

NOTICE OF MEETING

Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

Governance Advisory Panel Meeting of the



**Adelaide
Plains
Council**

will be held in

**Council Chamber
Redbanks Road
Mallala**

on

Thursday 16 June 2022 at 2.00pm

A handwritten signature in black ink, appearing to read 'James Miller'.

James Miller
CHIEF EXECUTIVE OFFICER

Pursuant to section 302B of the Local Government Act 1999 and the Electronic Participation in Council Meetings Notice (No 5) 2021, **public access to this meeting will be facilitated via live stream on Council's YouTube channel.**

On the day of the meeting, a direct link to the live stream will be displayed on the homepage of Council's website www.apc.sa.gov.au

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Nil

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13 CONFIDENTIAL ITEMS

Nil

14 NEXT MEETING

To be confirmed

15 CLOSURE



2. Confirmation of Minutes

Thursday 16 June 2022

2.1 Confirmation of Minutes – Meeting held Thursday 10 September 2020

“that the minutes of the Governance Advisory Panel Meeting held on 10 September 2020 (MB Folios 115 to 120 inclusive), be accepted as read and confirmed.”

MINUTES

of the

Governance Advisory Panel Meeting

of the



Pursuant to the provisions of section 88 (1) of the
Local Government Act 1999

HELD

by electronic means

on

Thursday 10 September 2020 at 2.30pm

The Chairperson formally declared the meeting open at 2.33pm.

1. ATTENDANCE

1.1 Present:

Ms Isobel Redmond	Chairperson	<i>By audio-visual link</i>
Ms Cimon Burke	Independent Member	<i>By audio-visual link</i>
Mr Lachlan Miller	Independent Member	<i>By audio-visual link</i>
Mayor Mark Wasley	Mayor	<i>By audio-visual link</i>
Deputy Mayor Marcus Strudwicke	Mallala/Dublin Ward	<i>By audio-visual link</i>

Also in Attendance by audio-visual link:

General Manager – Governance and Executive Office	Ms Sheree Schenk
Manager Governance and Administration/Minute Taker	Ms Alyssa Denicola
WHS and Risk Officer	Ms Angie-Marie Fuss
Independent Legal Advisor, Norman Waterhouse Lawyers	Mr Dale Mazzachi

1.2 Apologies

Nil

- 6.4 Adelaide Plains Council Representation Review – Update
Panel Resolution
 Moved Mayor Mark Wasley Seconded Mr Lachlan Miller 2020/ 016
“that the Governance Advisory Panel, having considered Item 6.4 – Adelaide Plains Council Representation Review – Update, dated 10 September 2020, receives and notes the report.”
CARRIED
- 6.5 Local Government Reform – Update
Panel Resolution
 Moved Deputy Mayor Strudwicke Seconded Mayor Wasley 2020/ 017
“that the Governance Advisory Panel, having considered Item 6.5 – Local Government Reform – Update, dated 10 September 2020, receives and notes the report.”
CARRIED
- 6.6 Council Members Training and Development Program 2020/2021
Panel Resolution
 Moved Mr Lachlan Miller Seconded Deputy Mayor Strudwicke 2020/ 018
“that the Governance Advisory Panel, having considered Item 6.6 – Council Members Training and Development Program 2020/2021, dated 10 September 2020, receives and notes the report.”
CARRIED
- 7. REPORTS FOR DECISION**
- 7.1 Review of Confidential Items – Governance Advisory Panel – 2020
Panel Resolution
 Moved Deputy Mayor Strudwicke Seconded Mayor Wasley 2020/ 019
“that the Governance Advisory Panel, having considered Item 7.1 – Review of Confidential Items – Governance Advisory Panel – 2020, dated 10 September 2020, receives and notes the report and acknowledges that a formal review of the Governance Advisory Panel Confidential Items Register has been undertaken.”
CARRIED
- 7.1 **Panel Resolution**
 Moved Deputy Mayor Strudwicke Seconded Ms Burke 2020/ 020
“that the Governance Advisory Panel, having considered Item 7.1 – Review of Confidential Items – Governance Advisory Panel – 2020, dated 10 September 2020, resolves that, pursuant to section 91(9)(a) of the Local Government Act 1999, having reviewed the confidential order made on 15 July 2019 under Section 90(2) and 90(3)(a), resolution 2019/042 in relation to Item 7.3 – Review of Confidential Items – Governance Advisory Panel be released and made available for public inspection.”
CARRIED

7.2 Policy Review – Register of Interests Policy

Panel Resolution

Moved Mayor Wasley Seconded Ms Cimon Burke 2020/ 021

“that the Governance Advisory Panel, having considered Item 7.2 – Policy Review – Register of Interests Policy, dated 10 September 2020, receives and notes the report and in doing so recommends to Council that it revoke the current Register of Interests Policy (Attachment 2) and adopt the draft Register of Interests Policy (Attachment 1).”

CARRIED

7.3 Council’s Smoke Free Framework

Panel Resolution

Moved Mr Lachlan Miller Seconded Deputy Mayor Strudwicke 2020/ 022

“that the Governance Advisory Panel, having considered Item 7.3 – Council’s Smoke Free Framework, dated 10 September 2020, receives and notes the report and in doing so recommends to Council that it revoke the current Smoke Free Workplace Policy and acknowledge that a smoke free workplace framework is being developed internally to address various WHS and HR requirements.”

CARRIED

7.3 **Panel Resolution**

Moved Ms Cimon Burke Seconded Mayor Wasley 2020/ 023

“that the Governance Advisory Panel, having considered Item 7.3 – Council’s Smoke Free Framework, dated 10 September 2020, recommends to Council that it undertake public consultation, in accordance with Council’s Public Consultation Policy, in relation to certain areas that are proposed to be designated as smoke free areas in accordance with Clause 5.7.2 of Council’s By-Law No 2 of 2019 – Local Government Land.”

CARRIED

8. QUESTIONS ON NOTICE

Nil

9. QUESTIONS WITHOUT NOTICE

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

10. MOTIONS ON NOTICE

Nil

11. MOTIONS WITHOUT NOTICE

Nil

12. URGENT BUSINESS

Nil

13. CONFIDENTIAL ITEMS

Nil

14. NEXT MEETING

November/December 2020 – To Be Confirmed


15. CLOSURE

There being no further business, the Chairperson declared the meeting closed at 3.06pm.

Confirmed as a true record.

Chairperson:.....

Date: ___/___/___

 Adelaide Plains Council	6.1	Review of Confidential Items – Governance Advisory Panel – 2022
	Department:	Governance and Executive Office
	Report Author:	Manager Governance and Administration
Date: 16 June 2022	Document No:	D22/21874

EXECUTIVE SUMMARY

- The purpose of this report is for the Governance Advisory Panel (the Panel) to undertake an annual review of its Confidential Items, in accordance with the *Local Government Act 1999* (the Act).
- The Panel undertook a review of its Confidential Items at its most recent meeting in September 2020.
- There is currently only one (1) item of the Panel that remains in confidence. It is recommended that this item remain in confidence for reasons outlined below.

RECOMMENDATION

“that the Governance Advisory Panel, having considered Item 6.1 – *Review of Confidential Items – Governance Advisory Panel – 2022*, dated 16 June 2022, receives and notes the report and acknowledges that a formal review of the Governance Advisory Panel Confidential Items Register has been undertaken.”

BUDGET IMPACT

Nil

RISK ASSESSMENT

A review, at least annually, of confidential items is required to maintain compliance with the Act.

Attachments

Nil

DETAILED REPORT

Purpose

The purpose of this report is for the Panel to undertake a review of its Confidential Items, in accordance with the Act.

Background/History

The Act and Council's *Code of Practice – Access to Council Meetings and Documents*, require that Council and Council Committee meeting minutes specify the duration of any confidential order, the circumstances in which the confidential order will cease to apply, or a period after which the confidential order must be reviewed. The objective of this requirement is that confidential orders are made publicly available at the earliest opportunity and that the community is informed of any Council or Council Committee confidential order and any associated implications.

The Panel undertook a review of its Confidential Items at its (most recent) meeting on 10 September 2020.

Discussion

In the interests of promoting accountable, open and transparent government, confidentiality provisions should only be utilised after careful consideration, and when considered proper and necessary.

Items Recommended to Remain In Confidence

It is recommended that the Panel maintain the confidence of the following item:

Meeting Date & Item No.	Subject	Reason for Confidentiality (LG Act)	Scope of s 91 Order/ Due for Release	Reason for Maintaining Confidentiality
29 August 2018 13.1	Review of Council Procedures – 2017 – Two Wells Transfer Station	Section 90(3)(a) 'personal affairs'	Attachment 2 – until further order of the Panel	Attachment 2 contains information related to the employment performance and other personnel matters (the conduct of individuals throughout the handling of asbestos contaminated material following discovery).

If Panel Members wish to obtain a copy of the confidential item referred to above, please contact the Manager Governance and Administration prior to the Panel Meeting.

Conclusion

The principles of accountable, open and transparent government include confidentiality provisions which should only be utilised after careful consideration, when considered proper and necessary. It is recommended that Council consider the recommendations above in order to ensure compliance with the Act.


References

Legislation

Local Government Act 1999 (SA)

Council Policies

Code of Practice – Access to Council Meetings and Documents

 Adelaide Plains Council	6.2	Policy Review – Register of Interests Policy
	Department: Report Author:	Governance and Executive Office Manager Governance and Administration
Date: 16 June 2022	Document Ref:	D22/21843

EXECUTIVE SUMMARY

- The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the draft Register of Interests Policy (the Draft Policy) presented as **Attachment 1** to this Report.
- Council’s current Register of Interests Policy was substantially reviewed in 2020 and, in accordance with Council’s Policy Review Schedule, is now due for review.
- The current Policy is intended to be a clear and concise document that does not repeat matters already set out in legislation and, indeed, has worked well for Council since its adoption in 2020. The Draft Policy, therefore, includes only minor amendments.
- It is recommended that the Panel considers the Draft Policy and recommends to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

RECOMMENDATION

that the Panel, having considered Item 6.2 – *Policy Review – Register of Interests Policy*, dated 16 June 2022, receives and notes the report and in doing so recommends that Council adopts the draft *Register of Interests Policy* as presented at Attachment 1 to this Report **subject to the following amendments:-**

- 1. ...**
- 2.”**

BUDGET IMPACT

Estimated Cost: Nil

Future ongoing operating costs: Nil

Is this Budgeted? Not Applicable

RISK ASSESSMENT

The Local Government Act requires that Council and Committee members, and particular Council officers (employees) lodge primary and ordinary returns, and that this information is maintained within a register of interests.

