

Reference: AF11/861

2<sup>nd</sup> December, 2015

## MEMBERS

**NOTICE** is hereby given that the Corporate and Community Services Committee will meet in the following Meeting Room on the day, date and time as follows:

**Corporate and Community Services Committee**  
(Reception Area - Level 4):

Monday, 7<sup>th</sup> December, 2015 at 5.30 p.m.

An agenda for the meeting is enclosed herewith.



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

## CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held on Monday, 7<sup>th</sup> December, 2015 at 5.30 p.m.

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2. GOVERNANCE – Committees – Lifelong Learning Sub-Committee – Minutes of Meeting held 20<sup>th</sup> November, 2015
3. GOVERNANCE – Committees – Community Engagement and Social Inclusion Sub-Committee – Minutes of Meeting held 23<sup>rd</sup> November, 2015
4. CORPORATE AND COMMUNITY SERVICES REPORT NO. 66/2015 - Policy Review - Members Training and Development Policy
5. CORPORATE AND COMMUNITY SERVICES REPORT NO. 76/2015 - Financial Sustainability - Key Financial Indicators
6. CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2015 - Council Policy Review - R180 Records Management
7. CORPORATE AND COMMUNITY SERVICES COMMITTEE REPORT NO. 78/2015 - Policy C410 Conduct of Meetings (S92 Code of Practice)
8. CORPORATE AND COMMUNITY SERVICES COMMITTEE REPORT NO. 79/2015 - Provincial Cities Association

MOTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE -

## CORPORATE AND COMMUNITY SERVICES COMMITTEE

Meeting to be held in the Reception Area, Level 4, Civic Centre, 10 Watson Terrace,  
Mount Gambier on Monday 7<sup>th</sup> December, 2015 at 5.30 p.m.

### AGENDA

PRESENT: Cr S Perryman (Presiding Member)  
Cr M Lovett, Cr Lynagh, Cr S Meziniec and Cr H Persello

APOLOGY: moved that the apology from  
be received.

seconded

COUNCIL OFFICERS: Chief Executive Officer, Mark McShane  
Director - Corporate Services, Grant Humphries  
Finance Manager, Gary Button  
Manager Community Services and Development, Barbara Cernovskis  
Manager Governance and Property, Michael McCarthy  
Administration Officer – Executive Support, Melissa Telford

COUNCIL MEMBERS  
AS OBSERVERS:

COUNCIL MEMBERS  
AS OBSERVERS  
APOLOGY:

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF  
THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP  
WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR  
INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

MINUTES: moved that the minutes of the previous meeting  
held 9<sup>th</sup> November, 2015 be taken as read and confirmed.

seconded

### QUESTIONS:

(a) With Notice - Nil received

(b) Without Notice -

#### **1. FINANCIAL STATEMENT – as at 30<sup>th</sup> November, 2015**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended the financial statement as at 30<sup>th</sup>  
November, 2015 be received.

seconded

**2. GOVERNANCE – Committees – Lifelong Learning Sub-Committee – Minutes of Meeting held 20<sup>th</sup> November, 2015 – Ref. AF15/77**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

(a) the minutes of the Lifelong Learning Sub-Committee Meeting held on 20<sup>th</sup> November, 2015 be received;

(b) the following recommendations (numbered 1 to 3) of the Lifelong Learning Sub-Committee be adopted by Council:

1. KEY FOCUS AREA – Wellbeing and Resilience - Ref. AF15/422

(a) The endorsed recommendations for the Lifelong Learning Sub-Committee from Council be received.

2. KEY FOCUS AREA – Wellbeing and Resilience - AF15/422

(a) The Manager Community Services & Development and Library Manager report be received;

(b) A draft Wellbeing and Resilience Workplan to be presented at the next meeting.

3. SOCIAL, CULTURAL AND COMMUNITY SERVICES - Project Management - Lifelong Learning Community - City of Mount Gambier Charter for Children - AF15/5

(a) Council be commended on the adoption and implementation of the principles of the Mount Gambier Children's Charter in the development of the Nature Play area of the Railway Lands.

seconded

**3. GOVERNANCE – Committees – Community Engagement and Social Inclusion Sub-Committee – Minutes of Meeting held 23<sup>rd</sup> November, 2015 – Ref. AF15/78**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

(a) the minutes of the Community Engagement and Social Inclusion Sub-Committee Meeting held on 23<sup>rd</sup> November, 2015 be received;

(b) the following recommendations (numbered 1 to 4) of the Community Engagement and Social Inclusion Sub-Committee be adopted by Council:

1. RECONCILIATION ACTION PLAN – Reconciliation Action Plan Progress Table - Ref. AF15/341

(a) The Reconciliation Action Plan progress table be received.

2. KEY FOCUS AREA – Domestic Violence - Ref. AF14/128

- (a) The Human Resource Administrative Principle – Domestic Violence and the Workplace be received;
- (b) Council's Human Resources Manager be thanked for her extensive work on the development and wished her all the best for the future.

3. KEY FOCUS AREAS – Key Focus Area Progress Table - Ref. AF15/78

- (a) The Community Engagement & Social Inclusion Key Focus Area progress table be received and noted for information;
- (b) The Community Engagement and Social Inclusion Sub-Committee enter into recess until 22<sup>nd</sup> February 2016.

seconded

4. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 66/2015 – Policy Review - Members Training and Development Policy - Ref. AF11/1950**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

- (a) Corporate and Community Services Report No. 66/2015 be received;
- (b) Council hereby adopts new Council Policy M5## Members Training & Development Policy, as attached to this Report;
- (c) Council hereby revokes former Council Policies (now superseded):
  - M170 – Members – Conference, Course and Seminars
  - M210 – Members – Newly Elected Members
  - M250 – Members – Training & Development
  - M255 – Members – Council Induction
- (d) Council makes the necessary amendments to Council's Policy Manual Index.

seconded

5. **CORPORATE AND COMMUNITY SERVICES REPORT NO. 76/2015 – Financial Sustainability – Key Financial Indicators - Ref. AF14/81, AF11/858**

*Goal:* Governance

*Strategic Objective:* (i) Establish measures for Council's performance and continually compare against community expectations.  
(ii) Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service delivery and performance.

moved it be recommended Corporate and Community Services Report No. 76/2015 be received for information.

seconded

**6. CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2015 – Council Policy Review - R180 Records Management - Ref. AF11/1948**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

- (a) Corporate and Community Services Report No. 77/2015 be received;
- (b) Council hereby adopts the revised revision of existing Policy R180 Records Management.

seconded

**7. CORPORATE AND COMMUNITY SERVICES REPORT NO. 78/2015 – Policy C410 Conduct of Meetings (S92 Code of Practice) - Ref. AF15/606**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

- (a) Corporate and Community Services Report No. 78/2015 be received;
- (b) having considered the public consultation responses received Council hereby adopts Council Policy C410 Conduct of Meetings (s92 Code of Practice) as attached to this report.
- (c) Council hereby revokes former/superseded Council Policies:
  - C275 – Access to Council Meetings
  - C300 – Protocol for Common Items
  - C310 – Presentation of Recommendations
  - C315 – Voting En-bloc
  - M190 – Deputy Mayor
  - S110 – SELGA - Delegates
  - S130 – SELGA – Guiding Principle for Appointments
  - C280 – Appointment to Committees
  - C285 – Appointment of Independent Members

- (d) Council makes the necessary amendments to Council's Policy Manual Index.

seconded

**8. CORPORATE AND COMMUNITY SERVICES REPORT NO. 79/2015 - Provincial Cities Association - Ref. AF11/935**

*Goal:* Governance

*Strategic Objective:* Demonstrate innovative and responsive organisational governance

moved it be recommended:

- (a) Corporate and Community Services Report No. 79/2015 be received;

Corporate and Community Services Committee Agenda, Monday 7<sup>th</sup> December, 2015 cont'd...

- (b) the resolution of the Provincial Cities Association of South Australia ('the Association') to wind up is supported;
- (c) the reasons for winding up the Association are confirmed as:
  - i. other representative entities such as Regional Local Government Associations, South Australian Regional Organisations of Councils, Local Government Association of South Australia and Regional Development Australia Boards are covering and actioning issues previously dealt with by the Association;
  - ii. it is the intention for the current constituent members (and possibly others) to meet informally as part of a consultation process (possibly organised through the Local Government Association of South Australia) to discuss on a regular basis, issues of mutual concern to provincial communities;
- (d) notes the advice of the Executive Officer and the audited Annual Financial Statements that the only asset of the Association is cash held within a Bank SA Account held in the Port Augusta Branch of the Bank and that the Association has no liabilities, and accordingly resolves that at the date of winding up of the Association the cash is to be divided equally between constituent members;
- (e) confirms that the information and resolution in (d) above reflect the appropriate identification and treatment of the assets and liabilities of the Association.
- (f) The date and timing of the winding up to be determined between the Association, Constituent Councils and the Minister;
- (g) Council makes formal application to the Minister for Local Government to request that the Minister winds up the Provincial Cities Association of South Australia regional subsidiary pursuant to Section 33 of the Local Government Act 1999.
- (h) the Chief Executive Officer be authorised to make the necessary application to the Minister for Local Government in accordance with resolutions (b) – (g) above.
- (i) That the Executive Officer and Member Councils of the Association be advised of Council's resolutions herein, and thanked for their endeavours to represent and advocate the interests of South Australia's provincial cities communities.

