Council	
Naracoorte Lucindale Council	
Northern Areas Council	
Port Augusta City Council	



No. 5 of 2022

SUPPLEMENTARY REPORT AND DETERMINATION OF THE REMUNERATION TRIBUNAL

Allowances for Members of Local Government Councils

REPORT

1. On 5 July 2022 the Remuneration Tribunal (**Tribunal**) issued a Report and Determination¹ in respect of the allowances payable to members of Local Government Councils constituted under the *Local Government Act 1999 (Act)*, and a Report and Determination² in respect of the allowances payable to members of the Adelaide City Council.
2. On 8 November 2022 the Local Government Association notified the Tribunal that one of its decisions as set out in the first of these Reports was not reflected in the accompanying Determination. The relevant decision is at paragraph 51 of Report No. 2 of 2022, where the Tribunal stated (emphasis added):

*The Adelaide Hills Council proposed that the allowance amount for deputy mayors be set at two times the annual allowance for members or for this amount to be payable at the mayor's allowance rate when the deputy is undertaking the mayoral role. The Tribunal is not satisfied that there should be an across the board increase to two times the annual allowance for members because evidence about the comparative criteria for deputy mayors has not been provided **but has concluded that, if a deputy mayor is required to undertake the duties of a mayor for a period of at least one month, the mayoral allowance rate should apply.***

3. The Tribunal's intention was for the accompanying Determination to give effect to this, and for the principle to apply to deputy chairpersons as they perform an equivalent function to deputy mayors and receive the same allowance. The Tribunal has accordingly decided to correct the above by issuing a supplementary determination, as follows.

¹ Report of the Remuneration Tribunal No. 2 of 2022 - 2022 Allowances for Members of Local Government Councils; and Determination No. 2 of 2022 - Allowances for Members of Local Government Councils.

² Report of the Remuneration Tribunal No. 3 of 2022 - 2022 Allowances for Members of Adelaide City Council; and Determination No. 3 of 2022 - Allowances for Members of Adelaide City Council.

4. The Tribunal did not receive any submissions from members of the Adelaide City Council or from anyone else in respect of its most recent review. The Tribunal also did not decide whether to apply the abovementioned principle to the circumstances of the Deputy Lord Mayor acting for one month or longer as Lord Mayor. Accordingly, there is no issue to correct in the current Determination for the Adelaide City Council. The appropriate time to consider this issue will be during the next review, in light of any submissions received on the topic.

DETERMINATION

Deputy Mayor / Deputy Chairperson

5. This Determination applies to members of Local Government Councils constituted under the Act, except for members of the Adelaide City Council. It supplements Determination No. 2 of 2022, and should be read in conjunction with that Determination.
6. A deputy mayor who undertakes the duties of a mayor for a period of one month or longer, is entitled to receive the mayor allowance for the entirety of the time they undertake those duties.
7. A deputy chairperson who undertakes the duties of a chairperson for a period of one month or longer, is entitled to receive the chairperson allowance for the entirety of the time they undertake those duties.
8. The mayor / chairperson allowance is to be paid instead of the member's usual allowance, and in proportion to the time the member performs the relevant duties.
9. In accordance with section 76(8) of the Act, this Determination will come into operation upon the conclusion of the 2022 Local Government Elections.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Curen AM
MEMBER

Dated this 15th day of November 2022

15.4 OVERVIEW OF RECENT CHANGES TO LOCAL GOVERNMENT LEGISLATION**Record Number:** D22/51944**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:** Nil**RECOMMENDATION**

“that Council, having considered Item 15.4 – *Overview of Recent Changes to Local Government Legislation*, dated Monday 28 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to outline the key amendments to the *Local Government Act 1999* (the LG Act), which commenced on Thursday 17 November 2022.

Background

The Local Government Reform Program commenced in early 2019 and the *Statutes Amendment (Local Government Review) Act 2021* commenced on 20 September 2021. Various changes to the LG Act and associated regulations have taken effect periodically since 2021.

A tranche of reforms commenced on 17 November 2022 with immediate effect, coinciding with the conclusion of the local government elections.

Discussion**1. Integrity Provisions**

Certain obligations for Members, some of which were previously contained in Part 3 of the Code of Conduct for Council Members (now repealed) are now incorporated under the LG Act and comprise the ‘integrity provisions’ for Council Members. These include:

- Section 62(4a) of the LG Act addresses the confidentiality obligations for a Member (as well as former Member) to not disclose information or a document which is subject to a confidentiality order under the LG Act, or is information the Member (or former Member) knows, or ought reasonably to know, is information or a document that it otherwise required to be treated on a confidential basis;
- Section 62(4c) of the LG Act provides that Member must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to, or performed by, the employee;
- Section 62(4d) of the LG Act provides that Members must ensure requests for information or documents from the Administration, requests for the performance of work, or the taking of

action by an employee of the council, are made in accordance with the requirements of the Chief Executive Officer (refer [Council Members Communication Policy](#));

- Obligations with respect to Gifts and Benefits set out in section 72A of the Act:
 - Prohibit Members from seeking out or receiving a gift or benefit that is (or could reasonably be taken to be), intended or likely to create a sense of obligation to a person on the part of the Member, or influence the Member in the performance or discharge of functions or duties;
 - Requires Gifts and Benefits above a prescribed amount (determined by the Minister to be \$50) to be disclosed and set out in a Register maintained by the Chief Executive Officer;
 - Gifts and Benefits received by designated persons or entities, (defined to include a family member, a family company or a trustee of a family trust) must be disclosed on the Gifts and Benefits Register;
- The format of Ordinary and Primary Returns has been amended, and are much more 'user friendly' in this respect. New Members must submit a Primary Return on this amended form within six (6) weeks of the conclusion of the elections, and all Members will be required to submit their Ordinary Returns from June 2023 on the new form;
- The conflict of interest provisions have been amended, such that there are now only two (2) categories of interest, being a *material* conflict of interest and a *general* conflict of interest. A Members obligation in dealing with these interests largely mirrors the former provisions, in that a Member;
 - Must disclose a material conflict of interest and leave the meeting and not participate in the discussion, debate and determination of the matter; and
 - Must disclose a general conflict of interest and otherwise deal with it in a transparent and accountable way, noting that leaving the meeting is not the only manner in which to deal with such an interest;
- The exemptions under the conflict of interest provisions have also largely been retained, however the former category of ordinary business under the *Local Government (General) Regulations 2013* (the Regulations) are now termed prescribed matters;
- In addition to the abovementioned integrity provisions, section 62(4e) of the LG Act provides for regulations to be made to include further matters, and regulation 7 of the Regulations currently provides for the following additional integrity provisions:
 - Members must not exercise, perform or discharge (or purport to do so), a power, duty or function relating to the office of the Member they are not authorised to exercise, perform or discharge;
 - Members must not use council resources, including the services of an employee of a council, for private purposes, unless –
 - Legally or appropriately authorised to do so; and
 - Where appropriate, payment for the use of the resources is made;
 - Members must, in the performance and discharge of official functions and duties where the Member considers that written communication is appropriate, use a written communication facility or service provided by the Council (i.e. it is now an

integrity provision for a Member to fail to use a Council provided email address in the performance of their role).

Complaints alleging that a Member has failed to comply with an integrity provision are to be made to the Ombudsman, who may investigate the complaint and make recommendations to the Council.

2. Behavioural Standards

- The Code of Conduct for Council Members has been replaced with the Behavioural Standards for Council Members (the Behavioural Standards).
- Councils must have a Behavioural Management Policy which sets out processes and procedures for the making of, assessment and determination of complaints concerning the behaviour of Council Members. Until/unless a council adopts its own Behavioural Management Policy, the LGA Model Behavioural Management Policy is taken to be the council's Behavioural Management Policy by virtue of the operation of Regulation 16 of the *Local Government (Transitional Provisions) Regulations 2021*. In any event, councils must review the operation of their Behavioural Management Policy (including the Model) within 12 months of the conclusion of the election.
- Councils may also adopt one or more Behavioural Support policies to supplement the Behavioural Standards, and must consider whether or not to do so within six (6) months from the conclusion of the election.
- Section 75G introduces new health and safety obligations for Members, including the requirement that Members must take reasonable care that their conduct does not adversely affect the health and safety of other Members or employees of the council.
- Given the significance of this amendment, and the Behavioural Framework, a separate and more detailed report is included within this Agenda at Item 15.5.

If the person whose health and safety is adversely affected by a Member's conduct is an employee of the council, the CEO may give the Member a reasonable direction that must be complied with, which may include a direction that a Member not attend a meeting of a council committee or (as a last resort) the council. Where the person whose health and safety has been adversely affected is a Member of the council, the Principal Member may provide such reasonable direction (and the Deputy or another Member chosen by the council where the health and safety of the Principal Member is adversely affected).