While a Register of Interests Policy is not mandatory, it is prudent that any policy in that regard is accurate and easy to understand so that all relevant parties are aware of their responsibilities to participate in and facilitate the register of interests under the Act. This in turn ensures that Council is compliant in relation to its legislative requirements under relevant sections of the Act.

Attachments

1. Draft Register of Interests Policy (marked up).

DETAILED REPORT

Purpose

The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the draft Register of Interests Policy (the Draft Policy) presented as **Attachment 1** to this Report.

Background/History

The *Local Government Act 1999* (the Act) requires that Council and Committee members, and particular Council officers (employees) lodge primary and ordinary returns, and that this information is maintained within a Register of Interests.

Council's current Register of Interests Policy (the Current Policy) was substantially reviewed in 2020 with a focus on simplifying the policy without repeating matters already set out in legislation and, in accordance with Council's Policy Review Schedule, is now due for review.

[Click here to view](#) a copy of Item 7.4 – Policy Review – Register of Interests Policy, dated 10 September 2020.

Discussion

A Register of Interests Policy is not mandatory and indeed it does not appear that many other councils have adopted a policy of this nature. However, the Policy is intended to be a clear and concise document that promotes transparency in relation to register of interest provisions and obligations.

The Draft Policy has been amended in order to:

- Update clause 6.3 such that the register of Interest provisions will apply only to Council's Audit Committee, noting that this is the only 'mandatory' committee established under section 41 of the Act and indeed the only section 41 committee with regulatory/audit functions. Of course, the wording of clause 6.3 means that Council will continue to have the ability to resolve that the relevant provisions apply to additional committees, for example through a committee's Terms of Reference and
- Delete references to the *Development Act 1993* as this legislation was repealed on 19 March 2021.

The Register of Interests Policy has, otherwise, worked well for Council and the remaining, relevant legislative obligations are unchanged.

LG Reform – Amendment to Section 70 of the Local Government Act – Publication of Register

Clause 8.3 of the Draft Policy (and indeed the Current Policy) provides that the Chief Executive Officer (CEO) will manage the Register of Interests and ensure that access to information contained within the Register is accessed in accordance with the provisions of the Act.

For the Panel's interest, the publication requirements for the Council Member Register of Interests recently changed as part of the Local Government Reform amendments.

The previous (and ongoing) requirement was for the CEO to maintain a Register internally (which members of the public could inspect on request) and to publish an *excerpt* of the Register on the Council's website has now been replaced with a requirement to publish the Register of Interests in full on the Council's website.

Specifically, the recently amended section 70 of the Act now requires:

70—Publication of Register

(a1) The chief executive officer must publish the Register on a website determined by the chief executive officer.

(a2) However, the chief executive officer must ensure that the following details are not published under subsection (a1):

(a) a person's residential address;

(b) any other address suppressed from the Register under section 68(4)(a).

Council's internal practices have been updated accordingly and the Register of Interests is available on the Council website.

Conclusion

Although a Register of Interests Policy is not mandatory, Council's Register of Interests Policy is intended to be a clear and concise document that promotes transparency in relation to register of interest provisions and obligations without repeating matters already set out in legislation.

It is for the Panel to consider whether it wishes to recommend any additional amendments to Council prior to adoption.

References

Legislation

Local Government Act 1999 (SA)

Council Policies/Plans

Code of Conduct for Council

Members Strategic Plan 2021-2024

Proactive Leadership

Register of Interests Policy	
Version Adoption by Council:	28 September 2020 <u>TBC</u>
Resolution Number:	2020/309 <u>2022/TBC</u>
Current Version:	V3 <u>4</u>
Administered by:	Last Review Date: 2020 <u>2</u>
Chief Executive Officer	Next Review Date: 2022 <u>4</u>
Document No: D22/ 218490 <u>7980</u>	Strategic Outcome: 4.5 Accountable & Sustainable Governance <u>Proactive Leadership</u>

1. Objective

The purpose of this Policy is to provide direction in maintaining a Register of Interests, and to identify the Employees and Committee Members in relation to whom the Council has resolved to apply the register of interest provisions under the *Local Government Act 1999* (SA).

2. Scope

This Policy applies to:

- Council Members;
- The Chief Executive Officer;
- Prescribed Officers; and
- Council Committee Independent Members as identified by Council within the Policy.

3. Definitions

Chief Executive Officer (CEO) means the appointed Chief Executive Officer of Adelaide Plains Council, the Acting Chief Executive Officer or their delegate

Committee means a Council Committee established under section 41 of the *Local Government Act 1999* and Council's Development Assessment Panel

Council means the Adelaide Plains Council (APC)

Council Member means a Council Member elected to Adelaide Plains Council in accordance with the *Local Government Act 1999*

Council Employee/s means any person that is employed full time, part time or casually by the Council and who receives remuneration for their work

Prescribed Officer means an officer prescribed by Council under section 111 of the *Local Government Act* to be subject to the operation of Division 2 of Part 4 of Chapter 7 of that Act and required to submit Primary and Ordinary Returns

~~**Development Act** means the *Development Act 1993* (SA)~~

Fee means the printing/photocopying fee stated in Council's Schedule of Fees and Charges

Local Government Act means the *Local Government Act 1999* (SA)

Ordinary Return means the subsequent return (after the primary return) that each person to whom this policy applies, submits, each year, for inclusion in the Register of Interests

Planning, Development and Infrastructure Act means the *Planning, Development and Infrastructure Act 2016* (SA)

Primary Return means the first return that each person to whom this policy applies (after they are elected or appointed) submits for inclusion in the Register of Interests

Principal Office of Council means the office located at 2a Wasleys Road, Mallala SA 5502

Register of Interests means the Register where information submitted via the Primary and Ordinary Returns process is maintained

Register of Interests Provisions means Division 2 of Part 4 of Chapter 5 and/or Division 2 of Part 4 of Chapter 7 of the Local Government Act

Return means an Ordinary Return and/or a Primary Return

4. Policy Statement

Council is committed to:

- Open, transparent and accountable governance practices
- Recognising its responsibilities to the community in relation to minimising and managing risks
- Promoting community trust and confidence in Council
- Assisting Council Members and Council Employees to demonstrate accountability in relation while carrying out Council business

5. Council Members

5.1. All Council Members are required to submit a return under the Local Government Act.

6. Committee Members

6.1. All Council Assessment Panel (CAP) members must disclose their financial interests under the ~~*Development Act 1993*~~ (or the *Planning, Development and Infrastructure Act, 2016*).

6.2. The Local Government Act also provides for Council to extend the Register of Interest provisions to members of a Committee.

6.3. The Register of Interest provisions will therefore also apply to members of the Audit Committee, ~~Governance Advisory Panel~~ and to members of any other committee that Council so resolves.

7. Prescribed Officers

- 7.1. A Register of Interests is not specifically legislated for Council Employees (with the exception of the CEO) however Council recognises this as good practice.
- 7.2. The Register of Interest provisions therefore do not automatically apply to Council Employees (again, with the exception of the CEO). However, section 111(b) of the Local Government Act allows Council to apply the Register of Interests Provisions to its Prescribed Officers in addition to the CEO.
- 7.3. For the purpose of this section, the following Council Employees will be subject to the Register of Interests Provisions:
 - 7.3.1. General Managers;
 - 7.3.2. Managers; and
 - 7.3.3. Any Council Employees who:
 - 7.3.3.1. Work in areas of potential conflict and/or
 - 7.3.3.2. Work primarily unsupervised.
- 7.4. The Chief Executive Officer will maintain the Prescribed Officers List and may identify, and add, additional Prescribed Officers to the Prescribed Officers List between policy reviews where appropriate.

8. Managing the Register of Interests

- 8.1. Members and/or relevant employees may seek assistance from the CEO in completing their return.
- 8.2. The relevant Acts determine the requirements for lodging returns (including due dates), form and content of returns and inspection of returns/registers.
- 8.3. The CEO will manage the Register of Interests and ensure that access to information contained within the Register is accessed in accordance with the provisions of the Local Government Act and the ~~Development Act or the~~ Planning, Infrastructure and Development Act ~~2016~~.

9. Related Documents

Form 3 – Register of Members’ Interest – Primary Return

Form 4 – Register of Members’ Interest – Ordinary Return

Form 5 – Register of Interests – Officers – Primary Return

Form 6 – Register of Interests – Officers – Ordinary Return

Register of Interests

[Prescribed Officers List](#)

Schedule of Fees and Charges

Local Government Association Guidelines for Primary and Ordinary Returns

10. Records Management

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

11. Document Review

This Policy will be reviewed every two years in accordance with Council's Policy Review Schedule to ensure legislative compliance and that it continues to meet the requirements of Council and its activities and programs.

12. References

Development Act 1993 (SA)


Local Government Act 1999 (SA)

Planning, Development and Infrastructure Act 2016 (SA)

13. 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 the Principal Office of Council.

A copy of this Policy may be obtained on payment of a fee. Any queries in relation to this Policy must be made in writing to info@apc.sa.gov.au to the Attention of General Manager – Governance and Executive Office.

 Adelaide Plains Council	6.3	Policy Review – Council Members Induction Policy
	Department:	Governance and Executive Office
	Report Author:	Manager Governance and Administration
Date: 16 June 2022	Document Ref:	D22/22025

EXECUTIVE SUMMARY

- The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the draft Council Members Induction Policy (the Draft Policy) presented as **Attachment 1** to this Report.
- The current Council Members Induction Policy was presented to the Panel in August 2018 and subsequently adopted by Council in November 2018 at the first Ordinary Meeting following the general election.
- The Draft Policy has been amended in order to be more consistent with the LGA Model Policy. In particular, Management is recommending the deletion of Clause 5 which sets out the responsibilities of staff. All suggested amendments are shown in track changes.
- It is recommended that the Panel considers the Draft Policy and recommends to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

RECOMMENDATION

that the Panel, having considered Item 6.3 – *Policy Review – Council Members Induction Policy*, dated 16 June 2022, receives and notes the report and in doing so recommends to that Council adopts the draft *Council Members Induction Policy* as presented at Attachment 1 to this Report **subject to the following amendments:-**

1. ...
2.”

BUDGET IMPACT

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

RISK ASSESSMENT

A strong Council Members Induction Policy, and associated induction program, 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.