seconded

**MOTIONS WITH NOTICE** - Nil

**MOTIONS WITHOUT NOTICE**

Meeting closed at      p.m.  
MJT

## FINANCIAL STATEMENT - Monthly Bank Reconciliation

as at 31/10/2015 \$		<u>GENERAL ACCOUNT (Westpac)</u>	as at 30/11/2015 \$
184,105.79 CR		OPENING BALANCE	228,713.75 CR
417,945.61		<u>PLUS</u> Receipts -	
1,115,131.86		Rates & Arrears	1,451,023.31
-		General	1,210,515.78
680,000.00		<u>Receipt of Cash Advance Funds</u>	
-		Transfer from CAD Loan 104	100,000.00
500,578.68		Transfer from CAD Loan 105	-
-		Transfer from Investment Funds	150,000.00
\$ 2,713,656.15		Transfer from Reserve Funds	-
			\$ 2,911,539.09
2,897,761.94 CR			3,140,252.84 CR
1,037,551.68		<u>LESS</u> Direct Debits to Bank Account -	
-		Payroll - 2 Pays processed in November (13/11 & 27/11)	780,582.65
300,000.00		Sundry	-
-		Transfer to Investment Funds	320,000.00
1,337,551.68		Transfer to CAD Loan 104	600,000.00
			1,700,582.65
1,560,210.26 CR			1,439,670.19 CR
1,331,496.51		<u>LESS</u> Expenditure Statement - \$	1,282,631.47
<u>\$ 228,713.75</u> CR		<u>CASH BALANCE</u>	<u>\$ 157,038.72</u> CR
 <u>BANK RECONCILIATION</u>			
241,831.40 CR		Balance as per Bank Statement	176,808.71 CR
6,401.28		<u>PLUS</u> Deposits not yet credited	43,595.19
9,492.61		<u>LESS</u> Deposits not yet reconciled	49,956.91
-		<u>LESS</u> Deposits not yet updated	-
-		<u>PLUS</u> Payments not yet reconciled	
238,740.07 CR			170,446.99 CR
843.00		<u>LESS</u> Unpresented Cheques & EFT's	2,072.03
9,183.32		Unpresented Direct Debits	11,336.24
<u>\$ 228,713.75</u> CR		<u>CASH BALANCE</u>	<u>\$ 157,038.72</u> CR

Current Interest Rate on Bank Account Balance is 0.10%



# **FINANCIAL STATEMENT - Monthly Bank Reconciliation continued.....**

as at 31/10/2015 \$		LGFA CAD LOAN 104	as at 30/11/2015 \$	
-	DR	OPENING BALANCE	680,000.00	DR
-		PLUS Deposits	780,000.00	
680,000.00		LESS Withdrawals (Transfer to General Account)	100,000.00	
-		Sundry	-	
<u>\$ 680,000.00</u>	DR	<u>CASH BALANCE</u>	<u>\$ -</u>	DR

		LGFA CAD LOAN 105		
-	DR	OPENING BALANCE	-	DR
-		PLUS Deposits	-	
-		LESS Withdrawals (Transfer to General Account)	-	
-		Sundry	-	
<u>\$ -</u>	DR	<u>CASH BALANCE</u>	<u>\$ -</u>	DR

Current Interest Rate on CAD Loan Balances is 4.25%

## LOAN FUNDS OWING (Local Government Finance Authority)

Opening Bal	Loan Purpose	Interest Rate	Maturity Date	Closing Bal
115,019.14	101 RSL Bowls - Artificial Rink	5.05%	16/03/2019	115,019.14
3,245,199.58	102 Library	5.97%	15/06/2024	3,245,199.58
680,000.00	104 CAD - Variable Int Only	4.25%	17/06/2028	-
-	105 CAD - Variable Int Only	4.25%	17/08/2030	-
<u>\$ 4,040,218.72</u>				<u>\$ 3,360,218.72</u>
				DR

# **FINANCIAL STATEMENT - Monthly Bank Reconciliation continued.....**

as at 31/10/2015 \$		as at 30/11/2015 \$
	<u>INVESTMENT FUNDS (Local Government Finance Authority)</u>	
200,000.00 CR	Opening Balance	7,227.78 CR
307,806.46	<u>PLUS</u> Deposits	678,889.00
	<u>PLUS</u> Accrued interest	
- 500,578.68	<u>LESS</u> Withdrawals (Transfer to Westpac)	- 150,000.00
-	Withdrawals (Transfer to CAD Loan 104)	- 180,000.00
<u>\$ 7,227.78</u> CR	CLOSING BALANCE	<u>\$ 356,116.78</u> CR

## DOWNSTREAM DRAINAGE FUNDS (Local Government Finance Authority)

174,194.81 CR	OPENING BALANCE	175,180.29 CR
985.48	<u>PLUS</u> Deposits	-
-	<u>LESS</u> Withdrawals	-
<u>\$ 175,180.29</u> CR	CLOSING BALANCE	<u>\$ 175,180.29</u> CR

## INVESTMENT OF FUNDS

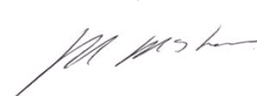
Investment Funds - all invested - 'At Call' at	2.00%
Reserve Funds - all invested - '90 Days' at	2.35%

Prepared by:



Finance Manager

Reviewed by:



Chief Executive Officer

## LIFELONG LEARNING SUB-COMMITTEE

Minutes of meeting held in the Committee Room, Level Four of Civic Centre, 10 Watson Terrace,  
Mount Gambier, on 20<sup>th</sup> November, 2015 at 1.00 p.m.

PRESENT: Cr Meziniec (Presiding Member)  
Mayor Lee  
Cr Richardson  
David Meziniec  
Alexandra Nicholson

COUNCIL OFFICERS: Chief Executive Officer, Mark McShane  
Manager Community Services & Development, Barbara Cernovskis  
Library Manager, Vicki Hutchinson  
Community Development Officer, Alison Brash

APOLOGY/IES: Alexandra Nicholson moved the apology from Cr Persello, Cr Reis and Sarah Pellen be accepted.

David Meziniec seconded

Carried

COUNCIL MEMBERS  
AS OBSERVERS: Nil

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

MINUTES: Alexandra Nicholson moved that the minutes of the Mount Gambier Lifelong Learning Sub-Committee held on 18<sup>th</sup> September, 2015 be received.

David Meziniec seconded

Carried

### **1. KEY FOCUS AREA – Wellbeing and Resilience**

*Goal:* Building Communities

*Strategic Objective:* Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.

*Goal:* Community Well-Being

*Strategic Objective:* Increase the local awareness and understanding of the range of health issues and needs of the community.

The Manager Community Services and Development reported:

(a) Council at its meeting on 20<sup>th</sup> October 2015 endorsed the following recommendations for the Lifelong Learning Sub-Committee:

(i) Council establish and facilitate the Wellbeing and Resilience collaboration model;

Lifelong Learning Sub-Committee Minutes, 20<sup>th</sup> November, 2015 cont'd...

- (ii) Two Staff Members attend the next scheduled Wellbeing and Resilience training to be undertaken in November 2015 in Adelaide;
- (iii) Workplan for the Lifelong Learning be to investigate and scope a Wellbeing Workforce/Positive Organisation project to lead, measure, build and embed wellbeing and resilience inside the City of Mount Gambier workforce as a significant commitment to building a region of wellbeing inside the State of Wellbeing.

**Cr Meziniec moved it be recommended:**

- (a) The endorsed recommendations for the Lifelong Learning Sub-Committee from Council be received;**

**Cr Richardson seconded**

**Carried**

**2. KEY FOCUS AREA – Wellbeing and Resilience**

*Goal: Building Communities*  
*Strategic Objective: Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.*

*Goal: Community Well-Being*  
*Strategic Objective: Increase the local awareness and understanding of the range of health issues and needs of the community.*

The Manager Community Services and Development reported:

- (a) A presentation to Members on the SAHMRI Wellbeing and Resilience training attended by the Manager Community Services & Development and the Library Manager on 9<sup>th</sup> – 13<sup>th</sup> November 2015
- (b) Lifelong Learning Sub Committee Report 3/2015 attached to guide discussion to develop the workplan and action the endorsed recommendations of Council.

**Mayor Lee moved it be recommended:**

- (a) The Manager Community Services & Development and Library Manager report be received;**
- (b) A draft Wellbeing and Resilience Workplan to be presented at the next meeting.**

**David Meziniec seconded**

**Carried**

**MOTIONS WITH NOTICE - Nil**

Lifelong Learning Sub-Committee Minutes, 20<sup>th</sup> November, 2015 cont'd...

**MOTIONS WITHOUT NOTICE**

**1. AF15/5: SOCIAL, CULTURAL AND COMMUNITY SERVICES - Project Management - Lifelong Learning Community - City of Mount Gambier Charter for Children**

*Goal: Building Communities*

*Strategic Objective: Encourage the empowerment of the community to lead and self manage their respective desires and aspirations.*

*Goal: Community Well-Being*

*Strategic Objective: Increase the local awareness and understanding of the range of health issues and needs of the community.*

**David Mezinec moved:**

- (a) Council be commended on the adoption and implementation of the principles of the Mount Gambier Children's Charter in the development of the Nature Play area of the Railway Lands.**

**Alexandra Nicholson seconded**

**Carried**

The meeting closed at 2.11 p.m.

CONFIRMED THIS                      DAY OF                      , 2015

.....  
PRESIDING MEMBER

## COMMUNITY ENGAGEMENT & SOCIAL INCLUSION SUB-COMMITTEE

Minutes of meeting held in the Committee Room, Level Four of Civic Centre, 10 Watson Terrace,  
Mount Gambier, on Monday, 23<sup>rd</sup> November 2015 at 5.30pm

PRESENT: Cr Persello  
Caroline Hill  
Rob Foggo (by phone)  
John Amoroso

APOLOGIES: John Amoroso moved the apologies from Emma Milera (leave of absence) and Cr Richardson be accepted.

Caroline Hill seconded Carried

COUNCIL OFFICERS: Manager Community Services & Development, Barbara Cernovskis  
Community Development Officer, Alison Brash

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

MINUTES: John Amoroso moved that the minutes of the previous meeting held on 2<sup>nd</sup> November 2015 be taken as read and confirmed.

Caroline Hill seconded Carried

QUESTIONS: (a) With Notice - nil submitted.  
(b) Without Notice – nil submitted.

### **1. RECONCILIATION ACTION PLAN – Reconciliation Action Plan Progress Table**

The Community Development Officer reported:

- (a) The Reconciliation Action plan progress table (attachment 1) be tabled for discussion

**Caroline Hill moved it be recommended:**

- (a) The Reconciliation Action Plan progress table be received;**

John Amoroso seconded Carried

### **2. KEY FOCUS AREA – Domestic Violence**

The Manager Community Services & Development reported:

- (a) The City of Mount Gambier Human Resource Administrative Principle - Domestic Violence and the Workplace (attachment 2) has been drafted and is tabled for feedback.

Community Engagement & Social Inclusion Sub-Committee Minutes, 23<sup>rd</sup> November 2015 cont'd...