A complaint that a Member has contravened the Behavioural Standards is to be made and dealt with in accordance with the council's Behavioural Management Policy. Complaints relating to misbehaviour, repeated misbehaviour and serious misbehaviour (as defined) may be referred by certain persons to the Behavioural Standards Panel.

3. Primary and Ordinary Returns

The consequences for failing to submit an Ordinary or Primary Return have been amended, such that failure to submit within one (1) month of the applicable due date for the relevant return will result in the Member being suspended from office. During the term of suspension, the Member is not entitled to be paid their allowance.

The suspension will come to an end when Member submits the return and the CEO publishes a notice on the council's website specifying the date upon which the return was submitted. However,

if the Member is suspended for a continuous period of more than 12 months, the council must apply to the South Australian Civil and Administrative Tribunal (SACAT) for an order disqualifying the Member from office.

4. Training and Development

Section 80A of the LG Act concerns training and development policies for Members and the mandatory training requirement for Members have been significantly amended.

Where a Member fails to comply with a mandatory requirement, including their mandatory training requirements over the next 12 months, the council must suspend the Member from office until they comply with the same, unless 'good reason' exists for the failure to comply.

Again, if the Member is suspended for a continuous period of more than 12 months, the council must apply to SACAT for an order disqualifying the Member from office.

Given the significance of this amendment, and the Training Framework, a separate and more detailed report is included within this Agenda at Item 15.5.

Conclusion

An updated version of the LG Act available on the [South Australian Legislation website](#). Appropriate, ongoing training in relation to the above, and Council's general, legal/governance obligations will also be provided.

References

Legislation

Local Government Act 1999

Local Government (Elections) Act 2013

Local Government (Transitional Provisions) Regulations 2021

LGA Training Standards

Statutes Amendment (Local Government Review) Act 2021

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

Council Members Communication Policy

Council Members Induction Policy

LGA Model Behavioural Management Policy

Register of Interests Policy

15.5 COUNCIL MEMBERS BEHAVIOURAL MANAGEMENT FRAMEWORK**Record Number:** D22/51732**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:**

1. Behavioural Standards for Council Members
2. LGA Model Behavioural Management Policy

RECOMMENDATION

“that Council, having considered Item 15.5 – *Council Members Behavioural Management Framework*, dated 28 November 2022, receives and notes the report and in doing so acknowledges the Behavioural Management Framework, in particular the Behavioural Standards for Council Members and the Behavioural Management Policy.”

Purpose

The purpose of this report is to outline the Behavioural Management Framework that applies to all council members in South Australia.

Background

The Local Government Reform Program commenced in early 2019. A significant part of the reform was the introduction of a new ‘Behavioural Management Framework’ for council members to replace the *Code of Conduct for Council Members* (the BM Framework). The BM Framework, along with various other provisions which are outlined within Item 15.4 of this Agenda, commenced on 17 November 2022 are therefore applicable to the current Council term.

The BM Framework was consulted upon across the sector at various stages of its development. Most recently, Council at its Ordinary Meeting on 25 July 2022, considered the Local Government Association (LGA) draft behavioural management policy and provided substantial feedback. Pleasingly, much of this feedback has been reflected in the final LGA Behavioural Management Policy. [Click here to view](#) Item 13.5 – *Consultation – LGA Draft Behavioural Management Policy and Draft Behavioural Support Policy* dated 25 July 2022.

Discussion

The BM Framework

The key elements of the BM Framework are:

- *Legislation and Regulations*: the legislative framework within which all council members must operate.
- *Mandatory Behavioural Standards for Council Members* (the Behavioural Standards, presented as **Attachment 1** to this Report): approved by the Minister for Local Government, which apply to all council members in South Australia.
- *The mandatory Behavioural Management Policy* (the BM Policy, presented as **Attachment 2** to this Report): relating to the management of behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards, the BM Policy and/or any Behavioural Support Policy adopted by the Council. Each council must have a Behavioural Management Policy. To support all councils to transition towards, and ensure compliance with, the BM Framework, transitional provisions were enacted which deem the BM Policy (which Members will note is presented as a 'LGA Model Policy') as *the* Behavioural Management Policy for each council. At any time, however, Council can review its BM Policy and determine any changes it may wish to make.
- *Behavioural Support Policies*: councils can choose to adopt one or more support policies, which would supplement the Behavioural Standards.
- *The Behavioural Standards Panel (the Panel)*: an independent statutory authority comprising three (3) members with powers to impose sanctions on council members who breach legislative and policy requirements, established under the *Local Government Act 1999* (the LG Act) to assess and deal with matters referred to it.

Application of the BM Framework

For the avoidance of doubt, Council is *not required to adopt* the Policy or indeed the BM Framework more broadly – the BM Framework now exists and applies to Council pursuant to the LG Act.

For completeness, and noting that the BM Framework has replaced the former *Code of Conduct for Council Members*, it follows that Council's former *Complaints Handling Policy under the Council Members Code of Conduct* ceases to exist and does not need to be formally revoked. This legislative change will now trigger the review of various other Council policies in the context of their interaction with the former *Code of Conduct for Council Members*. Revised policies will be brought back to Council for consideration and adoption, via Council's Governance Advisory Panel, as required.

Conclusion

The BM Framework provisions commenced on 17 November 2022 and is therefore applicable to the current Council term. Council is required to review the operation of the BM Policy, and to determine whether it should adopt additional behavioural support policies, within six (6) months after the conclusion of each periodic election. Accordingly, a report will be presented to Council for this purpose in the coming months.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

No. 79 p. 6658

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

17 November 2022

LOCAL GOVERNMENT ACT 1999
SECTION 75E OF THE LOCAL GOVERNMENT ACT 1999

Behavioural Standards for Council Members

The Behavioural Standards for Council Members (Behavioural Standards) are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

Statement of Intent

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

Behavioural Standards

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:

1. General behaviour

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

2. Responsibilities as a member of Council

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

3. Relationship with fellow Council Members

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

4. Relationship with Council employees

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.

Definitions

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

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THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

No. 79 p. 6659

- a) repeatedly behaves unreasonably towards another Council member, or employee; and
- b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

An elected member will be considered to *sexually harass* other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another Council member, or employee (the person harassed); or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Council employees include volunteers, persons gaining work experience and contractors.

The following behaviour **does not** constitute a breach of these Standards:

- robust debate carried out in a **respectful** manner between Council Members; or
- A reasonable direction given by the Presiding Member at a council meeting, council committee meeting or other council-related meeting (such as a working group or an information or briefing session); or
- A reasonable direction carried out by the Council CEO/responsible person pursuant to section 75G of the Act in relation to the behaviour of a Council Member that poses a risk to the health or safety of a council employee.

Requirement applying to behavioural management policies of councils

Behavioural management policies of councils must provide for a Behavioural Standards Panel contact officer. Councils must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

Commencement

The Behavioural Standards come into operation on the day on which it is published in the Gazette.

Dated: 3 November 2022

HON GEOFF BROCK MP
Minister for Local Government

LOCAL GOVERNMENT ACT 1999
DETERMINATION UNDER SECTIONS 72A(2) AND 119A(2)

Register of Gifts and Benefits

For the purposes of sections 72A(2) and 119A(2) of the *Local Government Act 1999*, I, Geoffrey Graeme Brock, **Minister for Local Government** in the State of South Australia, hereby **DETERMINE** the amount of \$50.

This determination will come into operation on the day on which section 36 of the *Statutes Amendment (Local Government Review) Act 2021* comes into operation.

Dated: 3 November 2022

HON GEOFF BROCK MP
Minister for Local Government

LOCAL GOVERNMENT ACT 1999
SCHEDULE 3 CLAUSE 2(A1) OF THE LOCAL GOVERNMENT ACT 1999
REGULATION 9 OF THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013

Determination of Form of Returns—Register of Interests for Members and Officers of a Council

I, Geoffrey Graeme Brock, **Minister for Local Government** in the State of South Australia, under Schedule 3 clause 2(a1) of the *Local Government Act 1999* (the Act) and Regulation 9 of the *Local Government (General) Regulations 2013* (the Regulations), hereby **DETERMINE**:

- the form of the return in Annexure 1 as the form for a primary return under section 65 of the Act;
- the form of the return in Annexure 2 as the form for an ordinary return under section 66 of the Act;
- the form of the return in Annexure 3 as the form for a primary return under regulation 9(5) of the Regulations;
- the form of the return in Annexure 4 as the form for an ordinary return under regulation 9(6) of the Regulations

Dated: 3 November 2022

HON GEOFF BROCK MP
Minister for Local Government



Local Government Association
of South Australia

LG Equip

Model Behavioural Management Policy

August 2022

This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999 and endorsed by the LGA Board on 23 August 2022.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

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Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established¹ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the Behavioural Management Framework, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place so as to absolutely minimise risk.