Attachments

1. Draft Council Members Induction Policy (marked up).

DETAILED REPORT

Purpose

The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the draft Council Members Induction Policy (the Draft Policy) presented as **Attachment 1** to this Report.

Background/History

The current Council Members Induction Policy was presented to the Panel in August 2018 and subsequently adopted by Council in November 2018 at the first Ordinary Meeting following the general election. Prior to November 2018, Council did not have an equivalent policy that dealt with the induction of a new Chamber.

[Click here to view](#) a copy of Item 8.2 – *Council Members Induction Policy*, dated 29 August 2018 and presented to the Panel and [click here to view](#) a copy of Item 15.10 – *Policy Introduction – Council Members Induction Policy and Program*, dated 21 November 2018 and presented to Council.

Discussion

Council Members Induction Policy

A Council Members 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.

The Draft Policy is largely based on the LGA Model Policy and the recommended amendments (shown in track change) are intended to bring the current policy 'more in line' with same.

In addition to minor formatting, more notable amendments are as follows:

- Deletion of clause 3 – Principles Underlying the Policy. This is a duplicate of Clause 6. Principles of Good Induction.
- A new clause 3 – Defining Induction. This clause provides additional context in relation to the context, and significance, of induction and indeed is included within the LGA Model Policy.
- Deletion of clause 5 – Roles and Responsibilities insofar as they relate to staff. Although the roles and responsibilities of staff as reflected in the current policy are accurate, it is not considered necessary to include in the Draft Policy.

Induction Program – Anticipated Content

The Draft Policy anticipates being accompanied by an Induction Program which is in the early stages of development. In addition to the mandatory training, which will be delivered to all Council Members (new and returning), the Induction Program is likely to incorporate the following key areas:

- Housekeeping – introductions/get to know you, corporate photography
- Local Government Overview – functions and powers
- APC Overview – ‘past, present and future’, profile, services
- Key strategic documents and projects
- Portfolio presentations by General Managers and key staff (governance, work health safety, risk, information technology, records management, marketing and communications, property, finance, planning, regulatory infrastructure and assets)
- Training and Development Overview
- Council Meetings – Decision Making and Meeting Procedures
- Committee Structure Overview
- Code of Conduct/Behavioural Framework (as the case may be) and Complaints Handling

The summary above is an overview only and indeed focuses on matters of ‘induction’ rather than ongoing training and development throughout the Council term which will naturally be dealt with separately and under the Council Members Training and Development Policy.

Conclusion

A Council Members Induction Policy 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.

It is recommended that the Panel considers the Draft Policy and recommends to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

References

Legislation

Local Government Act 1999 (SA)

Council Policies/Plans

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 Allowance and Benefits Policy

Council Members Communication Policy

Council Members Induction Program

Council Members Records Management Policy


Council Member Training and Review Policy

Gifts and Benefits Policy

Register of Interests Policy

Strategic Plan 2021-2024

Proactive Leadership

	Council Members Induction Policy	
	Adoption by Council: 21 November 2018 <u>TBC</u>	
	Resolution Number: 2018/507 <u>2022/TBC</u>	
	Current Version: V1 <u>V2</u>	
Administered by:	Last Review Date:	20 <u>22</u> 18
Chief Executive Officer	Next Review Date:	20 <u>26</u> 2
Document No: D18/38811D22/21887	Strategic Outcome: 4.5 Accountable & Sustainable Governance <u>Proactive Leadership</u>	

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.

~~This Policy applies to all Council Members, the Chief Executive Officer, General Managers and Governance Officer.~~

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 new and newly elected Council Members with an understanding of the environment they will work within, is one aspect of induction.

3. ~~Principles Underlying the Policy~~

Council endorses the following principles as reflecting good induction:

- 3.1 ~~Each Council Member has a personal responsibility to actively seek development opportunities in order to appropriately fulfil his/her role and better represent constituents and the community of Adelaide Plains Council;~~

Commented [AD1]: This clause is a duplicate of 6. Principles of Good Induction below

~~3.2 All Council Members are expected to actively participate in the Induction Program of the Council; and~~

~~3.3 Information provided in Induction sessions will be supported by written materials provided to Council Members electronically.~~

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. Roles and Responsibilities~~

~~5.1 Council Members:~~

- ~~• To consider and approve the Induction Policy~~
- ~~• To participate in the various aspects of the Induction Program~~

~~5.2 Chief Executive Officer:~~

- ~~• To ensure there is an appropriate Induction Program~~
- ~~• To participate in the Induction Program~~

~~5.3 General Managers:~~

- ~~• To ensure that each area of Council business is reflected in the Induction Program~~
- ~~• To participate in the Induction Program~~

~~5.4 Governance Officer:~~

- ~~• To consult with Council Members and facilitators in relation to the Induction Program~~

6.5. Principles of Good Induction

Council endorses the following principles as reflecting good induction:

~~6-15.1~~ 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;

~~6-25.2~~ All Council Members are expected to actively participate in the Induction Program of the Council; and

~~6-35.3~~ Information provided in Induction sessions will be supported by written materials provided to Council Members electronically.

7.6. Content of the Induction Program

The Chief Executive Officer will facilitate the design of an appropriate Induction Program for an incoming Council.

~~As outlined in Council's Council Member Training and Development Policy, Council Members must undertake mandatory training within the first year of election to office, which complies with the Local Government Association (LGA) Training Standards as defined in Regulation 8AA of the Local Government (General) Regulations 2013.~~

~~In addition to the mandatory minimum training requirements,~~ The Induction Program will include the following elements, in addition to any training that is mandatory under legislation:

7.16.1 Relationship Building

Although they have different roles, Council Members and the Executive Management Team, lead 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.

7.26.2 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.

7.36.3 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.

7.46.4 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](#).

7.56.5 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.

7-66.6 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.

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.

8-7. 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

9-8. 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.

10-9. Document Review

This Policy will be reviewed by 30 June 2026~~2~~, ahead of the Local Government Elections of November 2026~~2~~ and as otherwise required by legislation.

11-10. References

Local Government Act 1999 (SA)

Local Government (General) Regulations 2013 (SA)

Local Government (Members Allowances and Benefits) Regulations 2010 (SA)

12.11. 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 ~~Communications~~Executive Office.

DRAFT

 Adelaide Plains Council	6.4	Policy Review – Council Members Records Management Policy
	Department:	Governance and Executive Office
	Report Author:	Records Management Officer
Date: 16 June 2022	Document Ref:	D22/21839

EXECUTIVE SUMMARY

- The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the revised Council Members Information Management Policy (the Draft Policy), presented as **Attachment 1** to this Report.
- The current Council Members Records Management Policy was adopted in April 2018 and has been subject to internal review. In addition to minor formatting amendments, terminology has been updated throughout the Draft Policy (from ‘records management’ to ‘information management’) to align with ‘State Records’ terminology. The Policy has, otherwise, worked well for Council from an application perspective and the legislative obligations in terms of information management are unchanged.
- It is recommended that the Panel consider the Draft Policy and recommend to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

RECOMMENDATION

“that the Panel, having considered Item 6.4 – *Policy Review – Council Members Records Management Policy*, dated 16 June 2022, receives and notes the report and in doing so recommends that Council adopts the draft *Council Members Information Management Policy* as presented at Attachment 1 to this Report **subject to the following amendments:-**

1. ...
2.”

BUDGET IMPACT

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

RISK ASSESSMENT

A review of Council's current Council Members Records Management Policy is timely. As the current Policy has worked well for Council to date, and the relevant legislative obligations remain the same, the recommended amendments are minor in order to reflect the terminology of State Records.

Attachments

1. Draft Council Members Information Management Policy (marked up).

DETAILED REPORT

Purpose

The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to, the revised Council Members Information Management Policy (the Draft Policy), presented as **Attachment 1** to this Report.

Background

Council's current Council Members Records Management Policy was presented to the Governance Advisory Panel in March 2018 and adopted by Council in April 2018. At that time, the review focused on more clearly outlining the responsibilities and expectations of Council Members in relation to obligations under the *State Records Act 1997*. The review also resulted in the separation of Council Members and staff – Council Members are dealt with under the current Council Members Records Management Policy and staff obligations are dealt with under a separate, workplace (internal) policy.

[Click here to view](#) a copy of Item 9.1 – *Policy Review – Records Management Policy*, dated 27 March 2018.

Discussion

The current Council Members Records Management Policy has been subject to internal review and is presented, with track changes, as **Attachment 1** to this Report.

In addition to minor formatting amendments, the following changes are proposed:

- Terminology has been updated throughout the Draft Policy, from 'records management' to 'information management' to align with current State Records terminology; and
- References to particular staff roles have been updated in order to reflect the current organisational structure.

The Policy has, otherwise, worked well for Council from an application perspective, and the legislative obligations in relation to information management are unchanged. To that end, no further substantial amendments are recommended at this time.

Conclusion

It is recommended that the Panel consider the Draft Policy and recommend to Council that it adopt same, subject to any further amendments that the Panel considers necessary.



References

Legislation

State Records Act 1997

Freedom of Information Act 1991

Local Government Act 1999


Council Policies/Plans

Council Members Communication Policy

Council Members Information Technology Policy

Strategic Plan 2021-2024

Proactive Leadership

	Council Members Records Information Management Policy	
	Version Adoption by Council:	16 April 2018 TBC
	Resolution Number:	2018/141 2022/
	Current Version:	1.0 V2
	Administered by:	Last Review Date: 2021 8
	General Manager, Governance and Communications Executive	Next Review Date: 2024 by 30 June 2019
TRIM Record Document No	Strategic Objective:	
REF: CON12/717 D22/22472	4.5 Accountable & Sustainable Governance	

Commented [JAB1]: Changed from Records to Information to align with State Records terminology

1. Objective

- 1.1 The Council Members ~~Records~~ Information Management Policy (this Policy) provides principle based guidance and directs the practices of the Council Members of Adelaide Plains Council (Council) in relation to the management of their records.
- Records of Council are created and received as a result of interaction with residents and ratepayers, other agencies, government departments and businesses.
- 1.2 Adherence to this Policy will ensure Council Members are able to:-
- Meet their legislative responsibilities;
 - Provide evidence of business transactions and accountability;
 - Validate and support their decisions and actions;
 - Protect their interests and those of Council.
- 1.3 Records are critical to establish the history, maintain corporate memory, build context, meet legislative requirements and to ensure the transparency, accountability and security of Council.

2. Scope

This Policy applies to all:-

- 2.1. Records created, sent and received by Council Members in the conduct of their role, including emails, letters, texts (SMS) and posts on social media.
- 2.2. Records in all formats and media (paper and digital).