**Cr Persello moved it be recommended:**

- (a) The Human Resource Administrative Principle – Domestic Violence and the Workplace be received.**
- (b) Council's Human Resources Manager be thanked for her extensive work on the development and wished her all the best for the future.**

**Rob Foggo seconded**

**Carried**

**3. KEY FOCUS AREAS – Key Focus Area Progress Table**

The Manager Community Services & Development reported:

- (a) Key Focus Area progress table (attachment 3) outlines progress against key focus area action items for Members information.**

**Rob Foggo moved it be recommended:**

- (a) The Community Engagement & Social Inclusion Key Focus Area progress table be received and noted for information;**
- (b) The Community Engagement and Social Inclusion Sub-Committee enter into recess until 22<sup>nd</sup> February 2016.**

**John Amoroso seconded**

**Carried**

**MOTIONS WITHOUT NOTICE - Nil**

CONFIRMED THIS                      DAY OF                      , 2015

.....  
PRESIDING MEMBER

The meeting closed at 6.12 p.m.  
BJC

## **CORPORATE AND COMMUNITY SERVICES REPORT NO 66/2015**

**SUBJECT: POLICY REVIEW – MEMBERS TRAINING & DEVELOPMENT POLICY**

**REF: AF11/1950**

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*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

In February 2014 Council considered Corporate and Community Services Report No. 13/2014 in relation to the review of Corporate and Community Services Policies and resolved:

- (e) *Amalgamation and/or review of remaining Corporate and Community Services Policies continue to be undertaken on a prioritised and periodical basis under the direction of the Corporate and Community Services Committee.*

At the Statutory Council meeting held on 25<sup>th</sup> November 2014 Council noted the earlier review recommendation that the following policies be reviewed:

- M170 – Members – Conference, Course and Seminars
- M210 – Members – Newly Elected Members
- M250 – Members – Training & Development
- M255 – Members – Council Induction

and that an amalgamated training and development policy for the remainder of the Council term be prepared for presentation to Council during 2015.

Having fulfilled the initial post election training requirements of the LGA Training Standards modules, Council's Member Training and Development policies have now been reviewed and a new policy "M5## Member's Training & Development Policy (derived from the LGA Model Template – Updated December 2014) is presented for consideration and recommended for adoption as attached to this report (Attachment 1).

The Member's Training & Development Policy provides guidance for the continuing administration of Member training additional to the support provided to Members by way of invitations to workshops, seminars, briefings and LGA sessions and the extensive array of information distributed to Members via the Friday Edition and other mediums.

The Member's Training & Development Policy identifies authorisation and reporting requirements for 3 categories of Member Training and Development:

- Local/Regional Training - available to any Member upon application
- SA-LGA Training – by generic resolution of Council (for any Member to attend)
- All Other Training – by specific resolution of Council (for specified Member to attend)

The Policy further proposes 'Pro-Forma's to be used for Member training applications and evaluation/reporting.

### **RECOMMENDATION**

- (a) Corporate and Community Services Report No. 66/2015 be received;
- (b) Council hereby adopts new Council Policy M5## Members Training & Development Policy, as attached to this Report;
- (c) Council hereby revokes former Council Policies (now superseded):
- M170 – Members – Conference, Course and Seminars
  - M210 – Members – Newly Elected Members



Corporate and Community Services Report No. 66/2015 cont'd...

M250 – Members – Training & Development  
M255 – Members – Council Induction

(d) Council makes the necessary amendments to Council's Policy Manual Index.

A handwritten signature in dark ink, appearing to read 'Michael McCarthy', written over a light blue grid background.


**Michael McCARTHY**  
MANAGER GOVERNANCE & PROPERTY

Sighted:

A handwritten signature in dark ink, appearing to read 'Mark McShane', written on a plain white background.

**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

17<sup>th</sup> November, 2015  
MMcC

 City of Mount Gambier	<b>M5## – MEMBERS TRAINING &amp; DEVELOPMENT POLICY</b>	Version No:	1
		Issued:	## Nov 2015
		Next Review:	July 2019

## 1. INTRODUCTION

The City of Mount Gambier is committed to providing training and development activities for its Council Members, including the mandatory training requirements under the LGA Training Standards, and recognises its responsibility to develop and adopt a policy for this purpose under section 80A of the Local Government Act.

Following the amendment to the Local Government Act and the Local Government (General) Regulations 2013 in November 2014, this policy also incorporates the new requirements for Council Members to undertake mandatory training within the first year of election to office, which complies with the LGA Training Standards as defined in Regulations.

## 2. POLICY OBJECTIVE

To ensure Council Members are provided opportunities to undertake the required training in accordance with the LGA Training Standards and any other appropriate training and development activities relevant to their roles and functions.

## 3. SCOPE

This Policy applies to all Council Members who each have an obligation to abide by this Policy.

## 4. TRAINING & DEVELOPMENT


Council supports Training & Development to ensure that activities available to all Council Members comply with the Regulations and contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council.

Particular emphasis is given to the participation of all Council Members in the development of a new Councillor group following a general election as well as the orientation of first time Council Members.

Council will utilise a range of strategies to identify the needs of Council and match these needs against its strategic and good governance objectives. In particular, Council will identify the appropriate modules within the LGA Training Standards that should form the basis of the required training for newly elected and returning Council Members.

Council recognises that in order to carry out their roles and responsibilities to the community, Council Members will need specific training and refresher courses about their legislative and governance roles and functions. The LGA Training Standards can be accessed on the LGA website at <http://www.training.lga.sa.gov.au/index.cfm/council-member-training/lga-training-standard/>. They consist of the following modules:

- Module 1 - Introduction to Local Government - Role and function of Council Members
- Module 2 - Legal Responsibilities
- Module 3 - Council and committee meetings
- Module 4 - Financial Management and Reporting

 City of Mount Gambier	<b>M5## – MEMBERS TRAINING &amp; DEVELOPMENT POLICY</b>	Version No:	1
		Issued:	## Nov 2015
		Next Review:	July 2019

Newly elected Council Members will be required to undertake all four modules. Returning Council Members will undertake the appropriate modules identified through an analysis of their skills and training needs

Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the community. All training requests must have a relationship to the business of Council or local government.

It is recognised that a range of delivery methods will be required to support the training needs of Council Members, including:

- In-house workshops, seminars and briefing sessions conducted by the Council with appropriate staff, trainers and guest speakers;
- Attendance at workshops, seminars and conferences offered by training providers and industry bodies including the Local Government Association of SA and other industry bodies and/or private providers offering courses for Members to gain new skills and knowledge and to network with other Council Members;
- Printed material, including training booklets and discussion papers, that may be distributed for information;
- On-line learning;
- Audio/Visual information; and
- Tours & visits to other Councils to gain new knowledge & understanding.


The following hierarchy of training/development opportunities and approval/reporting requirements provides a guide for Member attendance:

Training/Development Category	Authorisation	Reporting
<b>Local Training</b> (hosted locally within City/SE Region)	By Application	General Listing in Annual Report
<b>SA LGA Training, Conferences, Meetings</b> (Adelaide Based)	Generic Council Resolution (for any Councillor to attend)	Submission of Evaluation Pro-Forma for circulation in Friday Edition
<b>All Other Training</b> (e.g. Technical, Professional, Specialist, Non-LGA/Non-Local/Interstate Seminars, Conferences etc)	Specific Council Resolution (via pro-forma application) <ul style="list-style-type: none"> <li>• Name of Councillor</li> <li>• Description of Training</li> <li>• Location</li> <li>• Training Cost</li> <li>• Benefits</li> </ul>	Submission of Evaluation Pro-Forma/Report for presentation at the Member Reports Council Agenda Item.

*Note:*

*In accordance with Council resolution of 25<sup>th</sup> November 2015 (Item 23) the Mayor (and Deputy Mayor) are duly authorised to represent Council (e.g. at SA Local Government Association Annual General Meetings and other LGA functions and at Australia Local Government Association functions)*

*Mayor (or Deputy Mayor) attendances may be supported by the CEO (or Acting CEO or CEO's representative)*

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		Next Review:	July 2019

Requests to attend training should be made in writing via email to the CEO to coordinate attendance and Council reports for any necessary authorisation.

Following attendance at training/development programs or activities, individual Council Members are required to submit an evaluation outlining the nature of the training program/activity and the benefits gained through attendance along with feedback on ideas to enhance the program/activity.

The CEO will keep a record of all training attended, particularly the mandatory training requirements.

## 5. ANNUAL BUDGET ALLOCATION

A budget allocation will be provided to support the training and development activities undertaken by Council, and progress against expenditure of the budget allocation will be reported on a quarterly and annual basis.

All training undertaken by Members will be recorded in the Council Allowances and Benefits Register which will be updated as required to reflect attendances.

## 6. PAYMENTS/REIMBURSEMENTS

Reimbursement of expenses for training purposes must only be for attendance at training/development consistent with this Policy, or through a separate Council resolution endorsing attendance at the training/development program or activity.

Where approval has been granted by Council for attendance at a training program/activity (including attendance in accordance with this Policy) a Member may seek reimbursement of expenses in accordance with the relevant provisions of the Act and Regulations.

## 7. ANNUAL REPORTING


The Council's annual report will include a segment regarding the operation of this Policy, the nature of attendances by Members and expenditure allocated and used for training of Council Members.

## 8. REVIEW & EVALUATION

This Policy shall be reviewed during each term of Council, and at any other time as may be required by any legislative changes which may occur.

## 9. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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File Reference:	AF11/1740
Applicable Legislation:	Section 80A <a href="#">Local Government Act 1999</a> ; Reg. 8AA <a href="#">Local Government (General) Regulations 2013</a>
Reference: Strategic Plan – Beyond 2015	<a href="#">Goal 3, Strategic Objective 7.</a> <a href="#">Goal 5, Strategic Objective 5.</a>
Related Policies:	<a href="#">M405 - Allowances, Re-imbursements, Benefits &amp; Facilities</a> M170 – Conference, Course and Seminars (Superseded) M210 – Newly Elected Members (Superseded) M250 – Training & Development (Superseded) M255 – Council Induction (Superseded)
Related Procedures:	Member Training – Administrative Procedures
Related Documents:	Member Training - Application Pro-Forma Member Training - Evaluation Pro-Forma

## DOCUMENT DETAILS

Responsibility:	Manager – Governance & Property
Version:	1.0
Last revised date:	## December, 2015
Effective date:	## December, 2015
Minute reference:	CCS Item ## - Report No. ##/2015 - ## <sup>th</sup> December, 2015
Next review date:	July, 2019
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	## <sup>th</sup> December, 2015

## CORPORATE AND COMMUNITY SERVICES REPORT NO. 76/2015

**SUBJECT: FINANCIAL SUSTAINABILITY – KEY FINANCIAL INDICATORS**

**REF: AF14/81**

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**Goal:** Governance

**Strategic Objective:** (i) Establish measures for Council's performance and continually compare against community expectations.  
(ii) Engage with national, state, regional and local forums and partnerships to provide solutions and options to continually improve Councils service delivery and performance.