¹ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the Behavioural Management Framework requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

The LGA Model Behavioural Management Policy reflects the changes to the role of the principal member of council, set out in section 58 of the *Local Government Act 1999*. Consistent with the increased leadership obligations, the Policy assigns responsibility for the management of complaints to the Mayor (except in circumstances where the complaint relates to the conduct of the Mayor). Councils may determine and appoint an alternative person to be responsible for managing any complaints received in accordance with this Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)² and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the *Local Government Act*.

² Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.

Behavioural Management Policy

Responsibility	Chief Executive Officer
Effective date	From the day on which section 147(6) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation
Next review date	Refer to regulation 16 of the <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>
Applicable Legislation	Local Government Act 1999 s262B <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>

1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members, this Behavioural Management Policy and/or any Behavioural Support Policy adopted by the Council (***the behavioural requirements***).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

behavioural requirements – in this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.

Behavioural Standards for Council Members – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.



frivolous – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

misbehaviour – is defined in section 262E of the *Local Government Act 1999* as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

1. the Mayor;
2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

repeated misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

serious misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements** is, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;



- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.



Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy³.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the **behavioural requirements**. A person may therefore consider raising the matter directly with the council member concerned.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or

³ There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.



other council member appointed by the Council as the person responsible for managing complaints under this Policy.

If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.4.1. Record keeping

Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website.
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)



- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of **behavioural requirements** in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters⁴:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith

⁴ The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.



- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint⁵
- determining to take no further action
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

⁵ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint



- the complainant must be provided written reasons explaining the decision⁶
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- A record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism:

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to refer to another body or agency

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration:

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
 - the specific provision(s) of the ***behavioural requirements*** alleged to have been breached; and
 - the circumstances where this breach is alleged to have occurred.

In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

⁶ Section 262D, Local Government Act 1999



- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.



4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

Where the finding is that no breach of the **behavioural requirements** has occurred a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁷ at the next practicable Council meeting. If no such request is received, no further action will be taken.

⁷ Note that the complainants identity may need to be redacted.

**Outcome – agreed actions (breach found)**

Where the finding is that a breach of the **behavioural requirements** has occurred and the complainant and the person complained about⁸ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁹ at the next practicable Council meeting.. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹⁰

Outcome – no agreed action (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- taking no further action
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;

⁸ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

⁹ Note that the complainants identity may need to be redacted.

¹⁰ Schedule 4(1)(d), *Local Government Act 1999*



- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public¹¹.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹²

4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	Plain language explanation
<p><i>misbehaviour</i> means—</p> <ol style="list-style-type: none"> a failure by a member of a council to comply with a requirement of the council under section 262C(1); or a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or a failure by a member of a council to 	<p>Misbehaviour means:</p> <ol style="list-style-type: none"> a council member fails to take the action required by council; or a council member fails to comply with this policy; or

¹¹ Section 262C(2), *Local Government Act 1999*

¹² Schedule 4(1)(d), *Local Government Act 1999*

comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	(c) a council member fails to comply with an agreement reached pursuant to this policy
repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the behavioural requirements
serious misbehaviour means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i>

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹³:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

5. Responsibilities

The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

¹³ Section 262Q, *Local Government Act 1999*



- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018



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15.6 COUNCIL MEMBERS INDUCTION PROGRAM AND LGA TRAINING STANDARDS**Record Number:** D22/51731**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:**

1. LGA Training Standards for Council Members - 2022
2. Council Members Induction Policy - 2022

RECOMMENDATION 1 – LGA TRAINING STANDARDS

“that Council, having considered Item 15.6 – *Council Members Induction Program and LGA Training Standards*, dated 28 November 2022, receives and notes the report and in doing so acknowledges the LGA Training Standards for Council Members as presented at Attachment 1 to this Report and in particular, the mandatory training that must be completed within 12 months of the general election.”

RECOMMENDATION 2 – INDUCTION

“that Council, having considered Item 15.6 – *Council Members Induction Program and LGA Training Standards*, dated 28 November 2022, acknowledges that, in accordance with the LGA Training Standards for Council Members (Attachment 1 to this Report) and the *Council Members Induction Policy* (Attachment 2 to this Report):

1. The Chief Executive Officer is responsible for facilitating the design of an appropriate Induction Program for the incoming Council; and
2. All Council Members will attend, and actively participate in, sessions that form part of the Induction Program.”

Purpose

The purpose of this report is to provide an overview of the LGA Training Standards (**Attachment 1**) and the *Council Members Induction Policy* (**Attachment 2**) for Council’s noting.

Discussion**LGA Training Standard**

The LGA Training Standard outlines the mandatory training activities for council members in South Australia. In particular, council members must complete mandatory training within the first 12 months of their four-year term.

Council Members Induction Policy

An Induction Policy is not mandatory however provides an opportunity for the incoming Council to set a positive tone, establish clear roles and responsibilities and build professional working relationships between relevant parties from the outset of a Council term.

Responsibilities

Under the LGA Training Standards, and the *Council Members Induction Policy*:

- the Chief Executive Officer (CEO) is responsible for facilitating the design of an appropriate Induction Program for the incoming Council; and
- all Council Members must attend, and actively participate in, sessions that form part of the Induction Program.

Training and Induction Activities

As Members are aware, Induction and Training activities have already commenced including Induction Session 1 facilitated by Council's CEO on Wednesday 23 November 2022. Mandatory Training Modules are also scheduled to be delivered in early December, with subsequent sessions planned for early 2023.

Conclusion

Training will continue to be facilitated and Members' calendars will continue to be updated accordingly to ensure (a) compliance with the LGA Training Standards and *Council Members Induction Policy* and, (b) importantly, that Members are properly equipped to undertake their official duties moving forward.

References

Legislation

Local Government Act 1999

LGA Training Standards for Council Members

Council Policies/Plans

Council Members Induction Policy

Council Members Training and Development Policy

LGA Training Standards for Council Members

**Pursuant to Regulation 8AA of the
Local Government (General)
Regulations 2013**

Published on 5 October 2022

Council Member Mandatory Training Requirements

Legislative Framework

Section 80A of the *Local Government Act 1999* (the Local Government Act) and Regulation 8AA of the *Local Government (General) Regulations 2013* (the General Regulations), sets out the legal requirements for training and development for council members.

A council member must comply with the prescribed mandatory requirements, which includes the LGA training standards set out in this document. Failure to comply will result in a suspension of the council member by Council (unless the member satisfies the council there were good reasons for the failure to comply).

There are further requirements relating to public notice, suspension of allowances and access to facilities and support and application to SACAT for disqualification if a member does not address the failure to comply.

Council Policy

Section 80A of the Local Government Act requires a Council to prepare and adopt a training and development policy for its council members.

- (1) A council must prepare and adopt a training and development policy for its members.
- (2) The policy—
 - (a) must be aimed at assisting members in the performance and discharge of their functions and duties; and
 - (b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and
 - (c) may specify other requirements relating to the conduct and completion of training and development by members.
- (2a) A training and development policy of a council may make different provision according to different members of the council.

Regulation 8AA of the *Local Government (General) Regulations 2013* prescribes that a training policy must comply with the LGA training standards¹.

¹ The LGA training standards means the document entitled *LGA training standards for council members* approved by the Minister for the purposes of regulation 8AA (*Local Government (General) Regulations 2013*) and published on a website maintained by the LGA.

LGA Training Standards for Council Members

The LGA Training Standards provides a community leadership competency framework, defining the key capabilities required to perform the council member role, the core modules and anticipated learning objectives and outcomes.

The framework responds to the legislative requirements and community expectations of council members. The local government sector has a strong aspiration to build and develop capabilities and the performance of council members and in return, achieve great outcomes for local communities.

The framework defines community leadership competencies in four parts:

Behaviour	To identify attributes and develop skills that uphold the Behavioural Standards and principles of good governance.
Civic	To develop knowledge of the Australian system of government and how Councils fulfil the objectives of the Local Government Act to deliver reputable community outcomes.
Legal	To develop the knowledge and skills required to meet the legal responsibilities of a council member.
Strategy & Finance	To develop the knowledge of integrated strategic and annual business planning and the skill to manage public funds appropriately.

The LGA Training Standards provides for the knowledge and skills of council members to be developed as part of induction program, council leadership workshop and training modules. Completion of this training will satisfy the mandatory training requirements. In addition, this Standard provides guidance to on-going personal and professional development.