3. Definitions

The definitions within this Policy have been taken from the Glossary of Records Management Terms produced by State Records of South Australia.

Access – Right, opportunity, means of finding, using or retrieving information.

Capture – Deliberate action that results in the registration of a record into a recordkeeping system assigning a unique identity on its entry into an EDRMS. For certain business activities, this action may be automated, so that the capture of records is concurrent with the creation of records in electronic systems.

Destruction – Process of eliminating, destroying or deleting records, beyond any possible reconstruction.

Digital Documents/Records – A Record created, and/or maintained by means of digital computer technology. Includes records that are 'born digital' or have undergone conversion from a non-digital format (i.e. digitised using OCR or imaging technology).

Disposal – the range of processes associated with implementing records retention, destruction or transfer decisions, which are documented in disposal authorities or other instruments.

Document(s) – Structured units of recorded information, published or unpublished, in hard copy or electronic form, and managed as discrete units in information systems.

Council Member – A person appointed or elected as a councillor of Council under the *Local Government Act 1999*. Councillors play a very important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

Electronic Document and Records Management System (EDRMS) – An automated system to used to manage the creation, use, management and disposal of physical and electronically created documents and records for the purposes of supporting the creation, revision and management of digital documents, improving an organisations work-flow and providing evidence of business activities.

File – An organised unit of documents accumulated during current use and kept together because they deal with the same subject, activity or transaction.

Record – Information created, received and maintained as evidence and information by an agency or person, in the pursuance of legal obligations or in the transaction of business (e.g. email, letter, and image). *State Records Act 1997* defines an "official record" as a record made or received by an agency in the conduct of its business.

Social Media – Group term for a range of on-line communication channels, which enable content sharing and collaboration. Including but not limited to: social networking sites (e.g. Facebook, LinkedIn); microblogging sites (e.g. Twitter); blogs; podcasts; forums and discussion boards; wikis.

Stakeholder - Client, customer, organisation, other agency or government department who conducts business and/or has a relationship with Council.

4. Policy Statement

- 4.1 The business activities of the Council Members of Adelaide Plains Council will be documented, recorded and managed to protect the integrity, enhance the efficiency, preserve the history and provide a business context of Council.
- 4.2 This Policy applies to the records and information created, sent and received by Council Members.

5. Legislative Requirements

- 5.1 Council Members have an obligation under the *State Records Act 1997*, *Local Government Act 1999*, *Freedom of Information Act 1991* and other relevant legislation to create, capture and manage records.
- 5.2 This Policy is to be read and implemented in conjunction with relevant legislation, standards and policies, including:-
 - *State Records Act 1997*
 - *Freedom of Information Act 1991*
 - *Local Government Act 1999*
 - ~~*Australian Records Management Standard AS ISO 15489 2016*~~
 - *Adelaide Plains Council Council Members Communication Policy*
 - *Information Management Strategy 2019-2022*
 - *Information Management Standard*
 - *Appraisal Standard V1.0*
 - *Disposal Standard V1.0*
 - *Standard - Minimum recordkeeping metadata requirements V1.0*
 - *Standard – Managing digital records in systems V1.0*
 - *Standard – Transfer of Official Records*
 - *Australian Records Management Standard AS ISO 1549 2016*

5.3 *State Records Act 1997*

Council Members are subject to the *State Records Act 1997*, and as such are required to manage their records in accordance with the provisions of the Act.

Under the *State Records Act 1997* – Section 3 – Interpretation, agency means:

- (d) a person who holds an office established by an Act; or
- (h) a municipal or district council.

Section 17 – Damaging etc of official records

(1) If a person, knowing that he or she does not have proper authority to do so, intentionally –

- (a) damages or alters an official record; or
- (b) disposes of an official record or removes an official record from official custody, the person commits an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

5.4 *Freedom of Information Act 1991*

The *Freedom of Information Act 1991* defines the rights of the public to obtain access to information held by the Council. Irrespective of whether or not an email is created using Council or personal email addresses it will always be subject to operation of the *Freedom of Information Act 1991*.

In certain circumstances an agency may refuse access to a document (e.g. an exempt document under Schedule 1 of the *Freedom of Information Act 1991*).

5.5 *Local Government Act 1999*

The *Local Government Act 1999* assigns the overall responsibility and accountability for the proper management of official records to the Chief Executive Officer of the agency. The Act has specific requirements relating to the creation and access of information.

5.6 Adelaide Plains Council *Council Members Communication Policy*

The *Council Members Communication Policy* applies to all Council Member requests for information from staff. It governs the interaction of Council Members and Council staff and outlines Council's approach to dealing with Council Member requests for service, information and documentation.

6. Application of Policy/Responsibilities

- 6.1 It is the responsibility of all Council Members to adhere to this Policy.
- 6.2 Attendance as required at Council Member Awareness training which will be delivered by an authorised and appropriately qualified Records Management staff member or external consultant.
- 6.3 All Council Members are responsible for ensuring:-
- 6.3.1 Record Creation
- (1) Records created within the conduct of their role at Adelaide Plains Council are the property of Council and therefore must be managed and cared for in accordance with the Policy, associated policies and legislation.
 - (2) Records are created in all appropriate circumstances immediately, or as soon as practicable, after an event, decision, agreement or business action.
 - (3) Records should be complete, accurate and meaningful to provide a valid and reliable account of what they document.
- 6.3.2 Records Capture
- (1) Electronic records, such as emails, should be copied or forwarded upon creation or receipt to info@apc.sa.gov.au. These records will then be captured into the corporate Electronic Document and Records Management System (EDRMS) ~~HP TRIM~~ [Content Manager](#).
 - ~~(2)~~ Council Members should not retain hardcopy original documentation. All original hardcopy documentation including records handed to Council Members must be forwarded to the ~~Executive Assistant to CEO~~ ~~{or Minute Taker}~~ at Council Meetings or Workshops as soon as practicable. These records will then be captured into the corporate EDRMS.
 - ~~(2)~~(3) [Hardcopy documents may also be delivered to either the Principal Office at Mallala or the Two Wells office during normal business hours for capture into the corporate EDRMS.](#)

6.3.3 Records Retention and Disposal

- (1) There is to be no intentional deletion, destruction or alternation of official records. Records are only to be disposed of in accordance with the provisions of the *State Records Act 1997* by authorised Records Management staff as part of the formal Disposal Process.
- (2) The illegal destruction of records carries penalties under the *State Records Act 1997*. If prosecuted penalties will apply to the individual Council Member involved.

~~(3) The Mayor's diary/calendar will be retained as a permanent record.~~

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Commented [JAB2]: Under GDS 40 this is no longer a permanent record.

6.3.4 Access and Privacy

- (1) Access to Council held information by Council Members will need to be requested through the CEO or delegate in accordance with Council's *Council Members Communication Policy*.
- (2) Records may contain information that is confidential in nature and must not be divulged to other parties.

6.3.5 Public Access to Information

- (1) Requests by the public or media for access to Council information and records are to be managed by a Freedom of Information Accredited Officer. Access by the public or media to information is protected by provisions in the *Freedom of Information Act 1991* and advice should be sought from the ~~Records Management Officer or a~~ Freedom of Information Accredited Officer when enquiries are received prior to allowing access.

6.3.6 Mail Opening

- (1) All mail coming into Council (in all formats), including mail marked 'Private and Confidential', will be opened by the Records Team Management Officer regardless of addressee and processed in accordance with Council's Records Information Management policies and procedures.

6.3.7 Council System

6.3.8 Council Members will only utilise Council systems for official correspondence created or received in the conduct of their role in Council, i.e. personal email accounts will not be used.

6.3.9 Integrity of Information

- (1) Under the *Freedom of Information Act 1991*, Ombudsman's investigations and legal discovery, the public may apply to access Council records. It is important that a professional approach be taken in relation to documenting and recording all forms of communication with staff, Council Members and customers, actions, transactions, decisions and agreements.
- (2) Comments of a personal or derogatory nature should not be documented in or on records, including emails, under any circumstance. This includes comments on "post it" notes as they may become part of the official record.

7. Related Documents

- Code of Conduct for Council Members
- Council Members Communication Policy
- Code of Practice – Access to Council Meetings and Documents
- Council Members Training and Development Policy
- Information Technology and Communication Policy
- Risk Management Policy
- Social Media Policy
- [Whistleblower Policy](#)
- [Public Interest Disclosure Procedure](#)

8. Document Review

This Policy will be reviewed every two (2) years, in accordance with Council's Policy Review Schedule, by ~~30 June each year~~ biannually, or as required by legislation.

9. References

State Records Act 1997

Freedom of Information Act 1991

Local Government Act 1999

~~*Australian Records Management Standard AS ISO 15489-2016*~~

Council Members Communication Policy


10. Further Information

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

2a Wasleys Road, Mallala SA 5502

On payment of a fee, a copy of this Policy may be obtained.

Any queries in relation to this Policy should be in writing and directed to the General Manager, Governance and ~~Communications~~Executive Office.

 Adelaide Plains Council	6.5	Policy Review – Lease and Licence for Community Land and Building Policy
	Department:	Governance and Executive Office
	Report Author:	Property Officer
Date: 16 June 2022	Document Ref:	D22/21714

EXECUTIVE SUMMARY

- The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to the revised Lease and Licence for Community Land and Buildings Policy (the Draft Policy), presented as **Attachment 1** to this Report.
- Council’s current Lease and Licence for Community Land and Building Policy was adopted in October 2019 and has been subject of internal review. In addition to minor formatting amendments, clause 6 has been updated in order to more accurately reflect the treatment of relevant income and clause 12 has been updated in order to reflect recent, significant amendments to the *Crown Land Management Act 2009*. The Policy has, otherwise, worked well for Council from an application perspective.
- It is recommended that the Panel considers the Draft Policy and recommends to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

RECOMMENDATION

“that the Panel, having considered Item 6.5 – *Policy Review – Lease and Licence for Community Land and Building Policy*, dated 16 June 2022, receives and notes the report and in doing so recommends to that Council adopts the draft *Lease and Licence for Community Land and Buildings Policy* as presented at Attachment 1 to this Report **subject to the following amendments:-**

1. ...
2.”

BUDGET IMPACT

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

RISK ASSESSMENT

A review of Council's current *Lease and Licence for Community Land and Buildings Policy* is timely – in particular, clause 12, in order to reflect recent amendments to the *Crown Land Management Act 2009*.