### **What is Financial Sustainability?**

The definition of Financial Sustainability for Local Government emanated from the independent SA Local Government Financial Sustainability Inquiry in 2005.

It is defined as:

*"A Council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."*

The definition was endorsed nationally at the National General Assembly of Local Government in Canberra in November 2006.

As part of the financial sustainability inquiry conducted in 2005, each Council was categorised into one of 6 groups, with Category 1 being Sustainable with a very substantial margin of comfort and Category 7 being Unsustainable.

Mount Gambier's ranking at this time was a Category 4, being sustainable with a minimum margin of comfort. The definition attributed to this category was:

*"If unanticipated financial shocks/risks eventuate on top of known developments, the Council should be able to avoid a substantial per-property rates increase albeit with a minimum margin of comfort **provided** its revenue and spending policies remain unchanged over time."*

To put this into some form of context, 43 of the 68 South Australian Councils (63%) received a rating of 4 or worse.

### **Why is it important?**

The importance of financial sustainability is to ensure that each generation 'pays their way', rather than any generation living off their assets and leaving it to the future generations to address the issue of repairing/replacing worn out infrastructure.

The Council is the custodian of infrastructure and assets with a current written down value of approximately \$230 million. Council has the responsibility to ensure that assets are managed efficiently and effectively and that decisions regarding the acquisition of new assets and the sale and maintenance of existing assets are undertaken in an open and transparent fashion.

Sound asset management is the key to financial sustainability. There is clearly a direct link between the development and implementation of Council's Infrastructure and Asset Management Plan and its LTFP. Council expends considerable funds on the acquisition and management of assets. It will be exposed to financial risk over the longer term if budget processes have little regard for ongoing costs associated with the maintenance and renewal of these assets beyond the current budget period. It is incumbent on Council to carefully consider information about the stock of infrastructure and other assets and the contribution that current ratepayers are making to their consumption.

## Corporate and Community Services Report No. 76/2015 cont'd...

Council is facing new challenges in managing infrastructure and other assets as a result of issues such as increasing community expectations; population growth; development of new infrastructure; replacement of ageing infrastructure; new legislative requirements (e.g. EPA standards) and the growing demands of an ageing population.

The term “asset management” is used to describe the process by which the Council manages physical assets to meet current and future levels of service. The Council determines the policy framework within which existing assets are managed, new assets are acquired and the overall program for the maintenance and disposal of assets. This policy framework typically has regard to the link between the purchase, upgrade and disposal of assets, the delivery of services to communities and consultation processes required to ensure the community is well informed and able to influence the decisions of the Council.

### **How is it measured?**

To ensure that each generation ‘pays its way’, it is crucial that current ratepayers effectively fund the current net cost of services provided and community assets consumed. Without this being achieved (i.e. an operating deficit), future generations are effectively subsidising the current cost of service provision and asset consumption.

Based on this, the financial sustainability of a Council is measured by the surplus/(deficit) (before capital revenues) disclosed in the Income Statement. A Council's long-term financial sustainability is dependent upon ensuring that on average, over time its expenses are less than its associated revenues.

The following indicators have been developed specifically to focus attention on factors identified as key to securing long-term financial security:

- Operating ratio
- Net financial liabilities ratio
- Asset sustainability ratio

For each key financial indicator, which are consistent with industry standards, appropriate targets have been nominated to enable meaningful performance measurement.

### **What are the Key Financial Indicators?**

The following is a brief explanation of the principal Key Financial Indicators used throughout the local government sector in South Australia:

- Operating Ratio – expresses the operating surplus or (deficit) as a percentage of general and other rates, net of rebates.

A positive ratio indicates the percentage of rates available to fund current and future capital expenditure. A negative ratio indicates the percentage increase in rate revenue that would have been required to achieve a break-even operating result.

When a breakeven result is achieved it means that ratepayers are meeting the costs of the services they are consuming (including depreciation).

- Net Financial Liabilities Ratio – indicates the extent to which net financial liabilities of the Council can be met by the Council's total operating revenue.

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Where the ratio is falling it indicates the Council's capacity to meet its financial obligations from operating revenues is strengthening. Where the ratio is increasing it indicates a greater amount of Council's operating revenue is required to service its financial obligations.

- **Asset Sustainability Ratio** – indicates whether the Council is renewing or replacing existing physical assets at the rate at which they are wearing out.

Councils with a high ratio are replacing and renewing capital assets at a rate comparable to depreciation / wear.

Local Government sector targets for each of the key financial indicators are as follows:

- Operating Ratio: 0% - 15% over any five year period.
- Net Financial Liabilities: not to exceed total operating revenue or 100%
- Asset Sustainability Ratio: a range between 90% to 100% over any three year period.

**What do our results tell us?**

Key Financial Indicators Targets and Results relevant to the City of Mount Gambier over the past five (5) years are summarised in the following table.

Summary of Financial Results					
	2014/15	2013/14	2012/13	2011/12	2010/11
<b>Operating Ratio</b> (Target: 0% - 15% over 5 years)	6%	(4%)	2%	(4%)	(8%)
<b>Net Financial Liabilities Ratio</b> (Target: not to exceed 100%)	26%	31%	23%	27%	9%
<b>Assets Sustainability Ratio</b> (Target: 90% - 100% over 3 years)	53%	107%	85%	52%	51%

**Operating Ratio:**

A positive ratio indicates the percentage of rates available to fund current and future capital expenditure.

A negative ratio indicates the percentage increase in rate revenue that would have been required to achieve a breakeven operating result.

Result: A breakeven result (over five years) means that current day ratepayers are meeting the costs of services currently being consumed.

**Net Financial Liabilities Ratio:** where the ratio is falling it indicates the Councils capacity to meet its financial obligations from operating revenues is strengthening.

Where the ratio is increasing it indicates a greater amount of Councils operating revenue is required to service its financial obligations.

Result: Target (due to Councils recent major capital works) increasing a greater amount of Councils operating revenue is required to service its financial obligations.

**Asset Sustainability Ratio:** A high ratio indicates Council is replacing/renewing capital assets at a rate comparable to depreciation/wear.

Result: Target close to being met. Considerable focus to increase this ratio over recent years to ensure Council is replacing/renewing capital assets at a rate comparable to depreciation/wear.



Corporate and Community Services Report No. 76/2015 cont'd...

**How do we compare with other SA Councils?**

Each year the SA Local Government Grants Commission prepares what is commonly known as 'database' reports which are derived from SA Councils Annual Financial Statements and General Information Returns.

Corporate and Community Services Report No. 53/2015 in August 2015 provided a detailed breakdown of these statistics both in comparative form (with other SA Councils) and in a time series format (our statistics only).

Relevant extracts from that Report are repeated, for information, in this Report noting that the release of the 30<sup>th</sup> June, 2015 database reports are anticipated to be received in July, 2016 and will be subject to a further report.

**SA Local Government Grants Commission database reports 2013/2014  
FINANCIAL COMPARISON**

COUNCIL	TOTAL ASSETS (\$000)	TOTAL LIABILITIES (\$000)	TOTAL EQUITY (\$000)	Total Financial Assets (\$000)	Net Financial Liabilities (\$000)	Operating Surplus Ratio (%)	Net Financial Liabilities Ratio (%)	Asset Sustainability Ratio (%)
Alexandrina	418,339	35,780	382,559	5,768	30,012	(5)	83	41
Barossa	300,479	24,788	275,691	10,795	13,993	0	43	116
Gawler	207,980	16,579	191,403	5,880	10,697	(53)	49	119
Mount Gambier	197,640	9,418	188,222	2,459	6,959	(4)	31	244
Murray Bridge	264,970	16,016	248,954	8,387	7,629	(11)	26	(6)
Port Augusta	209,604	35,967	173,637	7,093	28,874	(42)	92	47
Port Lincoln	168,656	5,058	163,600	4,341	717	(2)	5	311
Victor Harbor	262,007	17,428	244,579	5,151	12,277	5	56	80
Whyalla	251,466	13,983	237,483	4,297	9,686	(16)	40	171

**SA Local Government Grants Commission database reports 2013/2014  
EXPENDITURE COMPARISON**

COUNCIL	Estimated Resident Population as 30/6/14	EMPLOYEE COSTS (\$000)	MATERIALS, CONTRACTS & OTHER EXPENSES (\$000)	FINANCE COSTS (\$000)	DEPRECIATION, AMORTISATION & IMPAIRMENT (\$000)	TOTAL OPERATING EXPENSES (\$000)	OPERATING SURPLUS / (DEFICIT) (\$000)
Alexandrina	25,136	11,873	15,738	1,576	9,257	38,461	(1,549)
Barossa	22,964	10,913	13,990	1,277	6,534	32,719	76
Gawler	22,219	8,211	9,626	811	12,237	30,919	(8,914)
Mount Gambier	26,246	8,772	8,467	262	5,907	23,408	(668)
Murray Bridge	20,740	13,480	11,202	618	6,080	31,477	(1,976)
Port Augusta	14,557	16,236	14,475	1,113	5,942	37,766	(6,176)
Port Lincoln	14,888	3,799	8,886	12	2,784	15,481	(192)
Victor Harbor	14,938	7,899	7,788	869	4,995	21,551	875
Whyalla	22,754	9,395	12,253	169	5,993	27,810	(2,694)

**Local Government Grants Commission Database  
Time Series Reports**

**ASSETS**

Year	Cash / Cash Equiv.	Other Receivables	Inventories	Land	Buildings	Infrastructure	Plant, Equipment	Other Assets	Total Assets
2009/10	9,696,000	1,638,000	44,000	28,012,000	53,120,000	43,618,000	4,842,000	1,406,000	142,376,000
2010/11	8,298,000	2,520,000	35,000	28,363,000	56,215,000	45,263,000	4,704,000	2,425,000	135,289,000
2011/12	981,000	1,470,000	47,000	41,026,000	112,109,000	56,625,000	4,840,000	2,946,000	220,042,000
2012/13	675,000	1,397,000	40,000	41,188,000	87,340,000	58,186,000	4,627,000	2,670,000	196,123,000
2013/14	1,173,000	1,286,000	37,000	40,858,000	86,810,000	60,343,000	4,749,000	2,384,000	197,690,000

**FINANCIAL**

Year	Total Liabilities	Total Financial Assets	Net Financial Liabilities	Total Equity	% Operating Surplus Ratio	Net Financial Liab. Ratio %	Asset Sustainability Ratio %
2009/10	9,059,000	11,334,000	(2,275,000)	133,317,000	2	(12)	55
2010/11	12,534,000	10,818,000	1,716,000	135,289,000	(8)	9	51
2011/12	8,432,000	2,451,000	5,981,000	211,612,000	(4)	27	52
2012/13	7,070,000	2,072,000	4,998,000	189,053,000	2	23	85
2013/14	9,418,000	2,459,000	6,959,000	188,222,000	(4)	31	107

Further information on the Local Government Associations Financial Sustainability Program can be found at <http://www.lga.sa.gov.au/page.aspx?u=769> which include a range of Information Papers, local government sector wide reports and general information on the Sustainability Program / Inquiry.