Induction Program

Given the breadth of responsibilities held by council members, participation in a formal induction program provides the support and resources to effectively perform in the role.

The chief executive officer (CEO) will arrange an orientation and induction process for a new council which complements the completion of mandatory training. The induction program may include (but not limited to):

- information on administrative facilities/CEO support, council member allowances and benefits, training, and development
- a tour of the council area and facilities
- information on the organisational and operational structure including, an overview of each of the functions or department; and introduction to key staff
- a schedule of briefings on key strategic issues.

An induction program is important in building effective working relationships between council members. It is, therefore, the responsibility of all council members to participate in the induction program.

Council Leadership workshop

Upon election, council members are required to serve the overall public interest, put any personal differences aside and provide community leadership.

The community expects council members to focus on the work of council and effectively engage and work with each other and council employees in a respectful and professional manner.

Section 59 of the Local Government Act sets out the roles of members of councils and includes an obligation to ensure positive and constructive working relationships within the council.

All council members must attend a workshop designed to assist in building effective working relationships and focus on Councils strategic purpose.

The CEO will arrange a workshop that may include (and not limited to):

- ☐ An opportunity to build connections (between council members and council members with CEO/key staff)
- ☐ Identify shared values and aspirations for delivering outcomes for the community
- ☐ Provide an overview of existing strategic priorities, plans and strategies of Council
- ☐ Establish effective working relationships and team culture in the context of defined roles and responsibilities.

To ensure leadership effectiveness in working to deliver Councils strategic purpose, it is incumbent on all members to be well informed and engage in information or briefing sessions throughout the term.

Mayoral Leadership

Section 58 of the Local Government Act sets out the specific roles of principal members or Mayors. These include key responsibilities, as leader of the council, to provide leadership and guidance and lead the promotion of positive and constructive working relationships. To support performance in this leadership role, 'Mayoral Leadership training' must be completed by all Mayors. The Standard sets out the additional competencies required of a Mayor (in addition to the council member requirements).

Training & Timeframe

This document contains the training requirements for council members. These requirements are mandatory, and every council member must undertake the Mandatory Training within the first 12 months of their four-year term.

Training Participation & Records

Completion of mandatory training is a statutory obligation for all (continuing and new) council members. Records of council members participation in mandatory training, including leadership workshops must be kept by the council CEO in a register of training and development.

Training Delivery

Council CEOs' may use internal expertise or training providers to deliver the required mandatory training. It is important that training providers have the appropriate expertise to support the required training outcomes and/or workshop facilitation.

Mandatory training should engage all council members in an interactive learning experience to build shared leadership in fulfilling their role on Council. Alternative delivery methods may be used to complement full Council engagement in face-to-face training.

Mid-term Council Leadership Refresher

A mid-term refresher workshop and update training will be required. This will include (and not limited to):

- ☐ A mid-term Council workshop in the maintenance of effective working relationships amongst council members and with CEO/key staff.
- ☐ Legal and financial responsibilities.
- ☐ Effective Council meetings and procedures.

Ongoing Personal and Professional Development

To be effective and reputable, new and returning council members, are encouraged to continue their personal and professional development throughout the term.

This standard includes a guide for additional learning and development relevant to council members roles and responsibilities and leadership effectiveness, which does not form part of the mandatory training requirements.

	Core	Modules	Learning objectives	Learning outcomes
Council member Leadership competency framework	Behaviour	Values, ethics & behaviour <ul style="list-style-type: none"> - Understanding values & ethics - Behavioural Standards for Council Members - WHS, Bullying & Harassment 	To develop the knowledge, skills and attitudes required to meet Behavioural Standards and work, health, and safety obligations for council members	<ul style="list-style-type: none"> - Define and distinguish values, ethics & behaviour - Identify the constructive behaviours to work effectively with others and meet community expectations - Explain work, health, and safety obligations that Council members must comply with. - Identify conduct that would amount to bullying and/or harassment.
		Communication skills <ul style="list-style-type: none"> □ Effective communication □ Negotiating and influencing 	To develop communication skills for effective working relationships and constructive ways to negotiate and influence others to perform the role.	<ul style="list-style-type: none"> - Define communication - Identify the characteristics of effective communication - Explain strategies that can be used to manage difficult conversations - Describe the process of negotiation and influencing positive outcomes
		Leadership skills <ul style="list-style-type: none"> □ Strategic thinking □ Change management □ Building resilience 	To develop the knowledge, skills and attitudes required to effectively perform a community leadership role	<ul style="list-style-type: none"> - Identify the characteristics of a strategic thinker - Define change management in context to Council's complex and integrated business - Identify methods by which strategic and integrated thinking applies - Identify methods and strategies to build resilience to competently fulfil role

	Core	Modules	Learning objectives	Learning outcomes
Council member Leadership competency framework	CIVIC	Introduction to local government <ul style="list-style-type: none"> □ The Australian System of Government □ Role, functions and objectives of Local Government □ Composition and Council Structures □ Role of Council to CEO/staff and working together □ Council Services 	To develop knowledge of the role and function of local government and how Council can effectively fulfill the objectives in the Local Government Act.	<ul style="list-style-type: none"> - Explain the role of local government in the Australian System of Government - Define and explain the role and function of Council - Define and explain the separate roles of the elected Council to CEO/staff, both the legislative provisions and operational structures that support effective working relationships.
		Effective council meetings <ul style="list-style-type: none"> □ Overview of the types of meetings □ Council member preparation and responsibilities □ Structure and purpose of meetings □ Role of and purpose of information or briefing sessions 	To develop knowledge of the range of council meetings that may be held and to identify the responsibilities of council members to contribute to effective meetings.	<ul style="list-style-type: none"> - List the types of meetings held by a council - Identify how council meetings are structured and the purpose of such meetings - Identify the responsibilities of council members to prepare for council meetings - Define and explain the role of an information or briefing session and effective participation
		Council meeting procedures <ul style="list-style-type: none"> - Public access - Meeting procedures - Role of the Principal Member - Moving motions, speaking to motions, and voting - Effective presentation and constructive debate - Minutes and upholding decisions of Council 	To define the behaviour and develop the knowledge and skills to contribute to the effective operation of meetings procedures.	<ul style="list-style-type: none"> - Identify meeting procedures that apply to council meetings - Explain the role of the Principal Member at council meetings - Define 'a motion' and explain how motions are moved, spoken to, and voted upon - Identify methods for effectively presenting information and engaging in constructive debate at council meetings - Explain the purpose of Minutes and describe how council decisions are upheld
		Representing council decisions <ul style="list-style-type: none"> □ The role of the Principal Member as Council spokesperson □ Related legislative and Council policy responsibilities □ Effective use of media channels 	To develop knowledge of the legislative provisions, policies and processes that relate to effective ways Council and council members represent Council meeting decisions.	<ul style="list-style-type: none"> - Explain the role of the Principal Member - Identify different media channels used by Council - Explain the legislative requirements and Council policies relating to media - Define the role of council member and effective ways to use Councils and council members media channels (including social media)

	Core	Modules	Learning objectives	Learning outcomes
Leadership competency framework	Council member	Role of a council member <ul style="list-style-type: none"> □ General duties □ Conflict of Interest □ Gifts & Benefits 	To develop an ability to interpret and analyse legislative provisions that identify the role of a council member	<ul style="list-style-type: none"> - Define the general duties of a council member - Explain the principles to be observed - Define a conflict of interest and explain the obligations if a conflict of interest exists - Describe the obligations of council members concerning the receipt of gifts or benefits
		Registers, returns and resources <ul style="list-style-type: none"> □ Register of interest □ Primary and ordinary returns □ Allowances and benefits Legal protections and oversight <ul style="list-style-type: none"> - Corruption, misconduct and maladministration 	To develop the knowledge of obligations for declaring interests, the resources to support the role of council member and the agencies that have external oversight (Ombudsman SA, OPI, ICAC, Minister for Local Government, District Court and SACAT)	<ul style="list-style-type: none"> - Explain the purpose and obligations of a Register of Interest - Define a 'primary' and 'ordinary' return and the information that is contained in such returns - Explain the supporting resources and what legal protections are offered to council members □ Explain the different external bodies in providing external oversight in upholding public integrity and council member obligations
	Strategy & Finance	Integrated strategic management planning and performance <ul style="list-style-type: none"> □ Purpose of strategic, longer financial and asset management planning □ Purpose of annual business planning and budgeting □ Community engagement and performance reporting 	To develop the knowledge required to undertake integrated strategic management, financial planning, and performance	<ul style="list-style-type: none"> - Define 'integrated strategic management planning' - Describe the purpose of strategic, financial asset management planning - Explain the purpose of annual business planning and budgeting - Identify legislative requirements, Council policy and methods for community engagement and performance reporting
		Strategic risk management & oversight <ul style="list-style-type: none"> □ Strategic risk management in decision making □ Role of Audit and Risk Committee □ ESCOSA oversight 	To develop the knowledge of strategic risk management and oversight	<ul style="list-style-type: none"> - Identify types of strategic risk and opportunity (ie financial sustainability, climate change) - Identify the features of effective strategic risk management and decision making - Define the role of a council's Audit and Risk Committee - Define and explain the role of ESCOSA
		Financial management <ul style="list-style-type: none"> □ Managing public funds □ Rating, other revenue sources and funding plan □ Financial terminology and understanding financial statements and reports 	To develop the knowledge and skill to undertake contribute to effective financial management	<ul style="list-style-type: none"> - Identify appropriate methods for managing public funds and procurement practice - Explain how Councils raise revenue from rating and other sources - Define financial terminology and effectively interpret the purpose of Council financial statements and reports

As Section 58 of the Local Government Act prescribes specific responsibilities for the Principal Member or Mayor to provide leadership and guidance for Council the following training (in addition to the council member training) is required by the Principal Member or Mayor.