Attachments

1. Draft Lease and Licence for Community Land and Buildings Policy (marked up).

DETAILED REPORT

Purpose

The purpose of this report is for the Governance Advisory Panel to consider, and provide recommendations to Council in relation to the revised Lease and Licence for Community Land and Buildings Policy (the Draft Policy), presented as **Attachment 1** to this Report.

Background

Council has a large portfolio of land and facilities that it is responsible for the care and management of and a number of leases and licences issued to community groups, sporting clubs and private entities.

Council adopted the current Lease and Licence for Community Land and Building Policy in 2019 and as a means of promoting consistency and transparency in relation to the management of its current leases and licences and indeed negotiating and entering into fresh leases and licences.

The current Lease and Licence for Community Land and Building Policy sets out a range of guiding principles in relation to leases and licences issued over land that is under Council's care, control and management and also outlines a range of tenant and Council responsibilities, defining the expectations for outgoings, fixtures, grounds and building maintenance.

Discussion

The current Lease and Licence for Community Land and Building Policy has been subject of internal review and is presented, with track changes, as **Attachment 1** to this Report.

In addition to minor formatting amendments:

- Clause 6 has been updated in order to more accurately reflect the treatment of income from reserves, halls, land and buildings; and
- Clause 12 has been updated in order to reflect recent, and significant, amendments to the *Crown Land Management Act 2009*.

The Policy has, otherwise, worked well for Council from an application perspective and to that end, Management is not recommending any additional substantial amendments at this time.

Conclusion

It is recommended that the Panel considers the Draft Policy and recommends to Council that it adopt same, subject to any further amendments that the Panel considers necessary.

References

Legislation

Crown Land Management Act 2009

Heritage Places Act 1993

Local Government Act 1999

Native Title Act 1994

Planning, Development and Infrastructure Act 2016

Retail and Commercial Leases Act 1995

Council Policies/Plans

Community Land Management Plans

Strategic Plan 2021-2024

Enviably Lifestyle

Emerging Economy

Proactive Leadership

	Lease and Licence for Community Land and Buildings Policy	
	Version Adoption by Council:	28 October 2019 TBC
	Resolution Number:	2019/423 2022/TBC
Current Version:	V1 V2	
Administered by:	Last Review Date:	2019 2022
General Manager – Infrastructure and Environment Governance and Executive Office	Next Review Date:	2021 2024
Strategic Outcome: 4.1.1. (2) Provide, support and promote facilities and programs that enable people to be healthy, active, learn and participate in community life. – Envable Lifestyle Emerging Economy Proactive Leadership		
Document No: <u>D22/21715</u>		

1. Objective

The Adelaide Plains Council recognises the community value of sporting and community clubs and community land within the Adelaide Plains region.

Council acknowledges its responsibilities and recognises that it needs to provide:

- a balanced approach towards the use of community land for community purposes; and
- authority over its community land use for community, private or commercial purposes.

The objective of this policy is to establish a set of clear guidelines for the consideration of applications for the granting of leases or licenses to sporting and community groups on community land.

2. Scope

~~This Policy will apply in relation to o implement administrative procedures and authority for for the issuing-issuance~~ of leases and licenses for Council-controlled community land and buildings.

3. Definitions

Council means Adelaide Plains Council.

ABN means Australian Business Number.

Agreement means a written agreement for leasing or licencing.

CLMP means Community Land Management Plan.

Council Controlled Land is land that is either owned by Council or under Council's care and control.

CPI means the Consumer Price Index – All Groups Adelaide or if this index is not available or is discontinued or suspended, such other index that represents the rise or fall in the cost of living in Adelaide as the Council reasonably determines.

DEW means Department of Environment and Water.

Lease is an agreement where the owner grants the Tenant exclusive occupancy of a defined area as set out in the Lease, which includes the whole or part of a building and/or land.

Lessee means the occupier of a facility under a lease agreement.

Lessor means the Adelaide Plains Council and is responsible for granting a lease.

Licence is an agreement where the owner grants the Licensee the non-exclusive right to occupy a defined area as set out in the Licence, which includes the whole or part of a building and/or land.

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Licensee means the occupier of a facility under a Licence agreement.

Market Rental Value means the rental value of the Premises or Licensed Area as determined by a valuer appointed by Council.

Nominal/Peppercorn rent means small payment, a nominal consideration, used to satisfy the requirements for the creation of a legal contract and in providing rental relief to lessees, enabling them to bear responsibility for routine maintenance, outgoings and to invest financial resources back into the leased premises.

Tenant means the occupier of a facility under a Lease agreement

4. **Policy Statement**

This policy specifically deals with all community land owned by the Council or under Council's care and which is leased or licensed to third parties.

The policy should be read in conjunction with the *Local Government Act 1999* (the Local Government Act). Under the Local Government Act, a lease or licence may be granted or renewed for a term not exceeding 42 years as stated in the lease or licence. Council will generally consider shorter term leases of 5 years but will consider requests for long term leases, up to 42 years, on a case by case basis. The terms and conditions of all leases and licences may be reviewed on a regular basis consistent with the content of the agreement.

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The policy does not cover all the requirements that pertain to community and Local Government land as these requirements are set out in the Local Government Act and form part of Council's legal obligations. It does, however, take into account requirements of the Department for Environment and Water relevant state authority that should be considered when dealing with dedicated lands owned by the Crown (see section refer clause 12 of this Policy).

The principles of this policy will be applied initially to those leases and licences which have expired and where renewal is pending. The remaining leases/licences will follow as and when their current

agreement requires renewal, or as new leases and/or licences are taken up on Council owned or managed community land.

Section 202 of the [Local Government Act](#) outlines the principles in respect of use of community land by lease or licence.

5. Principles

The following principles will be used in determining the rental values charged for the use of Council facilities:

5.1 Shared /Multi-User/Single User facilities

Maximising use of Council facilities results in increasing community capacity and relationships between groups and reduced costs to tenants. Organisations who share facilities will benefit from sharing fees and charges.

5.2 Participation

Participation in community life provides multiple benefits for individuals, communities and Council. Participation is central to many community groups and organisations. In recognition that some organisations do not have the capacity to raise significant funds and provide for minority and specialist sectors in the community, the policy and setting of rental fees provides recognition and allowances for the benefit that community organisations offer.

5.3 Cost Recovery

Where Council is responsible for maintaining facilities and buildings, Council will investigate options for proportional cost recovery.

5.4 Equity

Leases and licences shall be charged at rates which reflect the value of the asset and are benchmarked against other Councils.

5.4 Affordable

Rental fees will be set at levels that allow organisations to remain sustainable while balancing the cost of providing and maintaining high standard facilities. All fees will be published annually in the fees and charges schedule of Council's budget.

6. Revenue received from tenancy of Council Reserves, Land and Buildings

In managing the revenue received from reserves, halls, land and buildings, revenue will [be receipted into Council's general revenue](#):

- ~~• Be receipted into Council's general revenue; or~~
- ~~• Be utilised to upgrade, maintain and provide new community facilities; and/or~~

Outstanding debtors will be pursued in line with Council's *Rates Arrears and Debtor Management Policy*.

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7. Types of agreements

The following categorisation will be applied to leases and licences.

7.1 Recreational and Sporting Facilities Lease

The Recreational and Sporting Facilities Lease template provides specific and exclusive rights for a third party to occupy or use a community recreational and sporting facility.

7.2 Recreation and Sporting Facilities Licence

This template is for long term use or occupation that does not provide sole/specific rights to the land and/or buildings.

7.3 Commercial Leases

Leases to a commercial party for a commercial activity will be subject to public consultation and separate individual leases drafted in a registrable form.

7.4 Community Facility Lease/Licence

Leases to a commercial party for a commercial activity will be subject to public consultation and separate individual leases drafted in a registrable form.

8. Leases

The following conditions apply in relation to the leasing of a building, venue or facility, exclusively occupied by a sporting or community organisation.

8.1 Term of Lease

Terms of agreement will not be greater than 5 years unless Council resolves to grant a longer term lease. In these circumstances consideration will be given to developing a management plan in partnership with the organisation which seeks to develop the facility long term.

Where a lease or licence is to be granted for greater than 5 years and is located on Community Land community consultation will be undertaken in line with the Local Government Act ~~1999~~.

Where the term of the lease or licence is to be less than 5 years, and Section 20B of the Retail and Commercial Leases Act 1995 applies, the Lessees or Licensee shall be required to provide Council with a certificated exclusionary certificate duly signed by the Lessee's or Licensee's solicitor waiving the minimum statutory term of five years in the form required by the [Local Government Act](#).

8.2 Tenant Responsibility

The Tenant will:

- Enter into a formal lease agreement with the Council
- Be responsible for all day-to-day repairs and maintenance of a non-capital nature as specified in the lease agreement (e.g. Emergency Service Provisions, fire and safety maintenance, replacement of light globes, washers, taps, carpet repairs, waste disposal costs, signage, graffiti removal within the leased premises, internal painting and Property, Plant and Equipment)
- Be responsible for public liability and contents insurance
- Be responsible for all direct outgoings as specified in the lease agreement (e.g. electricity, water (buildings) and gas and other identified costs such as cleaning)
- Be responsible for selecting their gas retailer and paying associated costs (if applicable)
- Be responsible for electrical tagging and testing
- Be responsible for selecting their electricity retailer and contracting directly with that retailer for the supply of electricity and paying associated costs including installation of necessary meter(s)
- Be responsible for ensuring compliance with the Liquor Licensing Act 1997
- Be responsible for seeking approval from the lessor for any changes or improvements to fixtures or fittings
- Be responsible for complying with all relevant legislation, regulations and standards in respect of the facilities contained under their lease agreement (e.g. hazardous substances, building codes)
- Remove weeds within the lease area and/or adjoining carpark spaces
- Maintain hard or synthetic playing surfaces
- Display posters or information in prominent areas about current societal issues when required by Council.

A tenant may hire out the leased facility providing that this is in accordance with their lease agreement. Formal subleasing and assignment of leases will be considered by Council on a case by case basis.

8.3 Council Responsibility

Council will (subject to prioritisation of resources):

- Provide points of contact for clubs and organisations to contact Council
- Nominate and be responsible for building insurance
- Nominate the water provider
- Be responsible for structural repairs (to provide weather proofing as a minimum)
- Maintain trees and vegetation within a precinct

- Arrange for the completion of maintenance obligations of the tenant at the expense of the tenant, in the event that the tenant requests council to complete and/or the tenant fails to complete in accordance with any lease or licence agreement
- Repair and replace carparks
- Provide external painting of shared use facilities.