**RECOMMENDATION**

- (a) Corporate and Community Services Report No. 76/2015 be received for information.



**Grant HUMPHRIES**  
DIRECTOR – CORPORATE SERVICES

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

## **CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2015**

**SUBJECT: COUNCIL POLICY REVIEW - R180 RECORDS MANAGEMENT**

**REF: AF11/1948**

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*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

The Director - Corporate Services reported:

Since the adoption of this Council Policy, State Records have amended their requirements in regard to the destruction of official Council records.

The requirement for agencies to notify State Records of the pending destruction of official records through the completion of an 'Intention to Destroy Records Report' ceased on 30<sup>th</sup> June, 2015.

This requirement has now been replaced with an agency (Council) based approval process which as a minimum is to incorporate the destruction of Official Records - Agency Approval Process Guideline and Checklist when destroying official records.

A new Administrative Procedure - Destruction of Official Records to support a Council based approval process has now been developed and now reflected in the revised Council Policy R180 Records Management.

With this amendment, the revised version of Councils existing Policy is recommended for adoption.

### **RECOMMENDATION**

- (a) Corporate and Community Services Report No. 77/2015 be received;
- (b) Council hereby adopts the revised version of existing Policy R180 Records Management.



**Grant HUMPHRIES**  
DIRECTOR – CORPORATE SERVICES

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

13<sup>th</sup> November, 2015

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>R180 RECORDS MANAGEMENT</b>	Version No:	2
		Issued:	December, 2015
		Next Review:	May, 2017

## 1. Scope

The City of Mount Gambier Records Management Policy provides the policy framework for Council to effectively fulfil its obligations and statutory requirements under the *State Records Act 1997*.

Good records management is of key importance to good governance. Records are vital ingredients in the support of the Council's ongoing business activities. The Council is committed to managing its records of continuing value and their timely transfer to State Records of South Australia.

Under the *State Records Act 1997*, the City of Mount Gambier has an obligation to maintain the official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records but also records in electronic format including email messages and social media.

The Policy applies to all Council business including activities undertaken using electronic files or communications. It concerns records which are created, collected, processed, used, sentenced, stored and disposed of in the conduct of Council's official business. Electronic communications which are relevant to the information gathering, policy formulation or decision making processes of Council are part of the scope of this Policy.

HP Records Manager (RM) is the corporate Electronic Document Records Management System (EDRMS). RM is designed to:

- enhance the retrieval of information;
- empower users to manage their own information;
- allow intellectual property to be shared within Council;
- meet legal and regulatory requirements for the maintenance of records;
- meet Australian Standards (AS ISO 15489.1-2002) for the management of records.

## 2. Purpose

The purpose of this policy is to outline and direct the practices of Council staff and Elected Members in relation to the management of the records of Council and the information contained within them.

**Council staff** includes persons employed by Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to Council's resources.

Council has an obligation under the *Local Government Act 1999* and the *Freedom of Information Act 1991* and other relevant legislation to create, manage and provide timely access to documents and records containing specific information.

The management of records is a vital process that underpins and supports the business activities of the Council. Adherence to this Policy and Procedure Statement will ensure the City of Mount Gambier is able to:

- meet its legislative responsibilities;
- provide evidence of accountability;
- validate and support its decisions and actions;

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- protect the interests of its residents, Elected Members and staff; and
- is able to provide evidence for legal actions, investigations and related purposes.

The Council is an agency under the *State Records Act 1997* and, as such, is required to practice adequate records management as defined by the *Across Government Adequate Records Management Standard and Framework*. The Standard states “*Records management must be governed and planned in a strategic manner, incorporating the development and implementation of plans, policies and procedures.*”

### 3. Policy Statement

The business activities of the City of Mount Gambier are to be documented, recorded and managed to protect the integrity, enhance the efficiency and preserve the history of Council. Business activities include decisions made, actions taken and interaction with clients. Records will be managed and maintained in accordance with the procedures associated with this policy.

This policy applies to the records and information held by Council at all sites managed and occupied by Council, including records created and received by Council staff and Elected Members and should be read in conjunction with the Administrative Procedure – Records Management.

### 4. Electronic Document & Records Management System

The City of Mount Gambier’s corporate electronic document and records management system is HP Records Manager (RM). The objectives of the electronic document and records management system are as follows:

- To ensure that the management of Council’s information resources and records provide timely and comprehensive information to meet operational business needs, accountability requirements and community expectations.
- To ensure the preservation of Council’s ‘corporate memory’ through sound recordkeeping practices and accurate capture of information meeting legal, evidential and accountability requirements.

### 5. Roles & Responsibilities

It is the responsibility of all Council staff and Elected Members to adhere to this Policy and associated Administrative Procedure.

Council staff or Elected Members who do not comply with this Policy may be subject to disciplinary action under the relevant Code of Conduct, and/or subject to criminal or civil proceedings. Elected Members and staff should report breaches of this Policy to the Director - Corporate Services.

#### Council’s Responsibility

Council as an entity is responsible for ensuring its business activities are documented and preserved. Council as an entity is responsible for:

- Ensuring its official records are captured and stored;
- Providing complete, accurate and reliable records of its functions and activities;
- Protecting its integrity and the interests of its staff, residents and ratepayers; and
- Providing a documented history of the Council.

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When collecting, using, storing and disclosing personal information, Council acknowledges that the National Privacy Principles contained within the Privacy Act set an appropriate standard for privacy protection and enables Council to achieve 'best practice' consistency with those standards.

Council will take reasonable steps to protect the personal information it holds from loss, unauthorised access, use, modification, disclosure and other misuse, and to maintain systems to ensure that all personal information collected is stored safely.

### **Chief Executive Officer's Responsibility**

The role of the Chief Executive Officer as prescribed by Section 99 of the *Local Government Act 1999* includes ensuring that records required under any legislation are properly kept and maintained.

The Chief Executive Officer is also responsible for ensuring that Elected Members are aware of their records management responsibilities and that they receive the appropriate training and education.

### **Director's / Manager's / Team Leader's Responsibilities**

All Supervisors are responsible for adherence to this Policy and associated Administrative Procedures by staff within their department. They are also responsible for ensuring staff receive records management training relative to their roles and responsibilities. Supervisor's are charged with the responsibility of ensuring their staff:

- Are formally introduced to the Records Management Policy and associated Administrative Procedures
- Undertake records management training as part of their induction process
- Have access to the knowledge, software and tools that support the Records Management Policy and associated Procedures
- Have recordkeeping responsibilities included in job and person specifications, performance management agreements and/or contracts and agreements
- Capture Council's Intellectual Property (e.g. knowledge that may cease once a staff member leaves)

Supervisors are responsible for supporting and monitoring staff recordkeeping practices as defined by this Policy and associated Administrative Procedure and supporting the capture and creation of records by staff as part of normal business practices.

### **Council Staff and Elected Member Responsibilities**

All Council staff and Elected Members need to be aware of and comply with recordkeeping requirements related to the performance and execution of their duties and functions which include:

- creating records that adequately reflect the business they conduct including, where relevant, decisions made and actions taken;
- protecting and caring for records in their possession;
- not removing, destroying or deleting Council records without proper authority to do so;

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- ensuring all official records form part of the record holdings of Council;
- ensuring all official records are captured within Council's EDRMS or the appropriate business system; and
- recognising that the records they create and receive in the conduct of Council's business are the property of Council and must be afforded the care and protection identified in this Policy and associated Administrative Procedure.

In order to meet the above requirements, Elected Members are responsible for ensuring that they forward to Council staff for inclusion in Council's EDRMS any records deemed to be official records regardless of their format including hardcopy, email and social media.

### Senior Records Officer

Responsibility for Council's records management system is assigned to the Senior Records Officer.

The Senior Records Officer is operationally responsible for the efficient management of Council records (physical and electronic) incorporating sound recordkeeping principles and records management best practice guidelines.

The Senior Records Officer is responsible for the effective management and system administration of the Council's EDRMS.

The Senior Records Officer is responsible for:

- ensuring that official records are managed in accordance with the *State Records Act 1997*;
- establishing records management policies and procedures for the Council as a whole;
- establishing corporate standards for recordkeeping and records management;
- measuring performance of Council business units against these standards;
- providing consulting services to Council staff and Elected Members;
- developing corporate electronic records management strategies;
- working with other managers of information resources to develop coherent information architecture across the Council;
- working with other accountability stakeholders, including FOI officers and executive management staff, to ensure recordkeeping systems support organisational and public accountability; and
- providing Council staff and Elected Members with appropriate training and tools to allow them to meet their records management responsibilities.

## 6. Confidential Records

If a staff member or Elected Member believes that a record forwarded to Records staff for incorporation into the recordkeeping system is of a highly sensitive or confidential nature, he or she should advise Records of that view. It will be at the discretion of Records staff as to whether such information will then be treated as confidential and access to those records restricted.



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## 7. Records Security

The security of all Council records is crucial, as records provide evidence of business transactions, support management decisions and ensure public accountability requirements are met. Records in all formats should be stored securely to prevent unauthorised access, destruction, loss, alteration or removal.

Council staff are responsible for the safe custody of all hardcopy files and documents that are allocated to them. Sensitive or confidential information should be placed in a secure storage area when not in use. When no longer required the file/documents should be returned to Records for storage.

File storage units should be locked overnight wherever possible to prevent unauthorised access. Amongst other risk management considerations, this reduces the possibility of damage by water or fire in the event of a disaster.