	Core	Modules	Learning objectives	Learning outcomes
Principal member Leadership competency framework	Behaviour	Effective leadership <ul style="list-style-type: none"> Leadership attributes and resilience Listening and influencing skills Establishing trust and effective working relationships Managing conflict and conflict resolution 	To develop the knowledge, skills and attitudes required to be an effective Principal Member of a Council	<ul style="list-style-type: none"> Identify leadership attributes to perform the role and support resilience Explain listening and influencing skills that will assist a Principal Member carry out their role Identify methods for establishing trust and for developing ongoing and effective relationships Define conflict and explain appropriate methods for managing and resolving conflict
		Public speaking & media (skills) <ul style="list-style-type: none"> Public speaking skills Effective media engagement for Councils key spokesperson 	To develop the knowledge and skill that will enable a Principal Member to speak confidently and effectively in public on behalf of Council	<ul style="list-style-type: none"> Define the role of a Principal Member as the key Council spokesperson Identify the attributes, qualities, and skills of an effective public speaker and media spokesperson
	Civic	Meeting procedures (technical knowledge) <ul style="list-style-type: none"> Formal meeting procedures Effective Meetings (Chairing skills) <ul style="list-style-type: none"> To lead a positive and ethical culture within the governing body Provide guidance on strategic decision making and guide debate for a reputable council. 	To effectively chair council meetings with the technical knowledge of meeting procedures and the skills to support constructive debate and effective decision making.	<ul style="list-style-type: none"> Identify the procedures that formally guide Council meetings (commencement, questions with or without notice, motions, speaking to motions, amendment of motions, formal motion, address to motion, voting, divisions, points of order, interruption of meeting, suspension, and removal of member, deputations and public question time) Identify skills that will enable a meeting to be chaired effectively and efficiently and that will promote respectful and constructive debate for strategic decision making.

On-going personal and professional development

While there are no specific qualifications or experience required to be a council member, to be effective, council members need to demonstrate leadership qualities and a willingness to learn.

The LGA has developed a Leadership Effectiveness Tool which can assist council members to identify current leadership strengths (attributes, qualities, skills, and knowledge) and areas to further develop as part of a Council Member Professional Development Plan. [\[insert link\]](#)

Below is a guide to additional, optional professional learning and development opportunities that have been identified as valuable to building council member skills and knowledge, in addition to the mandatory training modules.

Many of the opportunities listed under 'Knowledge' will be gained through experience on council. It is not council members role to be subject matter experts or be involved in operational functions. This is the role and support the CEO and administration provide. However, seeking to develop a high-level understanding of these areas of Councils business and services is important in context of Councils community leadership and decision making.

Attributes, Qualities & Skills	
Building emotional intelligence	Effective time management
Building leadership resilience	Ethics & leadership
Complex and integrated decision making	Leading difficult conversations
Communication and presentation skills	Learning to speed read
Digital technology skills	Listening and coaching skills
Effective advocacy & leadership	Negotiation & facilitation skills
Effective community engagement	Presentation skills
Effective social media management	Strategic and critical thinking
Knowledge	
Audit & Risk (for Committee members)	Environment and waste management
Business excellence	Financial management
Climate change and risk	Planning & building
Community development	Procurement process
Community health & safety	Roads, assets & infrastructure
Culture, arts & events	Strategic risk management
Diversity & inclusion	Streetscapes, parks, and open space
Economic development	Understanding sustainable debt



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	Council Members Induction Policy	
	Adoption by Council: 27 June 2022	
	Resolution Number: 2022/179	
	Current Version: V2	
	Administered by:	Last Review Date: 2022
	Chief Executive Officer	Next Review Date: 2026
Document No: D22/21887	Strategic Outcome:	
	Proactive Leadership	

1. Objective

All positions on an elected Council become vacant at the end of each term of office. The vacant positions are filled at a periodic election and the newly elected Council Members form a new Council.

The process of establishing the new Council, ensuring that Council members are able to fulfil their roles appropriately and build a positive team relationship with executive staff can be substantially enhanced through a structured induction program.

The purpose of this Policy is to confirm the commitment of Adelaide Plains Council to a formalised process for inducting the newly elected Council following each election.

2. Scope

This Policy applies to all Council Members and complements Council's *Council Member Training and Development Policy* which deals with Council's overall commitment to the training and professional development of Council Members. By comparison, this Induction Policy focuses on the critical first few months following the elections.

Council also recognises the relevance and importance of induction following a supplementary election.

3. Defining Induction

For the purposes of this policy *induction* is defined as the work done with the newly elected Council, the individual Members of the Council and members of the Council staff over the first six months of the new Council in order to prepare them to capably perform their different roles. Orientation, providing Council Members with an understanding of the environment they will work within, is one aspect of induction.

4. Definitions

Chief Executive Officer (CEO) means the appointed Chief Executive Officer of Adelaide Plains Council, the Acting CEO or their delegate.

Council means Adelaide Plains Council.

Council Member refers to a Council Member, elected to Adelaide Plains Council in accordance with the *Local Government Act 1999* (SA).

Executive Management Team means the CEO and the General Managers of Council.

5. Participation in the Induction Program

All Council Members will attend sessions that form part of, and actively participate in, the Induction Program.

6. Principles of Good Induction

Council endorses the following principles as reflecting good induction:

- 6.1 Each Council Member has a personal responsibility to actively seek development opportunities in order to appropriately fulfil his/her role and better represent Council's constituents and community;
- 6.2 All Council Members are expected to actively participate in the Induction Program of the Council; and
- 6.3 Information provided in Induction sessions will be supported by written materials provided to Council Members electronically.

7. Content of the Induction Program

The Chief Executive Officer will facilitate the design of an appropriate Induction Program for an incoming Council.

The Induction Program will include the following elements, in addition to any training that is mandatory under legislation:

7.1 Relationship Building

Although they have different roles, Council Members and the Executive Management Team, led by the CEO, have shared responsibility for the strategy, priorities, efficient resource use and overall performance of services delivered to the community. The development of a strong working relationship is therefore critical. The Induction Program will focus on building professional working relationships.

7.2 Roles and Responsibilities

Understanding the separate but complementary roles of the Council as a whole, individual Council Members and the CEO is fundamental to achieving outcomes for Council's community. The induction program will set a positive tone and establish clear roles and responsibilities between the parties from the outset and will include a focus on Sections 58 – Specific roles of principal member and 59 – Roles of members of councils of the *Local Government Act 1999*.

7.3 Conduct of Council Members and Procedure at Meetings

Equally important to decision making is the smooth functioning of the elected Council and the cooperation of Council Members. The Induction Program will provide for information and discussion of the law and procedure of meetings and sufficient opportunities for team building amongst Council Members.

7.4 Values and Behaviours

It is desirable that the new Council endorses a set of values and behaviours which will allow it to function in a collaborative and constructive manner. The Induction Program will provide the opportunity for all Council Members to contribute to the construction of a values statement and to familiarise themselves with the Council Member Code of Conduct/Conduct Management Framework.

7.5 Strategic Directions

As an early priority the new Council needs to review the strategic directions and major projects agreed by the previous Council and determine whether they will continue to be endorsed. The Induction Program will include briefings with sufficient detail to ensure that all Council Members have a common understanding of key policy areas, including training, and ongoing projects.

7.6 Orientation

It is desirable that all Council Members, including first time Council Members, are equipped to participate effectively in the business of the Council from the first meeting after a periodic election. In addition to the above elements, induction will include an orientation program for first time Council Members and any other Council Members.