9. Maintenance of grass playing surfaces and leased premises

Council will undertake the grass cutting of playing surfaces where the playing surface is freely open to the public for passive recreational activities.

Maintenance of grass playing fields for surfaces freely open to the public for passive recreational activities will be undertaken by Council in accordance with horticultural maintenance standards to be established for each reserve within the terms of the lease or license.

Grass cutting and maintenance of playing surfaces of a specialist nature will be undertaken by the lessee (e.g. bowling and croquet greens, turf cricket wickets, closed sporting facilities), at the Lessee's expense.

Publicly accessible hard based playing surfaces (tennis and netball courts, synthetic surfaces) will be maintained by the Council.

Restricted access hard based playing surfaces (tennis and netball courts, synthetic surfaces) will be maintained by the lessee unless otherwise stipulated via the terms of the lease.

Council will maintain the base course for all tennis and netball courts' synthetic surfaces.

Maintenance of leased premises (excluding buildings and playing surfaces) will be undertaken in accordance with the terms agreed with each club or organisation.

10. Watering Costing and Provision

The tenant will be responsible for all costs and outgoings in relation to water usage and water rates for buildings contained under the lease agreement (e.g. clubrooms and change rooms).

Water costing and water provision for reserves and playing surfaces will be in accordance with the following categories:

- Council will be responsible for water costs for playing surfaces with bore water / mains water and/or recycled water where the general public has access and use of the playing surface. The tenant will be responsible for all electricity costs associated with the pumping of water and any additional watering above the Council nominated allocation for the site
- The tenant will be responsible for water costs where there are dedicated playing surfaces which do not allow general public access or use of the playing surface
- Council may consider a remission of watering charges when there are significant trees on the premises and in the vicinity of the watered location. Any requests will be considered on a case by case basis.

11. Sports Field Flood Lighting

The tenant is responsible for all electricity costs and outgoings for sports field flood lighting.

12. Crown Land Management Act 2009

When considering the lease or licence of dedicated land owned by the Crown but under the care and control of the Adelaide Plains Council, the following matters must be considered in accordance with the Crown Land Management Act 2009 (the Crown Land Management Act):

- The Minister may dedicate unalienated Crown land to Council for a purpose specified in the instrument as well as subject to a management plan (Section 18 of the Crown Land Management Act)
- The Minister may revoke a dedication of land that is under the care, control and management of Council (Section 19 of the Crown Land Management Act)
 - Note: Eleven (11) parcels of land under the care, control and management of Council were revoked on 16 March 2016 by the Minister pursuant to Section 19 of the Crown Land Management Act (following consultation with Council) and proclaimed as a National Park known as the Adelaide International Bird Sanctuary. Further parcels of land under the care, control and management of Council were later revoked by the Minister following consultation with Council and the community.
- The Minister may place dedicated land under the care, control and management of Council subject to specific conditions or vary such conditions or withdraw the land from Council's care, control and management subject to consultation with Council (Section 20 of the Crown Land Management Act)
- If the Minister enacts Section 19 or Section 20 of the Crown Land Management Act as above, Council may remove the dedicated land from its Community Land Register without undertaking the revocation process under Section 194 of the Local Government Act (Section 20A of the Crown Land Management Act)
- Consent of the Minister to grant a lease over dedicated land is not required if:
 - Native title in the land has been extinguished
 - The lease will not cause development to occur under the *Planning, Development and Infrastructure Act 2016*
 - The Council is satisfied that the grant of lease would not detract from any existing public use and enjoyment of the land, is in accordance with the dedication of the land and in the opinion of the Council would not be improper or undesirable (Section 22 of the Crown Land Management Act).

▪ Example: if a netball club was leasing existing netball courts and clubrooms on dedicated Crown land for recreation purposes, Ministerial consent is not required to renew the lease on expiry.

▪ Note: if the current dedication does not meet the proposed use of the lease (e.g. a Scout Hall built on land currently dedicated for recreation purposes, the consent of the Minister is required to vary the dedication or include a dual dedication of recreation and community purposes.

○ Council may grant a licence over dedicated land if it is satisfied that the grant of licence would not detract from any existing public use and enjoyment of the land, in accordance with the dedication of the land and in the opinion of the Council would not be improper or undesirable (Section 22A of the Crown Land Management Act).

~~the Department of Environment and Water requires the application to be referred to the Minister for Environment and Water to seek approval from the owner of the land, whether it is a renewal or a new application for a lease or licence. This procedure is to ensure:~~

- ~~• Dedicated lands are not developed where the nature of the development contemplates use that is at variance to the purpose for which the land has been dedicated.~~
- ~~Third party occupation is limited to licence tenure of up to 5 years unless otherwise agreed by the Minister.~~

13. Categories of user

The fee payable on land leased or licensed to third parties will be separated into two categories:

13.1 Community based bodies

Council recognises the benefit of providing support, financial and non-financial, to community groups and organisations including not for profit bodies. These include service clubs, craft groups, or associations and community based health or social welfare agencies.

13.2 Sporting and recreational bodies

To establish balance in assessing a reasonable contribution amongst the various sporting and recreational clubs, where an organisation has the ability to enjoy profit from either an annual membership fee, or licensed facilities or a combination of both, rental fees and charges shall reflect this.

14. Commercial activities

Commercial Activities will be separated into two areas, being:

14.1 Landowner and/or Resident Private Use

Requests from private individuals to lease buildings or vacant land within townships will be assessed on merit in accordance with Council's strategic direction and operational requirements. A market rate will apply.

14.2 Full Commercial Use

Proposals to establish a commercial enterprise on any council land will be subject to individual consideration by Council.

Expansion of general farming activities from adjoining neighbours who apply to use vacant land will be considered under the category of landowners/residents/private use as outlined under 14.1. A market rate will apply.

15. Related Documents

This policy shall operate in conjunction with the Adelaide Plains Council Community Land Management Plan.

16. Record Management

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

17. Document Review

This Policy will be reviewed every two (2) years to ensure legislative compliance and that it continues to meet the requirements of Council and its activities and programs.

18. References

Crown Land Management Act 2009
Heritage Places Act 1993
Local Government Act 1999
Native Title Act 1994
Planning, Development and Infrastructure Act 2016
Retail and Commercial Leases Act 1995

Council also instructed the Chief Executive Officer (CEO) to call for Expressions of Interest (EOI) in relation to the three (3) independent member positions on the Panel:

14.2 Moved Councillor Keen Seconded Councillor Lush **2022/007**

“that Council, having considered Item 14.2 – Governance Advisory Panel – Independent Membership, dated 31 January 2022:

- 1. Instructs the Chief Executive Officer to call for expressions of interest (EOI) in relation to three (3) independent member positions on Council’s Governance Advisory Panel;**
- 2. Appoints Mayor Wasley and Deputy Mayor Strudwicke to join Council’s Governance Staff on the interview panel; and**
- 3. Acknowledges that a report will be brought back to Council in relation to the outcome of the EOI process.”**

CARRIED UNANIMOUSLY

[Click here to view](#) a copy of Item 14.2 – Governance Advisory Panel – Independent Membership, dated 31 January 2022.

In accordance with Council Resolution 2022/007, the CEO has commenced the EOI process in relation to the three (3) independent member positions on the Panel. The EOI period will conclude on Monday 20 June 2022 and it is intended that interviews will be held in early-mid July 2022, with Council to consider appointments at the July Ordinary meeting.

Terms of Reference

As Panel Members are also aware, Council recently reviewed the Panel’s Terms of Reference and resolved as follows:

14.2 Moved Councillor Strudwicke Seconded Councillor Di Troia **2022/131**

“that Council, having considered Item 14.2 – Governance Advisory Panel – Terms of Reference Review, dated 23 May 2022, receives and notes the report and in doing so adopts the revised Governance Advisory Panel Terms of Reference as presented at Attachment 1 to this Report.”

CARRIED

[Click here to view](#) a copy of Item 14.2 – Governance Advisory Panel – Terms of Reference, dated 23 May 2022.

As part of the review, and in addition to administrative and formatting amendments, the following more noteworthy amendments to the Terms of Reference were proposed by Management and ultimately adopted by Council:

- Specifying that Members of the Panel are appointed by Council for a term of four (4) years;
- Clarification of the role of independent advisors, in particular the independent legal advisor, to reflect current practice of the Panel; and
- The Panel shall meet on such dates and times determined by the Chief Executive Officer (rather than being determined by the Panel).

A copy of the Panel’s current Terms of Reference was provided to Panel Members by way of email on 26 May 2022, and now formally presented as **Attachment 1** to this Report.

LG Reform – Behavioural Management Framework

Further, as the Panel is aware, a significant component of the Local Government Reform Program is the introduction of a new behavioural/conduct management framework for council members (the Behavioural Management Framework), to replace the current Code of Conduct for Council Members.

Within the Behavioural Management Framework, the Minister for Local Government is required to set Behavioural Standards that will establish, amongst other things, the actions that must be taken if the standards are breached. The Behavioural Standards have not yet been set and, accordingly, it is currently unclear as to what role, if any, the Panel may have in relation to same moving forward.

Although the commencement date for these provisions has not yet been proclaimed, it is anticipated that these amendments will take effect in November 2022 following the Local Government elections. Management is therefore anticipating a further review of the Panel’s Terms of Reference at this time, with a particular focus on amending the relevant function of the Panel (clause 2.2).

Conclusion

Members were notified of their re-appointment in February 2022 and provided with a copy of the revised Terms of Reference in May 2022. This report is therefore provided to the Panel for information.

RECOMMENDATION

“that the Panel, having considered Item 7.1 – Governance Advisory Panel Independent Membership and Terms of Reference Review – Update, dated 16 June 2022, receives and notes the report.”

Attachments

1. Governance Advisory Panel Terms of Reference.

References

Legislation

Local Government Act 1999

Council Policies/Plans

Strategic Plan

Proactive Leadership

	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
	Next Review Date: May 2026
Document Reference: D22/17701	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.

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.


- 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.

 Adelaide Plains Council	7.2	Resolution Actions Report
	Department: Report Author:	Governance and Executive Office Manager Governance and Administration
Date: 16 June 2022	Document Ref:	D22/21719

OVERVIEW

The purpose of this report is to update members of the Governance Advisory Panel in relation to ongoing resolutions of the Panel.

Attachment 1 to this report provides an overview of ongoing Panel resolutions (one (1) from 12 March 2020) along with all Panel resolutions of the most recent meeting (10 September 2020) for Members' information.