Council records are not to be stored at home or left in cars unattended as they could be lost or damaged or stolen. Vital records should be stored in protective or fire resistant conditions with suitable access conditions. Confidential records must be stored in a secured environment whether they are in hardcopy or electronic form.

## 8. Disposal of Records

Official records must be disposed of in accordance with the General Disposal Schedule 20 (GDS 20) for Local Government Authorities in South Australia.

The Senior Records Officer is the only person with the authority to dispose of official records. The Chief Executive Officer is responsible for approving destruction of records at the City of Mount Gambier. Unauthorised or illegal destruction under the *State Records Act 1997* carries penalties of a \$10,000 fine or up to 2 years imprisonment, which may be placed on an organisation or an individual.

Only records that have been identified as non official and of no continuing value to the Council can be destroyed in accordance with Normal Administrative Practice (NAP). Council staff and Elected Members should contact Records staff for advice or assistance with the destruction of their non official records if required.

Disposal of Council records will take place annually or as required. During this process records will be sentenced and sent to offsite storage for archiving or destroyed as per SRSA requirements.

Method	Description
Destruction	A list of records due for destruction will be signed off by the Senior Records Officer in conjunction with specified Review Officers prior to being submitted to the CEO for approval and confidential destruction in accordance with Administrative Procedure – Destruction of Official Records.
Archiving	Records will be sentenced, boxed and archived. A register will be maintained for reference and retrieval purposes. Records are initially sent to the Records Shed at the Depot with consignments of permanent records transferred to SRSA on an as required basis.



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## 9. Digitisation and Disposal of Source Records

General Disposal Schedule 21 (GDS 21) for the management and disposal of source documents and digitised versions after digitisation will be applied by Records to digitised records managed in RM and their source documents in conjunction with the GDS 20.

Once source documents have been digitised by rendering into an open and enduring format (PDF, JPG or TIFF) the digitised version will be managed as the corporate record within the system. The location of source documents will be recorded in the metadata of the digitised record and source documents will be retained for a minimum of 1 year or as determined by its business use. Source documents will be day batched with the exception of:

- Permanent source documents will be filed in hardcopy permanent files after digitisation.
- Source documents of records deemed to be vital records will be stored in the strongroom after digitisation and will be retained according to the GDS 20.
- Source documents required for business use will be kept by the relevant section for an agreed period prior to being transferred into custody of Records for destruction in accordance with this Policy and the GDS 21.

Access to day batched temporary source documents and permanent source document files will be controlled by Records.

## 10. Legislation & Related Documentation

The *State Records Act 1997* governs the obligations and responsibilities of the City of Mount Gambier in relation to the management of official records. Under this Act, the Council has an obligation to maintain all official records in its custody in good order and condition. Not only does this include obligations in relation to the capture, storage, maintenance and disposal of physical records but also records in electronic format.

Council has certain legal obligations in relation to records management and records are themselves subject to legislation such as the *Freedom of Information Act 1991*, and legal processes such as discovery and subpoenas. The records may also be required by Royal Commissions, the Ombudsman, the Courts, auditors and other people or bodies who may have authority or rights to access records.

### Relevant Legislation / Standards

- State Records Act 1997
- Local Government Act 1999
- Freedom of Information Act 1991
- Copyright Act 1968
- Development Act and Regulations 1993
- Evidence Act 1929 (as amended)
- Electronic Transactions Act 2000
- Australian Standards AS ISO 15489, Records Management

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## 11. Definitions

**Continuing Value** – records of continuing value are those that contain information that is of administrative, legal, fiscal, evidential or historical value to the Council.

**Council Business** – may include the provision of services, delivery of programs, development of policies, making of decisions, performance of Council functions and other similar types of transactions.

**Council Staff** - includes persons employed by Council, volunteers, trainees, work experience placements, independent consultants and contractors and other authorised personnel offered access to Council's resources.

**Dispose of** – to dispose of an official record means to:

- destroy or abandon the record;
- carry out an act or process as a result of which it is no longer possible or reasonably practicable to reproduce the whole or a part of the information contained in the record; or
- transfer or deliver ownership or possession of or sell the record, or purport to do so,

but does not include transferring or delivering the record to the State Records Office or between the Council and another agency.

### **Ephemeral/Transitory Record**

A record is transitory or ephemeral in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

### **Normal Administrative Practice (NAP)**

Normal Administrative Practice provides for the routine destruction of drafts, duplicates and publications with the test that it is obvious that no information of more than transitory or ephemeral value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice comprises items of an ephemeral or transitory nature created, acquired or collected by Council staff or Elected Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Council's recordkeeping system and is not considered destruction of official records.

### **Record**

A record means:

- written, graphic or pictorial matter: or
- a disk (magnetic or optical), tape, film or other object that contains information (in any form) or from which information may be reproduced (with or without the aid of another object or device).

### **Official Record**

An official record is a record made or received by the Council in the conduct of its business. This means that because Elected Members and staff of the Council act as representatives of the Council, any record created, sent, received, forwarded or transmitted by Council staff

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and/or Elected Members in the performance of their functions and duties may be classified as official records.

An official record does not include:

- records that are merely transitory, ephemeral, personal or private in nature will fall outside the definition of “official records”;
- a record made or received for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or
- a record made by an agency as a draft only and not for further use or reference; or
- a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency, or
- a Commonwealth record as defined by the Archives Act 1983 of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- a record that has been transferred to the Commonwealth.

## 12. REVIEW & EVALUATION

This Policy is scheduled for review by Council in May 2017; however, will be reviewed as required by any legislative changes which may occur.

## 13. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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File Reference:	AF11/1738
Applicable Legislation:	State Records Act 1997 Local Government Act 1999 Freedom of Information Act 1991
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	Privacy Policy
Related Procedures:	Administrative Procedure - Records Management Administrative Procedure - Destruction of Official Records
Related Documents:	Australian Standard 150 15489.1-2002 Adequate Records Management Framework General Disposal Schedule 20 General Disposal Schedule 21 Code of Conduct for Employees (Gazetted 20/2/2014) Code of Conduct for Council Members (Gazetted 29/8/2013) Freedom of Information Statement

## DOCUMENT DETAILS

Responsibility:	Director Corporate Services
Version:	2.0
Last revised date:	20 <sup>th</sup> May, 2014
Effective date:	20 <sup>th</sup> May, 2014
Minute reference:	CCS Item 17, Report No. 38/2014 - 20 <sup>th</sup> May, 2014
Next review date:	May, 2017
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	20 <sup>th</sup> May, 2014 15 <sup>th</sup> December, 2015

## **CORPORATE AND COMMUNITY SERVICES COMMITTEE REPORT NO. 78/2015**

**SUBJECT: POLICY C410 CONDUCT OF MEETINGS (S92 CODE OF PRACTICE)**

**REF: AF15/606**

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*Goal: Governance*

*Strategy: Demonstrate innovative and responsive organizational governance.*

At its meeting on 25th November, 2014 Council endorsed Draft Policy C410 Conduct of Meetings (s92 Code of Practice) for the purpose of undertaking public consultation on parts relating to the use of confidentiality provisions and public access to meetings and documents.

At that meeting Council also called for a further report on part 5.1 of that policy that relates to the use of filming and audio recording devices at meetings.

Following the presentation and consideration of a further report in March 2015 (CCS Report No. 16/2015) alternate policy provisions relating to audio recording of Council and (Sub)Committee meetings were inserted.

The amended Policy C410 Conduct of Meetings (s92 Code of Practice) is attached for Members information (**Attachment 1**).

Public consultation required by the Local Government Act on the policy provisions relating to confidentiality and public access to meetings and documents has now been undertaken, comprising a public notice in The Border Watch on Friday 6<sup>th</sup> and Friday 13<sup>th</sup> November, 2015, publication of the policy on the Council website and an article under the 'Latest News' banner of the Council website

Written comments on the policy provisions were invited over a 21 day period that closed on Friday 27<sup>th</sup> November 2015. Requests for further information and enquiries on the policy were also invited.

At close of business on Friday 27<sup>th</sup> November 2015 no enquiries or written comments/submissions had been received in response to the public consultation.

This report now recommends that Council, having considered the results of public consultation, formally adopt Policy C410 Conduct of Meetings (s92 Code of Practice) as attached (**Attachment 1**).

Should Council adopt Policy C410, then it is further recommended that the following policies replaced by Policy C410 be formally revoked and deleted from Council's Policy Index:

C275 – Access to Council Meetings

C300 – Protocol for Common Items

C310 – Presentation of Recommendations

C315 – Voting En-bloc

M190 – Deputy Mayor

S110 – SELGA - Delegates

S130 – SELGA – Guiding Principle for Appointments

C280 – Appointment to Committees

C285 – Appointment of Independent Members

Corporate and Community Services Report No. 78/2015 cont'd...

RECOMMENDATION

- (a) Corporate and Community Services Report No. 78/2015 be received;
- (b) having considered the results of public consultation Council hereby adopts Council Policy C410 Conduct of Meetings (s92 Code of Practice) as attached to this report.
- (c) Council hereby revokes replaced/superseded Council Policies:
  - C275 – Access to Council Meetings
  - C300 – Protocol for Common Items
  - C310 – Presentation of Recommendations
  - C315 – Voting En-bloc
  - M190 – Deputy Mayor
  - S110 – SELGA - Delegates
  - S130 – SELGA – Guiding Principle for Appointments
  - C280 – Appointment to Committees
  - C285 – Appointment of Independent Members
- (d) Council makes the necessary amendments to Council's Policy Manual Index.



**Michael McCARTHY**  
MANAGER GOVERNANCE & PROPERTY

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

1<sup>st</sup> December, 2015  
MMcC

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## 1. PURPOSE

The City of Mount Gambier (“Council”) supports open, transparent and informed decision-making and encourages appropriate community participation in the affairs of Council.

Sections 86 and 89 of the Local Government Act 1999 (“Act”) provides that procedures to be observed for the conduct of Council and Committee meetings will be:

- as prescribed by the [Local Government \(Procedures at Meetings\) Regulations 2013](#)
- insofar as the procedure is not prescribed by regulation—as determined by the council;
- insofar as the procedure is not prescribed by regulation or determined by the council—as determined by the council committee itself.

Council also recognises that occasionally it may be appropriate and necessary to restrict public access to discussion and/or documents relating to a particular matter and section 92 provides that Council must prepare and adopt a code of practice relating to the principles, policies, procedures and practices that the council will apply in relation to public access to meetings and the release of minutes and documents.