Consideration may also be given to the timing and content of the first and second meetings in order to accommodate time for appropriate levels of training.

8. Related Documents

Caretaker Policy

Code of Conduct for Council Members

Code of Practice – Access to Council Meetings and Documents

Code of Practice – Meeting Procedures

Complaints Handling Procedure under Council Members Code of Conduct

Council Members Allowances and Benefits Policy

Council Members Communication Policy

Council Members Induction Program

Council Members Records Management Policy

Council Member Training and Development Policy

Gifts and Benefits Policy

Register of Interests Policy

9. Records Management

All documents relating to this Policy will be registered in Council's Electronic Document and Record Management System, and remain confidential where identified.

10. Document Review

This Policy will be reviewed by 30 June 2026, ahead of the Local Government Elections of November 2026 and as otherwise required by legislation.

11. References

Local Government Act 1999 (SA)

Local Government (General) Regulations 2013 (SA)

Local Government (Members Allowances and Benefits) Regulations 2010 (SA)

12. Further Information

Members of the public may inspect this Policy free of charge on Council's website at www.apc.sa.gov.au or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this Policy may be obtained.

Any queries in relation to this Policy must be in writing and directed to the General Manager – Governance and Executive Office.

15.7 OVERVIEW OF COUNCIL'S POLICY FRAMEWORK**Record Number:** D22/51943**Author:** Manager Governance and Administration**Authoriser:** General Manager - Governance and Executive Office**Attachments:** Nil**RECOMMENDATION**

“that Council, having considered Item 15.7 – *Overview of Council's Policy Framework*, dated 28 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to provide Council Members with an overview of Council's Policy Framework.

Background

Policies and procedures set out the overall intentions and direction of an organisation and underpin good governance and transparent decision making within Council. The Elected Body is responsible for setting the policy direction, by adopting said policies.

Discussion

All Council-endorsed policies are available on Council's website at <https://www.apc.sa.gov.au/our-council/policies> and this listing is regularly maintained.

Council regularly reviews its policies, generally on a two-year cycle (or otherwise as required by legislation), and utilises the expert and specialist advice of its various Section 41 committees for this purpose. For example, once reviewed by staff, governance-related policies are presented to Council's Governance Advisory Panel (GAP) for oversight and comment prior to the GAP recommending that Council adopt a revised version of that policy.

Conclusion

This report is provided for Council's information.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024 Proactive Leadership

15.8 CAPITAL WORKS AND OPERATING PROGRAM MONTHLY UPDATE - NOVEMBER 2022**Record Number:** D22/52351**Author:** General Manager - Infrastructure and Environment**Authoriser:** Chief Executive Officer

Attachments:

1. Capital Projects 2022-2023
2. Operating Projects 2022-2023
3. Local Roads and Community Infrastructure Program Projects
4. Local Government Partnership Program Projects
5. Slashing Program 2022-2023

RECOMMENDATION

“that Council, having considered Item 15.8 – *Capital Works and Operating Program Monthly Update - November 2022*, dated 22 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to provide an update in relation to the status of the Infrastructure and Environment Department 2022-2023 Capital Works and Operating Program, for Council Members' information and monitoring.

Background

Council has adopted a significant Capital Works Program for delivery in 2022-23 totalling just over \$6million, with an additional \$6.8million allocated to Local Roads and Community Infrastructure, and Local Government Partnership Program and Two Wells Levee projects. Management have established a project management framework for managing and monitoring projects to ensure that every effort is made to deliver the projects on time and within budget.

Attachment 1 provides a list and status of the 2022-2023 Capital projects, and **Attachment 2** provides a list and status of the 2022-2023 Operating projects.

Additionally **Attachment 3** provides a list of Local Roads and Community Infrastructure projects, and **Attachment 4** provides a list of Local Government Partnership Program projects.

Further to this, Management provides the following update of some of the activities and projects carried out by the Infrastructure and Environment Department over the last month.

Discussion**Re-Sheeting Program**

Council's re-sheeting program is progressing as scheduled. Hamely Bridge Road and North Parham Road are the remaining resheet for the calendar year.

Civil

The civil team is currently carrying out maintenance activities such as patrol grading of sheeted roads, stormwater drain cleaning and sealed road maintenance. Additionally, pram ramp renewal to comply with current standards have occurred across the Council district.

The Aerodrome Road construct and sealing project is now complete. The Buckland Park Road construct and sealing project is currently underway.

Horticulture

The horticulture team is currently carrying out vegetation clearance along program re-sheeting roads, revegetation within reserves and also carrying out routine maintenance activities within parks, gardens and oval precincts. Additionally, Wildflower Park within the Eden subdivision is now being maintained by Council.

The 2022-2023 slashing program is underway and is presented as **Attached 5** to this report. Slashing service levels are:

- Lewiston - Slashing of all verges in front of homes
- Council Reserves - Slashing of fire breaks
- Seal/Unsealed Roads - Slashing of intersection.

The above program is progressing as scheduled.

Conclusion

This report is provided as a standing monthly update for Council's information.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan 2021-2024

Long Term Financial Plan 2023-2032

Infrastructure and Asset Management Plans

Annual Business Plan and Budget 2022-2023

CAPITAL PROJECT PROGRESS REPORT 2022-2023 - NOVEMBER 2022

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion
72858	Streetscape - Cameron Terrace - Dublin Road to Feltwell Road	39,000	-	39,000	Yes	Sep-22	Dec-22	No	50%
72859	Streetscape - Railway Avenue - Balaklava Road to Lindsay Street	25,000	-	25,000	Yes	Sep-22	Dec-22	No	50%
72860	Streetscape - Carmel Street - Balaklava Road to End of Seal	37,000	16,020	20,980	Yes	Sep-22	Nov-22	Yes	100%
72861	Streetscape - Calagora Street - Lisieux Street to Carmel Street	32,000	25,000	7,000	Yes	Sep-22	Nov-22	Yes	100%
74015	Pram Ramp renewal to DDA compliant	10,000	29,888	(19,888)	Yes	Aug-22	Nov-22	Yes	100%
72862	Kerbing - Balaklava Road - Lisieux Street to Aerodrome Road	240,000	-	240,000	No	Feb-23	Jun-23	No	0%
72863	Sealed Road - Dawkins Road and Williams Road - Intersection Upgrade	100,000	-	100,000	No	Oct-22	Mar-23	No	0%
72864	Sealed Roads - Gawler River Road - Germantown Road to Boundary Road	341,497	335,717	5,780	Yes	Oct-22	Mar-23	Yes	100%
72865	Sealed Roads - Bethesda Road - Hayman Road to Dawkins Road	45,904	58,668	(12,764)	Yes	Oct-22	Mar-23	Yes	100%
72866	Sealed Roads - Port Gawler Rd - Port Wakefield Road to Old Port Wakefield Rd	72,308	69,708	2,600	Yes	Oct-22	Mar-23	Yes	100%
72867	Sealed Roads - Port Parham Road - Port Wakefield Road to Beach Road	259,859	270,090	(10,231)	Yes	Oct-22	Mar-23	Yes	100%
72868	Resheet - Crabb Road - Port Wakefield Road to Kidman Road	113,756	75,105	38,651	Yes	Aug-22	Aug-22	Yes	100%
72869	Resheet - Feltwell Road - End of Seal to Hill Road	77,303	56,280	21,023	Yes	Aug-22	Aug-22	Yes	100%
72870	Resheet - Germantown Road - Simpkin Road to Verner Road	189,253	-	189,253	No	Dec-22	Feb-23	No	0%
72871	Resheet - Gilks Road - Lawrie Road to End	15,087	5,100	9,987	No	Dec-22	Dec-22	No	0%
72872	Resheet - Hamley Bridge Road - Barabba Road to Kain Road	142,897	37,965	104,932	Yes	Nov-22	Nov-22	Yes	100%
72873	Resheet - Harvey Road - Simpkin Road to Pratt Road	27,073	2,557	24,516	No	May-23	May-23	No	0%
72874	Resheet - Leilete Road - Dawkins Road to Coats Road	15,972	-	15,972	No	Nov-22	Nov-22	No	0%
72875	Resheet - Light Beach Road - Wylie Road to McEvoy Road	67,207	54,131	13,076	Yes	Aug-22	Sep-22	Yes	100%
72876	Resheet - Long Plains Road - Port Wakefield Road to Dublin Road	150,429	115,709	34,720	Yes	Sep-22	Oct-22	Yes	100%
72877	Resheet - Nairn Road - Hall Road to Powerline Road	50,294	29,759	20,535	Yes	Nov-22	Nov-22	Yes	100%
72878	Resheet - North Parham Road - Gilberts Road to Saltbush Road	83,463	57,524	25,939	No	Oct-22	Nov-22	No	50%
72879	Resheet - Secombs Road - Port Wakefield Road to Prices Road	60,997	46,955	14,042	Yes	Sep-22	Sep-22	Yes	100%
72880	Resheet - Stanley Road - Pritchard Road to Secombs Road	35,312	22,936	12,376	Yes	Aug-22	Sep-22	Yes	100%
72881	Resheet - Torelete Road - Dawkins Road to Coats Road	15,964	-	15,964	No	Nov-22	Nov-22	No	0%
72882	Resheet - Trim Road - Williams Road to Russell Road	13,685	-	13,685	No	Dec-22	Dec-22	No	0%
72883	Resheet - Verner Road - Day Road to Boundary Road	69,434	3,769	65,665	No	Feb-23	Mar-23	No	0%
72884	Resheet - Wasley Road - Pratt Road to Big Rabbit Road	43,847	-	43,847	No	Apr-23	May-23	No	0%
72847	Parham Playground - Shade shelter, Mallala Playground - New element	90,000	79,527	10,473	Yes	Jul-22	Sep-22	Yes	100%
72852	Various locations - Signage - wayfinding and information	35,000	-	35,000	No	Jul-22	Jun-23	No	0%
72885	Various locations - Reserve and Street furniture Upgrade	20,000	-	20,000	No	Jul-22	Jun-23	No	0%
72886	Renewal of various street and reserve furniture	70,000	5,244	64,756	No	Jul-22	Jun-23	No	0%
72887	Streetscape and Water Sensitive Urban Design	50,000	-	50,000	No	Jul-22	Jun-23	No	0%
72888	Council Boundary Signs - Allocation	60,000	-	60,000	No	Jan-23	Jun-23	No	0%
72889	Stage 1 - Hart Reserve Masterplan - Implementation	400,000	3,746	396,254	Yes	Jul-22	Jun-23	No	5%
72853	Parham Short Stay Facility Upgrade (2021/2022)	200,000	185,915	14,085	Yes	Jul-22	Dec-22	No	50%
72890	Two Wells Tennis/Netball court surface renewal	300,000	-	300,000	No	Jul-22	Feb-23	No	0%
72891	Dublin Playground Upgrade	130,000	-	130,000	No	Jul-22	Jun-23	No	0%
72892	Mallala playground irrigation renewal	50,000	39,668	10,332	Yes	Oct-22	Nov-22	Yes	100%
72893	Renewal of lighting, paths and bike racks various sites (funding application)	100,000	-	100,000	No	Jul-22	Jun-23	No	0%