RECOMMENDATION

“that the Panel, having considered Item 7.2 – *Resolution Actions Report*, dated 16 June 2022, receives and notes the report.”

Attachments

1. Resolution Register and Action Sheet.

References

Legislation

Local Government Act 1999 (SA)

Local Government (Procedures at Meetings) Regulations 2013 (SA)


RESOLUTION REGISTER AND ACTION SHEET - AI Resolutions from Most Recent Meeting (10 September 2020)

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments (‘Deferred, Ongoing, Agenda, Completed’)	Responsible Officer(s)
10-Sep-20	2.1	Confirmation of Minutes	“that the minutes of the Governance Advisory Panel Meeting held on 12 March 2020 (MB Folios 109 to 114 inclusive), be accepted as read and confirmed.”	2020/012	Completed	Manager Governance and Administration
10-Sep-20	6.1	Terms of Reference and Independent Membership Review Update	“that the Panel, having considered Item 6.1 – Terms of Reference and Independent Membership Review – Update, dated 10 September 2020, receives and notes the report.”	2020/013	Completed	Manager Governance and Administration
10-Sep-20	6.2	Resolutions Actions Report	“that the Panel, having considered Item 6.2 – Resolution Actions Report, dated 10 September 2020, receives and notes the report.”	2020/014	Completed	Manager Governance and Administration
10-Sep-20	6.3	Work Program Update	“that the Panel, having considered Item 6.3 – Work Program Update, dated 10 September 2020, receives and notes the report.”	2020/015	Completed	Manager Governance and Administration
10-Sep-20	6.4	Adelaide Plains Council Representation Review - Update	“that the Governance Advisory Panel, having considered Item 6.4 – Adelaide Plains Council Representation Review – Update, dated 10 September 2020, receives and notes the report.”	2020/016	Completed	Manager Governance and Administration
10-Sep-20	6.5	Local Government Reform - Update	“that the Governance Advisory Panel, having considered Item 6.5 – Local Government Reform – Update, dated 10 September 2020, receives and notes the report.”	2020/017	Completed	General Manager - Governance and Executive Office
10-Sep-20	6.6	Council Members Training and Development Program 2020/2021	“that the Governance Advisory Panel, having considered Item 6.6 – Council Members Training and Development Program 2020/2021, dated 10 September 2020, receives and notes the report.”	2020/018	Completed	General Manager - Governance and Executive Office
10-Sep-20	7.1	Review of Confidential Items - Governance Advisory Panel - 2020	“that the Governance Advisory Panel, having considered Item 7.1 – Review of Confidential Items – Governance Advisory Panel – 2020, dated 10 September 2020, receives and notes the report and acknowledges that a formal review of the Governance Advisory Panel Confidential Items Register has been undertaken.”	2020/019	Completed	Manager Governance and Administration

10-Sep-20	7.1	Review of Confidential Items - Governance Advisory Panel - 2020	“that the Governance Advisory Panel, having considered Item 7.1 – Review of Confidential Items – Governance Advisory Panel – 2020, dated 10 September 2020, resolves that, pursuant to section 91(9)(a) of the Local Government Act 1999, having reviewed the confidential order made on 15 July 2019 under Section 90(2) and 90(3)(a), resolution 2019/042 in relation to Item 7.3 – Review of Confidential Items – Governance Advisory Panel be released and made available for public inspection.”	2020/020	Completed	Manager Governance and Administration
10-Sep-20	7.2	Policy Review - Register of Interests Policy	“that the Governance Advisory Panel, having considered Item 7.2 – Policy Review – Register of Interests Policy, dated 10 September 2020, receives and notes the report and in doing so recommends to Council that it revoke the current Register of Interests Policy (Attachment 2) and adopt the draft Register of Interests Policy (Attachment 1).”	2020/021	Completed. Adopted by Council - 28 September 2020	Manager Governance and Administration
10-Sep-20	7.3	Council's Smoke Free Framework	“that the Governance Advisory Panel, having considered Item 7.3 – Council’s Smoke Free Framework, dated 10 September 2020, receives and notes the report and in doing so recommends to Council that it revoke the current Smoke Free Workplace Policy and acknowledge that a smoke free workplace framework is being developed internally to address various WHS and HR requirements.”	2020/022	Smoke Free Workplace Policy revoked on 28 September 2020. Internal framework ongoing.	WHS and Risk Advisor/People and Culture Advisor
10-Sep-20	7.3	Council's Smoke Free Framework	“that the Governance Advisory Panel, having considered Item 7.3 – Council’s Smoke Free Framework, dated 10 September 2020, recommends to Council that it undertake public consultation, in accordance with Council’s Public Consultation Policy, in relation to certain areas that are proposed to be designated as smoke free areas in accordance with Clause 5.7.2 of Council’s By-Law No 2 of 2019 – Local Government Land.”	2020/023	Completed. Council resolved that there is no need to designate additional smoke free areas at this time. Refer Item 15.5 - Smoke Free Areas dated 23 November 2020.	Manager Governance and Administration

RESOLUTION REGISTER AND ACTION SHEET - Ongoing Resolutions

Meeting Date	Item Number	Title	Resolution Description	Resolution Number	Status/ Comments ('Deferred, Ongoing, Agenda, Completed')	Responsible Officer(s)
12-Mar-20	7.4	Policy Introduction - Surveillance Policy	<p>“that the Panel, having considered Item 7.4 – Policy Introduction – Surveillance Policy, dated 12 March 2020 receives and notes the report and in doing so recommends that the Chief Executive Officer bring back a revised Surveillance Policy taking into account:</p> <ol style="list-style-type: none"> 1. Protecting Council’s assets from misuse 2. Amending the title of Clause 12 – Use of Surveillance Material 3. At Clause 13, removing the words ‘not put own health and safety at risk’ 4. At Clause 13, replacing the words ‘Council Members are responsible for ensuring’ with the words ‘Council Members must’ 5. Including reference to the Freedom of Information Act 1991, in relation to any surveillance material 6. Clear identification of the surveillance activity to which the Policy relates and how the Policy extends to regulatory functions 7. Removing Clause 11 and 8. Any other relevant matters.” 	2020/010	Ongoing. Management has changed its approach to this matter, following the Panel's feedback. An internal workplace Surveillance Policy is being developed, with staff consultation occurring as part of this process. Management is, separately, considering whether an external surveillance policy is also relevant/necessary	WHS and Risk Advisor

 Adelaide Plains Council	7.3	Governance Advisory Panel Work Program Update – June 2022
	Department:	Governance and Executive Office
	Report Author:	Manager Governance and Administration
Date: 16 June 2022	Document No:	D22/21717

OVERVIEW

The purpose of this report is to update the Governance Advisory Panel (the Panel) in relation to its Work Program.

The Panel endorsed its Work Program at its meeting on 15 April 2019. The Work Program, together with regular associated reporting in relation to the status of the Panel’s resolutions, will guide Council’s Administration, and assist Panel Members in forward planning to ensure that appropriate governance oversight is provided to Council.

A copy of the Work Program, with updated comments as to the status of items within, is presented as **Attachment 1** to this Report and a copy of Council’s Policy Review Schedule is presented as **Attachment 2** to this Report.

RECOMMENDATION

“that the Panel, having considered Item 7.3 – *Governance Advisory Panel Work Program Update – June 2022*, dated 16 June 2022, receives and notes the report.”

Attachments

1. Governance Advisory Panel Work Program – Updated June 2022.
2. Adelaide Plains Council Policy Review Schedule – Updated June 2022.

Governance and Legislative Framework, Policies and Procedures		
Activity	Status	Comments
Ongoing Tasks		
Policy Reviews	Ongoing	Refer Attachment 2 . Governance working with other departments to progress various policy reviews.
LGA Governance Legislation Self-Audit Tool	Ongoing	Internal work has commenced on this document however in light of various recent legislative amendments (LG Reform), temporary 'pause' in anticipation of an updated document being distributed by the LGA.
Annual Tasks		
Annual Review of Confidential Items – Council and other section 41 Committee	Ongoing	<p>Council last reviewed its confidential items at its Ordinary meeting on 13 December 2021. Register updated, relevant items made available to the public on Council's website.</p> <p>Next annual review anticipated to take place between August-October 2022.</p> <p>Ongoing internal reviews take place regularly to ensure that matters dealt with under section 90 that may be released immediately after, can be.</p>
Ordinary Returns and Register of Interests	Completed	<p>All Council Members, Prescribed Officers and relevant Committee Members returned their Ordinary Return 2020/2021 by the legislative due date. The Council Members Register of Interests is updated and available (in accordance with section 70 of the Act) on Council's website.</p> <p>Returns for 2021/2022 will be due 60 days after 30 June (i.e. 29 August 2022). This will be actioned from 1 July 2022.</p> <p>Primary Returns for new Elected Members post-election – incorporated into induction planning.</p>
Annual Report	Completed	<p>The 2020-2021 Annual Report was adopted on 25 October 2021 and distribution was completed as required by the Act/Regulations.</p> <p>Work will commence on the 2021-2022 Annual Report in July.</p>

Projects/Other		
Local Government Reform – Monitoring, Reporting and Implementation	Ongoing	Ongoing monitoring, reporting, training, consultation and implementation.
Elections	Ongoing	Ongoing preparation and planning – marketing/promotion, education and awareness, induction and training Caretaker policy adopted on 23 May 2022 – click here to view Council’s website will be regularly updated with relevant elections information – click here to view
Conduct an Audit on Council’s Website	Ongoing	Website audit will be a collaborative project between Manager Governance and Administration and new Marketing and Communications Officer (recruitment underway). Legislative requirements to be addressed/cross referenced through LGA Governance Legislation Self-Audit Tool. Interim, internal reviews ongoing across all departments to ensure content is current.
Community Land Management Plans – Status Report	Ongoing	These reviews were deferred pending COVID-19 and recruitment of a Property Officer (currently underway). There is no budget allocation to outsource a full review in the 2021/2022 financial year. CLMP 1 reviewed in February 2019 and CLMP 5 reviewed in December 2018. Other plans may be reviewed/amended prior to recruitment if required as part of a particular project.
Representation Review	Completed	Council’s Representation Review was undertaken over the course of 2020/2021 and finalised on 9 December 2021. The following structure and composition will take effect from the first day after the 2022 general election: <ul style="list-style-type: none"> • No wards • Composition of 9 area councillors and 1 Mayor A comprehensive overview of Council’s Representation Review process, including links to all reports, is available at https://www.apc.sa.gov.au/our-council/representation-review