This Policy:

- prescribes the practices and procedures to be adopted by this Council for the conduct of Council and Committee meetings.
- sets out a Code of Practice for the principles, policies and procedures that Council must follow for providing public access to meetings, agendas and documents and the release of meeting minutes and documents.

This Policy should be read in conjunction with, and will be administered in accordance with the following Local Government Association (“LGA”) publications:

- [Confidentiality Guidelines: How to Apply Section 90 \(2013\)](#)
- [Council Meeting Procedures Handbook \(2013\)](#)
- [Minute Takers Handbook for Local Government \(2014\)](#)

These documents are available on the LGA website at: [www.lga.sa.gov.au](http://www.lga.sa.gov.au) under the Codes and Guidelines heading.

## 2. PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS

Council encourages public attendance at meetings of Council and Council Committees through public notification of meetings. Details of all meeting dates and times are listed on the public notice board at the front reception area of the principal office of Council, Civic Centre, 10 Watson Terrace, Mount Gambier and on the Council website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

Council and Council Committee meetings are open to the public, and the public will only be excluded when considered proper and necessary where in the broader community interest the need for confidentiality outweighs the principle of open decision making.

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Council's Agendas, documents and minutes are prepared and published, including on the Council website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au) in accordance with the provisions of the Local Government Act 1999, Local Government (Meeting Procedures) Regulations 2013, and this Policy.

Copies of Agendas and meeting documents are made available at meetings. Various documents can be available for inspection and purchase (for a fee) by the public. Council also makes documents available in electronic form on Council's website.

In all cases it is Council's objective to make information publicly available at the earliest possible opportunity and that the community be informed of any confidentiality orders.

It is the expectation of Council that Agendas and Meeting documents be prepared in such a manner as to avoid unnecessary inclusion of sensitive or private information that cannot be considered and retained in-confidence.

Notwithstanding that a person may request that information provided to Council be kept confidential, Council may not be able to consider such a request unless the matter is one that falls within the grounds specified in section 90(3).

### 3. OTHER ACCESS TO PUBLIC DOCUMENTS

Council has a wide range of documents and other information available for public inspection and published on its website. These are further detailed in Council's Freedom of Information - [Information Statement](#) published annually on its website.

Requests to access other Council documents may also be made under the [Freedom of Information Act 1991](#). Any inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer – Manager - Governance & Property, telephone 8721 2555.

### 4. USE OF CONFIDENTIALITY PROVISIONS

Minutes and/or documents associated with a discussion from which the public have been excluded pursuant to sections 90(2) and 90(3) of the Act will remain confidential if Council or the Council Committee make a valid confidentiality order under section 91(7).

A confidentiality order must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.

An order will lapse if the time or event specified has been reached or carried out. There is no need for a Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents become public.

A confidentiality order that operates for a period exceeding 12 months must be reviewed at least once a year, and must be assessed as to whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for remaining confidential.

If any items require a fresh confidentiality order because the original order is due to expire, then a report should be prepared to Council making recommendations and addressing each item separately against section 90(3) and section 91(7) of the Act.



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A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

The Council may delegate the power to undertake an annual review or to revoke a section 91(7) order, but cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

#### 4.1 MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED

Section 90(3) of the Act prescribes the information, matters and circumstances where Council or a Council Committee may order that the public be excluded.

These circumstances and model orders for the purpose of sections 90(2) of the Act are covered extensively in the LGA publication [Confidentiality Guidelines: How to Apply Section 90 \(2013\)](#).

Council adopts the LGA guidelines for the purpose of applying section 90 of the Act.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee.

#### 4.2 PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING

For the convenience of the public present at a meeting it is the ordinary practice of this Council to consider any matters in confidence after all the other business has been dealt with rather than ask the public to leave the room and wait for however long it takes until the matter is concluded and then allow the public to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.

Before a meeting orders that the public be excluded to receive, discuss and consider a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and pass a resolution to exclude the public while dealing with that particular matter.

If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes.

If this occurs then the public must leave the room. This means all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, but does not include a member of Council.

It is an offence for a person, who knowing that an order is in force, enters or remains in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the police to use reasonable force to remove the person from the room if he or she fails to leave on request.

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It is recommended that if any form of force is required that it be left to the police to deal with.

The Council, or the Council committee, may by inclusion within the resolution permit a particular person or persons to remain in the meeting. An example would be to allow a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.

Once discussion on the particular matter is concluded, the public are permitted to re-enter the meeting. The decision of the meeting in relation to the matter will be made publicly known unless Council has resolved to order that some (or all) of the minutes, information, discussion and documents are to remain confidential.

Details of an order to keep any minutes, information, discussion or document confidential will be made known including the extent and duration of the order and any circumstances in which the order will cease to apply (conditions of release).

If there is a further matter that is to be considered in confidence it is necessary to undertake the formal determination process again to resolve to exclude the public.

#### 4.3 REPORTING ON USE OF CONFIDENTIAL ORDERS

A report on the use of sections 90(2) and 91(7) by the Council and Council Committees must be published in the annual report of a Council as required by the Act.

Council has further endorsed the preparation and publication of a Confidential Items Register, including the details of all Section 90(2) and 91(7) orders, their section 90(3) grounds, the duration/conditions for release, and weblinks to released agenda items, minutes and documents published on Council's website.

At the time of preparation of this policy the preparation and publication of the Confidential Items Register and released documents is still a work in progress.

## **5. OTHER MEETING PRACTICES & PROCEDURES**

### 5.1 FILMING AND AUDIO RECORDING DEVICES

Council maintain its current minute taking practice that involves the agenda item and recommendation/resolution being projected on screen at the Council and Standing Committee meetings with the minutes being typed at the meeting.

Any person may record audio of Council, committee and sub-committee meetings provided that such recording does not interfere with the orderly conduct of such a meeting.

Audio devices used for such purposes are to be held by the operator of such a device and are not to be placed on the meeting table being used by the members of that Council, committee or sub-committee meeting unless otherwise resolved by the members at that particular meeting.

The Presiding Member may at any time during the course of any meeting direct the audio recording of such meeting to cease, should the Presiding Members be of the view that the audio recording of the meeting is interfering with the orderly conduct of the meeting.

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Audio recording of items considered 'In-Confidence' under the provisions of the Local Government Act 1999 is prohibited.

Any person wishing to take photographs or video recordings of any Council, committee or sub-committee meeting must request the permission of the Presiding Member.

Such request must be made in writing and be received by the Presiding Member at least 48 hours in advance of the meeting. In considering such a request the Presiding Member shall not unreasonably refuse permission however they may place restrictions and conditions on such recording and photography as they see fit so as to ensure such recording does not interfere with the orderly conduct of the meeting.

Where such permission has been granted, should at any time during the course of the meeting the Presiding Member be of the view that the video recording or photography of the meeting is interfering with the orderly conduct of the meeting, the Presiding Member may direct the video recording or photography of the meeting to cease.

Video recording and photography of items considered 'In-confidence' under the provisions of the Local Government Act 1999 is prohibited.

## 5.2 PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

It is the policy of this Council that the Presiding Member of any Council Committee will present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be able to attend a Council Meeting then they may nominate in advance, any other Member of such Committee to present the Committee Minutes and Recommendations to Council.

Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item to Council.

## 5.3 VOTING 'EN-BLOC'

This Council does not support the use of 'en-bloc' voting during Council and Committee meetings to adopt a number of items, motions or recommendations by one resolution without debate.

En-bloc decision-making is not lawful in relation to items for decision and not considered good practice for other agenda items, and is in conflict with the guiding principles of the Local Government (Procedures at Meetings) Regulations 2013.

## 5.4 APPOINTMENT OF DEPUTY MAYOR

This policy provision shall only apply where the Council resolves to appoint a Deputy Mayor in accordance with Section 51(3) of the Local Government Act 1999.

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Section 51(4) provides that a Deputy Mayor will be chosen by the members of a Council from amongst their own number and will hold office for a term determined by the Council that must not exceed 4 years. At the expiration of the term a Deputy Mayor is eligible for a further term.

Where Council has resolved to have a Deputy Mayor the Mayor shall immediately call for nominations and acceptances from Members present at the Council Meeting.

If only one nomination is received then that Member is to be declared Deputy Mayor.

Where more than one nomination is received a secret ballot shall be conducted forthwith without debate. Resolutions will be passed to endorse the voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the determination of Deputy Mayor:

- Any Member present at the meeting may be nominated.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor.
- A division cannot be called for when a vote on the question of appointing a Deputy Mayor is taken.
- The Mayor may (but is not required to) accept a motion to endorse the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the result of the secret ballot.

#### Role of Deputy Mayor

In the absence of the Mayor, the Deputy Mayor may act in the office of the Mayor.

In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor.

Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

### 5.5 APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

This policy provision applies when Council has been requested or is required to nominate or appoint a Member or any other person to fill a vacant position on any Committee or as delegate/representative on an outside body or organisation.

Where these policy provisions are inconsistent with any legislative or statutory provisions or the Terms of Reference or other governing instrument of any Committee or other body or organisation, then those other provisions shall apply and override this policy (with the exception that Council may, subject to any statutory prohibitions, override the Terms of Reference of its own Committees)

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The Chief Executive Officer shall notify Members of the request and/or requirements associated with the vacancy, including details of the Committee/Body/Organisation Terms of Reference and other relevant information, and will seek a written nomination of any Elected Member, Council Officer or other person with appropriate qualifications and/or experience.

Where Council is required under a legislative or some other requirement under Terms of Reference to seek community or independent nominees to Committee positions, then a public notice shall be published in a newspaper circulating in the area seeking interested persons to nominate within 21 days (or such other period as may be required). Such nominees may also be sought through a targeted process to identify suitable nominees.

The Chief Executive Officer shall present details of all nominees for vacant positions to the next available Council meeting together with a recommendation and draft resolutions that Council may endorse a secret ballot voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to declare the result and draw lots (if/as necessary).

The following shall apply to the appointment of Committee Members and delegates/representatives on other bodies and organisations:

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
  - i. may determine not to nominate or appoint any person to fill a vacancy.
  - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.
- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

#### South East Local Government Association/Provincial Cities Association Positions

The Mayor shall be the preferred candidate for any Board Member positions (and the Deputy Mayor the preferred candidate for any proxy/deputy position) on a s42 subsidiary (ie South East Local Government Association and Provincial Cities Association).