72894	Lewiston Wetlands Playground - Toilet Block	130,000	55,582	74,418	Yes	Jul-22	Jun-23	No	10%
72854	Dublin Institute/ Hall - Toilets	80,000	55,271	24,729	Yes	Jul-22	Oct-22	Yes	100%
72895	Mallala - Replacement of Property Pumps	15,000	-	15,000	No	Jul-22	Jun-23	No	0%
72896	Middle Beach CWMS	10,000	-	10,000	No	Jul-22	Jun-23	No	0%
72897	Mallala Treatment Plant (Chamber Protection Coating)	60,000	-	60,000	No	Jul-22	Nov-22	No	0%
72898	Pump Station & Pump Replacements	10,000	-	10,000	No	Jul-22	Jun-23	No	0%
72899	Middle Beach - Tidal Drainage System	15,000	-	15,000	No	Feb-23	Sep-23	No	0%
72900	Wasleys Bridge - Repairs (funding application)	200,000	229	199,771	No	Jul-22	Jun-23	No	0%
72901	Salt Creek Bridge - Repairs	170,000	-	170,000	No	Jul-22	Jun-23	No	0%
72902	Two Wells Main street - Eastern End Car Parking and WSUD	300,000	-	300,000	No	Jul-22	Jun-23	No	0%
72903	Longview Road and Gameau Road - Traffic calming devices	60,000	-	60,000	No	Feb-23	Mar-23	No	0%
80072	Two Wells Levee	2,015,000	1,834	2,013,166	Yes	Jul-22	Jun-23	No	5%
75100	Plant and Equipment Program	1,106,100	916,515	189,585	Yes	Jul-22	Jun-23	No	80%
		8,050,641	2,656,412	5,394,229					

OPERATING PROJECT PROGRESS REPORT 2022-2023 - NOVEMBER 2022

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion
80020	Installation of single lane roundabout	500,000	-	500,000	No	Jul-22	Dec-22	No	0%
80011	Two Wells Main Street Upgrade – Detailed design work	60,000	22,440	37,560	No	Jul-22	Dec-22	No	0%
80079	Street/Verge Tree Planting	20,000	-	20,000	No	Mar-23	Mar-23	No	0%
80080	Parham - Old Playground Block (Sell or Develop Site)	5,000	-	5,000	No	Jul-22	Jun-23	No	0%
80082	Roadside Vegetation Management Plan	100,000	48,560	51,440	Yes	Jul-22	Jun-23	No	20%
80083	Two Wells - Liberty and Eden Estates, Recycled Water Costs (parks & reserves)	59,000	-	59,000	No	Jan-23	Jun-23	No	0%
80084	Donaldson Road - Design (Reserve corridor)	10,000	-	10,000	No	Nov-22	Jun-23	No	0%
80085	Mallala Stormwater Flood Plain Management Plan	65,000	-	65,000	No	Jul-22	Jun-23	No	0%
33000/820	Implement Regional/Council DAIP Initiatives	15,000	-	15,000	No	Jul-22	Jun-23	No	0%
80086	Parham Campground - Formalise Land	5,000	-	5,000	Yes	Jul-22	Jun-23	No	20%
80088	Thompson Beach Esplanade and Webb Beach Road - Construct and Seal Design	34,000	-	34,000	Yes	Jul-22	Jun-23	No	5%
		873,000	71,000	802,000					

LOCAL ROAD AND COMMUNITY INFRASTRUCTURE PROGRAM - ROUND 3 (Due by 30 June 2023)

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion
72855	Glover Road (Williams Road to Germantown Road) - Construct and Seal	465,418	31,609	433,809	Yes	Sep-22	Jan-23	No	5%
72856	Buckland Park Road (Port Wakefield Road to Halstead Road West) - Construct and Seal	280,500	32,063	248,437	Yes	Jan-23	Apr-23	No	40%
		<u>745,918</u>	<u>63,672</u>	<u>682,246</u>					

LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM (DUE BY 31 DECEMBER 2023)

Budget No	Project Name	Total Budget	YTD Actual Spend	Available to Spend	Project Commenced (Y/N)	Estimated Project Start Date	Estimated Project Completion Date	Project Completed (Y/N)	Percentage of Completion
72806	Aerodrome Road (Hall Street to Farrelly Road)	650,000	628,359	21,641	Yes	Jul-22	Oct-22	Yes	100%
72807	Barabba Road (Redbanks Road to Mallala Road)	1,020,000	992,285	27,715	Yes	Jan-22	Aug-22	Yes	100%
72809	Middle Beach Road (End of Seal to Start of Seal)	2,390,000	112,823	2,277,177	No	Feb-23	Sep-23	No	0%
		4,060,000	1,733,467	2,326,533					

FIRE PREVENTION SLASHING SCHEDULE 2022

PROGRAM	APC SLASHING SCHEDULE	Note: Seasonal conditions will affect the times set out in this schedule and are approximate only. Repeat slashing will be undertaken as required.
CONTACT	ADELAIDE PLAINS COUNCIL 8527 0200	

TOWNSHIP/AREA	STARTING	ENDING	TOWNSHIP/AREA	STARTING	ENDING
LEWISTON	12/09/2022	30/09/2022	RESERVES	25/10/2022	4/11/2022
LEWISTON REPEAT	7/11/2022	18/11/2022		21/11/2022	25/11/2022
TWO WELLS & BUCKLAND PARK	4/10/2022	6/10/2022	RURAL INTERSECTIONS	28/11/2022	12/12/2022
COASTAL TOWNS	7/10/2022	13/10/2022	REPEAT SLASHING	13/12/2022	21/12/2022
DUBLIN & WINDSOR	14/10/2022	17/10/2022			
WILD HORSE & LONG PLAINS	18/10/2022	19/10/2022			
BARABBA	20/10/2022	20/10/2022			
MALLALA & REDBANKS	21/10/2022	24/10/2022			

SEPTEMBER							OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1			1	2	3	4	5					1	2	3
4	5	6	7	8	9	10	2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
11	12	13	14	15	16	17	9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
18	19	20	21	22	23	24	16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
							30	31																			

15.9 LIBRARY AND COMMUNITY QUARTERLY REPORT - JULY TO SEPTEMBER 2022**Record Number:** D22/51946**Author:** Manager Library and Community**Authoriser:** General Manager - Development and Community**Attachments:** Nil**RECOMMENDATION**

“that Council, having considered Item 15.9 – *Library and Community Quarterly Report - July to September 2022*, dated 28 November 2022, receives and notes the report.”