Performance Reviews of Council's Section 41 Committees	Completed	<p>Performance Reviews of Council's Section 41 Committees were undertaken in late 2019, with reports presented to the Governance Advisory Panel in November 2019, Council in December 2019 and the Audit Committee and Infrastructure and Environment Committee in February 2020.</p> <p>The next performance review is anticipated to commence in mid 2023 at which time the new Council will have completed induction and sufficient training and therefore be in a position to consider the results of same.</p>
Status Report – Review of Council Delegations	Completed	<p>Council reviewed its delegations at its Ordinary meeting on 23 September 2019. Register has been updated.</p> <p>Next substantial review of all delegations to take place within 12 months of the conclusion of next periodic election (November 2022) in accordance with section 44(6a) of the Local Government Act.</p> <p>Interim reviews will continue to be undertaken as legislation changes/as otherwise required.</p> <p>We also intend to transition to the new LGA templates and, in doing so, will facilitate a further substantial review of all delegations.</p>
Status Report – Review of Subdelegations	Completed	<p>The Chief Executive Officer undertook a thorough review of subdelegations in February 2020, following an organisation review in late 2019. Register has been updated.</p> <p>Interim reviews will continue to be undertaken as legislation changes/as otherwise required and naturally, following the next review of Council delegations as set out above.</p>

Policy Review Schedule

Policy Name	Adopted	Proposed Review	Responsible Department	Responsible Committee	Mandatory?	Comments
2022						
Borrow Pits Policy	2020	2022	Infrastructure	Infrastructure & Environment (I&E)		Review anticipated to occur in late 2022
Cemeteries Policy	2017	2022	Infrastructure	I&E Committee		Review anticipated to occur in late 2022
Citizenship Ceremony Policy	2019	2022	Development	Council		Councils must establish a Dress Code for ceremonies and provide to Department of Home Affairs
Code of Conduct for Volunteers	2018	2022	Development	Council		Review anticipated to occur in mid-late 2022
Code of Practice - Meeting Procedures	2021	2022	Governance	Council	Recommended. If adopted, must be reviewed once every financial year.	Review underway. To be presented to Ordinary Council Meeting on 27 June 2022. Substantial/proper annual review in June 2021, minor review/updates in November 2021 (LG reform)
Community Wastewater Management System Policy	2019	2022	Infrastructure	I&E Committee		Review anticipated to occur in August 2022
Complaints Handling Policy	2018	2022	Governance	Governance Advisory Panel	Yes - s 270 LG Act	To be reviewed concurrently with Requests for Services Policy
Complaints Handling Procedure under Council Members' Code of Conduct	2019	2022	Governance	Governance Advisory Panel	Yes - Code of Conduct for Council Members	Await outcome of LG Reform (Code of Conduct - Behavioural Standards)
Council Members Allowances and Benefits Policy	2019	2022	Governance	Governance Advisory Panel	Yes - s 77 LG Act	Policy lapses automatically at the general election at which time the newly elected council must adopt a policy dealing with allowances, reimbursements and benefits for their term of office (section 77(2))
Council Members Communication Policy	2019	2022	Governance	Governance Advisory Panel		Await outcome of LG Reform (Code of Conduct - Behavioural Standards)
Council Members Induction Policy	2018	2022	Governance	Governance Advisory Panel		Review underway. Refer GAP Agenda Item 6.3 - Policy Review - Council Members Induction Policy
Council Members Information Technology Policy	2019	2022	Finance and Business	Governance Advisory Panel		Review underway
Council Member Training and Development Policy	2019	2022	Governance	Governance Advisory Panel	Yes - s 80A LG Act	Await outcome of LG Reform (Training Standard for Council Members)
Council Members Records Management Policy	2018	2022	Governance	Governance Advisory Panel	Recommended by LGA	Review underway. Refer GAP Item 6.5 - Policy Review - Council Members Records Management Policy
Delegations Policy	2011	2022	Development	Council		Review underway. To be presented to Ordinary Council Meeting on 27 June 2022
Disposal of Land and Other Assets Policy	2020	2022	Finance	Audit Committee	Yes - s 49(1)(d) LG Act	Review underway. Anticipated to be presented to the next Audit Committee meeting on 8 August 2022
Enforcement Policy	2019	2022	Development	Governance Advisory Panel		Review anticipated to occur in mid-late 2022
Emergency Management Policy	2019	2022	Governance	Audit Committee		Review anticipated to occur in mid-late 2022

Event Management Policy	2017	2022	Development and Community	Council		Review anticipated to occur in mid-late 2022
Fixed Assets Accounting Policy	2019	2022	Finance	Audit Committee	Yes - Australian Accounting Standards and LG (Financial)	Review underway. Draft Policy presented to Audit Committee on 6 June 2022 ahead of Council meeting on 27 June 2022
Gifts and Benefits Policy for Council Members	2019	2022	Governance	Governance Advisory Panel		Await outcome of LG Reform (Code of Conduct - Behavioural Standards)
Gifts and Benefits Policy for Council Employees	2019	2022	Governance	Governance Advisory Panel		Await outcome of LG Reform
Internal Review of Council Decisions Policy	2019	2022	Governance	Governance Advisory Panel	Yes - s 270 LG Act	Awaiting updated LGA Model Document (LG Reform)
Internal Review of Council Decisions Procedure	2019	2022	Governance	Governance Advisory Panel	Yes - s 270 LG Act	Awaiting updated LGA Model Document (LG Reform)
Lease and Licence for Community Land and Building Policy	2019	2022	Governance	Governance Advisory Panel		Review underway. Refer GAP Agenda Item 6.6 - Policy Review - Lease and Licence for Community Land and Buildings Policy
Media Policy	2020	2022	Governance	Governance Advisory Panel		Awaiting recruitment of Marketing and Communications Officer
Order Making Policy	2013	2022	Development	I&E Committee	Yes - s 259 LG Act	Review anticipated to occur in mid-late 2022
Private Works Policy	2016	2022	Infrastructure	I&E Committee		Review anticipated to occur in late 2022
Prudential Management Policy	2020	2022	Finance	Audit Committee		Review underway. Draft Policy presented to Audit Committee on 6 June 2022 ahead of Council meeting on 27 June 2022
Public Consultation Policy	2020	2022	Governance	Governance Advisory Panel	Yes - s 50 LG Act	Await outcome of LG Reform (Community Engagement Framework to replace 'public consultation')
Public Interest Disclosure Procedure	2019	2022	Governance	Governance Advisory Panel/Audit Committee	Yes - s 12(4) of PID Act	Review underway
Register of Interests Policy	2020	2022	Governance	Governance Advisory Panel		Review underway. Refer GAP Agenda Item 6.2 - Policy Review - Register of Interests Policy
Requests for Services Policy	2018	2022	Governance	Governance Advisory Panel	Yes - s 270 LG Act	To be reviewed concurrently with Requests for Services Policy
Reserve Development Policy	2010	2022	Infrastructure	I&E Committee		Review anticipated to occur in late 2022
Resident Contributions to Road Sealing Policy	2011	2022	Infrastructure	I&E Committee		Review anticipated to occur in August 2022
Risk Management Policy	2019	2022	Governance	Audit Committee		Review underway. Audit Committee Forward Agenda - August 2022
Road and Public Places Naming Policy	2020	2022	Development	I&E Committee	Yes - s 219(5) LG Act	Review anticipated to occur in mid-late 2022
Rural Property Addressing Policy	2020	2022	Development	I&E Committee		Review anticipated to occur in mid-late 2022
Social Media Policy	2018	2022	Governance	Governance Advisory Panel		Awaiting recruitment of Marketing and Communications Officer (new resource)
Volunteer Management Policy	2018	2022	Development	Council		Review anticipated to occur in mid-late 2022
Waste and Recycling Services Policy	2014	2022	Infrastructure	I&E Committee		To be reviewed concurrently with the Waste Management Strategy 2014-2020 update
Waiving Development Application Fees for Community Groups Policy	2019	2022	Development	Governance Advisory Panel		Review anticipated to occur in mid-late 2022
Vehicle Crossover Policy	2019	2022	Infrastructure	I&E Committee		Review anticipated to occur in August 2022
Vegetation Management Policy	2019	2022	Infrastructure	I&E Committee		Review anticipated to occur in late 2022

Water and Sewerage Hardship Policy	2019	2022	Infrastructure	I&E Committee		Review anticipated to occur in August 2022
2023						
Asset Management Policy	2021	2023	Finance/ Infrastructure	Audit Committee		
Code of Practice - Access to Council Meetings and Documents	2021	2023	Governance	Governance Advisory Panel	Yes - s 92 LG Act	Reviewed 27 September 2021 to reflect LG Reform updates. Must be reviewed within 12 months of conclusion of a periodic election.
Working with Children Code of Conduct	2021	2023	Development	Council	Recommended by LGA	
Safe Environment for Children Policy	2021	2023	Development	Council		
Short Stay Accommodation Policy	2021	2023	Development/ Infrastructure	Council		
Land Under Roads Policy	2021	2023	Finance	Audit Committee		
Council Vehicle Policy	2021	2023	Finance	Audit Committee		
Procurement Policy	2021	2023	Finance	Governance Advisory Panel/Audit Committee	Yes - s 49 LG Act	
2024						
Budget Management Policy	2022	2024	Finance	Audit Committee		Adopted by Council 28 February 2022
Credit Card Policy	2022	2024	Finance	Audit Committee		Adopted by Council 26 April 2022
Funding Policy	2022	2024	Finance	Audit Committee		Adopted by Council 26 April 2022
Internal Financial Controls Policy	2022	2024	Finance	Audit Committee	Yes - s 125 LG Act	Adopted by Council 26 April 2022
Rates Arrears and Debtor Management Policy	2022	2024	Finance	Audit Committee		Adopted by Council 26 April 2022
Treasury Management Policy	2022	2024	Finance	Audit Committee		Adopted by Council 26 April 2022
Other						
Caretaker Policy	2022	2026	Governance	Governance Advisory Panel	Yes - s 91A(1) - LG (Elections) Act	Adopted by Council 23 May 2022
Code of Conduct for Council Members			Governance	Governance Advisory Panel	Yes	LG Reform - to be replaced entirely by Behaviour Management Framework
Local Government (General) (Employee Code of Conduct) Variation Regulations 2018			Governance	Governance Advisory Panel	Yes	As gazetted
Updated June 2022						