Purpose

The purpose of this report is to provide an update about the various events and programs developed and implemented by the Library and Community Services team during July to September 2022.

Discussion

Listed below are the events and programs that have been held between 1 July 2022 to 30 September 2022.

Citizenship Ceremony – Constitutional Day – 11 July 2022

On Monday 11 July 2022 Mayor Wasley conducted a citizenship for four new residents at the Two Wells Council Chambers. After the formalities, our new Australian citizens and their guests joined Mayor Wasley and staff for morning tea to celebrate their new status.

July 2022 School Holidays

On Thursday 14 July 2022, 26 children attended the *Minute To Win It!* session at the Two Wells Uniting Church Hall, run by *Moveit* staff. Seven stations were set up and children worked in small groups and rotated amongst these minds and bodies activities which included cup ball catching and balancing plates on their heads. Not only were the children eager participants, but a number of parents also joined in with these activities.



Minute to Win It! Cup Stacking



Animals Anonymous – featuring a Murray Darling Python

On Tuesday 19 July 2022, 30 children certainly showed no fear with touching and holding an array of native animals, including a baby freshwater crocodile at the Two Wells Uniting Church Hall.

Staff received very positive feedback from families who thoroughly enjoyed our school holiday activities.

South Australian Living Artists (SALA) – August 2022

During the month of August, the Two Wells Library displayed 12 artists' original pieces of work. Although a number of paintings were featured, SALA creators also entered collages, photographs and craft items. This year's theme of "*People of the Plains*" certainly inspired some of our artists' imaginations, including a portrait of well-known Two Wells resident David Stoddart.



Lana Barrett - Quilt 'Harvest Festival'



Rhonda Fowles - Painting 'David Stoddart'

National Science Week – 17 August 2022

Library staff were successful in applying for a *National Science Week* grant and received \$1,040 to run an event for children which aimed to further their understanding of physical forces principles, but in an entertaining way.

The demonstrator kept the 30 children 'on their toes' by showing mass, acceleration, air pressure and gravity concepts by using circus tricks and equipment. During the session children saw 'Dr Quark' ride a unicycle, juggle and even balance on a 'rolla bolla'.

The children asked lots of questions and were engrossed watching "Dr Quark".



Above - Dr Quark's Scientific Circus

As usual our children's programs were fully booked out, although we had a few last-minute cancellations due to COVID-19.

Libraries Board of South Australia – visit to Two Wells Library – 11 August 2022

The *Libraries Board of South Australia* visited the Two Wells Library on Thursday morning, 11 August 2022 – this was their first stop as they commenced a two-day regional tour.

The then-Deputy Mayor Strudwicke officially welcomed Board Members, State Library and Public Library executive staff. In his address, he informed the audience which included the Chief Executive Officer, Council staff and library patrons, that the Board's Chairman Bruce Linn had a connection to our District. Mr Linn's parents were practising doctors (Doctors John and Jeanette Linn) who worked for many years serving the township of Mallala.

Members of the Board, the then-Deputy Mayor Strudwicke and Council's Chief Executive Officer spoke to library patrons who were keen to voice their ongoing appreciation of our current library service and were looking forward to its future development, in light of the rapid population growth at Two Wells.



Above – The Libraries Board visited the Two Wells Library

Lego – Afterschool activity – 14 September 2022

This year the *National Backyard Cricket Scheme* in conjunction with the *Friends of Libraries* offered grant opportunities to country public libraries, to enable them to undertake new projects or services. Library staff identified the need for resources to instigate after school activities. Our library was awarded \$1,500 which was used to purchase a wide range of Lego boxes.

On Wednesday 14 September 2022, the first after school activity was held in the Two Wells Council Chambers. Thirteen children and their parents enjoyed unpacking the boxes and with the accompanying manuals built numerous Lego kits. After the success of this initial after-school activity, monthly sessions are being planned for Term 4, 2022.



Above - Bryn Trussell gets a scare from a Lego crocodile that he has built

October School Holiday events*Planting Activity*

Eleven children and their adults braved wet conditions on Tuesday 4 October 2022 to plant 65 native trees and bushes at the Historic Wells site in Two Wells. The session was facilitated by Danny Millbanks, Adelaide Plains Council's Coastal Conservation Officer. Children brought their own gloves and were enthusiastic about planting the trees, watering them in, hammering in the stakes and putting in the biodegradable tree guards.



Above - Daisy Hoppo at the planting activity

Chemistry Workshop

On Tuesday 11 October 2022, 25 children attended the Two Wells Uniting Church Hall for a *Jaw-Dropping Chemistry Workshop* facilitated by *Nitro Nat*. The children got to use thermometers, pipettes, test tubes, beakers, measuring jugs and spoons as they conducted their experiments with different chemicals. The children then used seaweed solution to make worms, which they were able to take home.



Above - Noah, Alyse and Chelsea, Rook and Keogh observe the chemical reaction.

Nature Festival 2022

The Nature Festival, now in its second year, ran from 6-16 October 2022 and offered over 350 events across South Australia including kayaking in the dolphin sanctuary and touring the Botanic Gardens, with the aim of cultivating a deeper relationship with nature as a society.

The Library offered a “*Come and Try Tai Chi*” session which had been planned to be held in the beautiful natural location of the Two Wells Village Green. Due to wet weather, the event had to be relocated to the Two Wells Uniting Church Hall. Twelve adults from the local community enjoyed the opportunity to learn and practise Tai Chi and Qigong moves, as well as ask questions about this ‘moving’ meditation and watch a Tai Chi demonstration by instructor Nazli Jianfar.



Above - Tai Chi instructor Nazli Jianfar with participants Hailee and Jeremy Fitzgerald.

Adelaide Plains Library Facebook Page

The Library's facebook page aims to promote our events and services, as well as providing informative posts about the District's extensive history. The number of people following our facebook page continues to steadily grow, currently numbering 825 people. Tabled below are facebook statistics from (April to June 2020) to (July to September 2022).

Table 1 – Library Facebook statistics

Library Facebook Activity	April-June 2020	July-Sept 2020	Oct-Dec 2020	Jan-Mar 2021	April-June 2021	July-Sept 2021	Oct-Dec 2021	Jan-Mar 2022	April-June 2022	July – Sept 2022
Total number of posts	172 <i>(57)</i>	106 <i>(35)</i>	135 <i>(45)</i>	98 <i>(32)</i>	110 <i>(37)</i>	130 <i>(43)</i>	103 <i>(34)</i>	107 <i>(36)</i>	101 <i>(34)</i>	114 <i>(38)</i>
Total post views	37,807 <i>12,602</i>	22,303 <i>7,434</i>	32,966 <i>10,988</i>	47,854 <i>15,951</i>	25,846 <i>8,615</i>	86,944 <i>28,944</i>	19,332 <i>6,444</i>	28,812 <i>9,604</i>	22,661 <i>7,554</i>	29,460 <i>9,820</i>

(Monthly average in ITALICS)

Below are two posts which attracted a lot of interest.





Australia Day 2022 – Call for Nominations

Nominations for the *Australia Day Awards* are now open and applications need to be submitted to Council (or emailed to the Australia Day Council) by COB Friday 25 November 2022.

There are five categories:

- Citizen of the Year
- Young Citizen of the Year
- Community Event of the Year
- Community Project of the Year
- Community Group of the Year

The latter two categories are unique to Adelaide Plains Council, and they aim to recognise achievements in our community.

A confidential report will be tabled at the December 2022 Ordinary Council meeting for members to consider the merits of the submitted applications. The Mayor will recognise the winners of our various *Australia Day Awards* at the Mallala Football Club on Thursday morning, 26 January 2023.

Conclusion

This report is provided as a standing update on a quarterly basis for Council's information.



References

Legislation

Local Government Act 1999

Libraries Act 1982

Council Policies/Plans

Strategic Plan 2021-2024

16 QUESTIONS ON NOTICE

Nil

17 QUESTIONS WITHOUT NOTICE

18 MOTIONS ON NOTICE

Nil

19 MOTIONS WITHOUT NOTICE

20 URGENT BUSINESS

21 CONFIDENTIAL ITEMS

Nil

22 CLOSURE