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Nominations shall only be sought for the position of Board Member and/or proxy/deputy where the Mayor or Deputy Mayor are unable to fill the positions, or to act when both the Mayor and Deputy Mayor may be unavailable, in which case the nomination/appointment procedure shall be as described in this Policy.

#### Payment of Allowances/Sitting Fees

Council should have a consistent and reasonable approach to payment of allowances/ sitting fees to Members and other community and independent persons appointed to positions on Committees which should be prescribed in the Terms of Reference.

Appointments of Independent Members of a Council committee will be for a term determined by the Council, and may survive the next general/periodic election unless Council specifically resolves otherwise at the time of the appointment (noting that Council may have the right to terminate any appointment at any time, or that the term of appointment may be determined by some other statutory means).

#### Roles of Nominees/Appointees

Upon nomination/appointment to a position, Council's duly declared nominee/appointee shall be authorised to fill that position, including the exercise of any voting rights.

Where more than one person has been nominated/appointed to fill a position or as deputy/proxy, precedence shall apply based upon the persons position (ie Mayor, Deputy Mayor, Member, CEO etc).

#### Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated/appointed a Member or delegate/representative, but may not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

#### Independence of Bodies/Organisations

Other bodies and organisations to which Council nominates/appoints Elected Members, Council Officers or other suitably persons as delegates/representatives do not operate under the provisions of the Local Government Act 1999 or other legislation that prescribe meeting procedures and Member obligations.

Any person appointed to a position on a body or organisation (whether a Council Member, Council Officer or some other person) is bound by the governing arrangements applicable to that other body or organisation. In that capacity that person does not represent the interests of Council, but will be required to act in the interests of that body or organisation, which at times may be inconsistent with the interests or a formal position of the Council.

Council may influence but is not to instruct any Elected Member, Council Officer or other person whom it has nominated/appointed as a delegate/representative on another body or organisation as to the manner in which they act in fulfilling their non-Council duties. It is for the delegate/representative to determine how they fulfil their duties on a body or organisation and deal with any conflict that may arise between their competing interests/roles.



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## 6. INFORMAL GATHERINGS

Section 90(8) of the Act enables Council Members, Committee Members and Council Officers to participate in informal gatherings that are not open to the public and are not required to have formal published agendas and minutes/documents, provided that a matter which would ordinarily form part of the agenda for a formal meeting of a Council or Council Committee is not dealt with in such a way as to obtain or effectively obtain, a decision on the matter outside a formally constituted meeting of the Council or Council Committee.

Informal gatherings may include:

- *planning sessions associated with the development of policies and strategies;*
- *briefing or training sessions,*
- *workshops;*
- *social gatherings to encourage informal communication between members or between members and staff.*

In the interests of transparency this Council tables a 'Record of Proceedings' at the next available Council Meeting with the time/date, attendees, and purpose/matter(s) discussed at informal gatherings.

The Chief Executive Officer may determine not to present a 'Record of Proceedings' for any particular informal gathering.

## 7. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

Copies of this Policy may also be obtained by interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

## 8. REVIEW & EVALUATION

The Council is required to review this code within 12 months after the conclusion of each periodic election. However, it may be reviewed at any other time as required by any legislative changes which may occur.

In accordance with Section 92(5) of the Local Government Act 1999, Council must follow the relevant steps set out in its public consultation policy before adopting, altering or substituting a code of practice relating to the principles, policies, procedures and practices that the Council will apply for public access to council and committee meetings and the release of Council and Committee meeting minutes and documents.

## 9. GRIEVANCE

Council has established procedures for the review of decisions under Section 270 of the Act for:

- Council, and its Committees;
- employees of Council and
- other persons acting on behalf of Council.

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Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the Internal Review of Council Decisions Procedure established by Council. The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

## 10. FURTHER INFORMATION

Further information about this Policy may be expressed in writing, addressed to:

Chief Executive Officer  
City of Mount Gambier  
PO Box 56  
MOUNT GAMBIER SA 5290



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		Next Review:	March 2016

File Reference:	AF11/1950
Applicable Legislation:	<a href="#">Local Government Act 1999</a> <a href="#">Local Government (Procedures at Meetings) Regulations 2013</a> <a href="#">Freedom of Information Act 1991.</a>
Reference: Strategic Plan – Beyond 2015	Goal 5, Strategic Objective 5
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions
Related Procedures:	Council Meeting Procedures – for preparation of meeting documents. Confidential Items Register (AR14/13329) Confidential Items Procedures - Management & Website Publication
Related Documents:	<a href="#">Confidentiality Guidelines: How to Apply Section 90 (2013)</a> <a href="#">Council Meeting Procedures Handbook (2013)</a> <a href="#">Minute Takers Handbook for Local Government (2014)</a> <a href="#">Freedom of information – Information Statement</a>

## DOCUMENT DETAILS

Responsibility:	MANAGER - GOVERNANCE & PROPERTY
Version:	2.0
Last revised date:	17 <sup>th</sup> March, 2015
Effective date:	
Minute reference:	
Next review date:	March 2016
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	November 2014 Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 <sup>th</sup> March, 2015

## CORPORATE AND COMMUNITY SERVICES REPORT NO. 79/2015

**SUBJECT: PROVINCIAL CITIES ASSOCIATION**

**REF: AF11/935**

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*Goal: Governance*

*Strategic Objective: Demonstrate innovative and responsive organisational governance.*

Members have previously been notified via memo in the 20<sup>th</sup> November 2015 Friday Edition of a motion by the City of Port Lincoln to the Provincial Cities Association Meeting #61 (teleconference) on Wednesday 2<sup>nd</sup> December 2015, proposing that the Provincial Cities Association be wound up, and if that winding up does not proceed, that the City of Port Lincoln withdraw from the Provincial Cities Association.

The winding up motion as presented in the Provincial Cities Association 2<sup>nd</sup> December 2015 meeting agenda is reproduced as an attachment to this report for Member's information (**Attachment 1**).

For any Members that are unfamiliar with the Provincial Cities Association, it is a regional subsidiary established under the Local Government Act by Constituent Councils representing South Australia's larger regional cities. The Association Charter contains some 16 objects and purposes for which it was established and these are also attached to this report for Members information (**Attachment 2**).

Having operated over a period of some 18 years (9 years as a regional subsidiary) the Provincial Cities Association provides a representative platform for Constituent Councils to collaborate on matters of interest and concern shared by regional cities, and for coordinated lobbying of both the SA Local Government Association and State Government on issues affecting regional cities.

It would appear from discussions with other constituent councils that there has been a general decline in the role and importance of the Provincial Cities Association over the past several years, and a perception that this particular body may have run its course.

The existence (or otherwise) of the Provincial Cities Association does not prevent this or any other council from working together on matters of shared interest, either informally or utilising other existing subsidiary organisations.

Withdrawal from the Provincial Cities Association would provide only minimal budget savings, with the current (2015/16) budget for association costs of \$16,000 (\$11,000 to November 2015) and similar (approx. \$13,000) in the earlier 2013/14 and 2014/15 years.

With one or more other Constituent Councils seeking to withdraw from the Provincial Cities Association the level of support from (and benefits for) remaining councils could be expected to further diminish over time.

Without going into detail, the Provincial Cities Association Charter and subsidiary provisions in the Local Government Act 1999 provide that a regional subsidiary may be wound up by the Minister publishing a notice in the gazette, acting at the request of the constituent councils.

In past instances such requests have been evidenced by a resolution of each Constituent Council:

- confirming its support of the Notice of motion passed by the Association to have the Association wound up;
- resolving that the Association be wound up on the basis of the terms including the consideration of all necessary information and report/s detailing the reason/s why a recommendation/s for winding up, and confirmation that the assets and liabilities have been identified and addressed appropriately in accordance with the Association's Charter;
- resolving that the Chief Executive Officer be authorised to make written application on behalf of the Council and in conjunctions with the Constituent Councils to the Minister for Local

Government seeking approval for the Association to be wound up (which is to include the reasons for winding up, the confirmation of the management of the assets and liabilities in accordance with the Charter, and a copy of the resolution); and

- resolving that the Council make formal application to the Minister accordingly, for the purpose of achieving the winding up of the Association.

The Notice of Motion and covering letter from the City of Port Lincoln (**Attachment 3**) detail that council's reasoning for proposing the winding up of the Provincial Cities Association; that research funding has not been forthcoming to undertake strategic planning, Charter review, or examination of an approach to (provide) best value to members.

Further that common concerns have been raised (between constituent councils) about the value of the organisation in the current context of other active representative entities. At the same time there appears to be general support for those other bodies such as the South Australian Regional Organisation of Councils (SAROC), the Limestone Coast Local Government Association and the SA Local Government Association.

The Provincial Cities Association Executive Officer, Mr Ian McSporran has confirmed that it is the responsibility of the Association to ensure the management of assets and liabilities in accordance with the Association's Charter. In accordance with the Charter any surplus assets after payment of all expenses shall be returned to the Constituent Councils in proportion to the equity shares (1/7<sup>th</sup>) of the Constituent Councils prior to passing of the resolution. Similarly, if there are insufficient funds to pay all expenses, a proportionate levy shall be imposed on all Constituent Councils in the financial year prior to the passing of the resolution to wind-up.

A further letter from the Executive Officer dated 3 December 2015 confirms the unanimous resolution of 2 December 2015 that the Association be wound up as soon as practicable and is attached for Members (**Attachment 4**).

Accordingly, this report recommends that Council pass a resolution supporting the proposed winding-up of the Provincial Cities Association, at a time to be determined between the Constituent Councils taking into account the above.

## RECOMMENDATION

- (a) Corporate and Community Services Report No. 79/2015 be received;
- (b) the resolution of the Provincial Cities Association of South Australia ('the Association') to wind up is supported;
- (c) the reasons for winding up the Association are confirmed as:
  - i. other representative entities such as Regional Local Government Associations, South Australian Regional Organisations of Councils, Local Government Association of South Australia and Regional Development Australia Boards are covering and actioning issues previously dealt with by the Association;
  - ii. it is the intention for the current constituent members (and possibly others) to meet informally as part of a consultation process (possibly organised through the Local Government Association of South Australia) to discuss on a regular basis, issues of mutual concern to provincial communities;
- (d) notes the advice of the Executive Officer and the audited Annual Financial Statements that the only asset of the Association is cash held within a Bank SA Account held in the Port Augusta Branch of the Bank and that the Association has no liabilities, and accordingly resolves that at the date of winding up of the Association the cash is to be divided equally between constituent members;

- (e) confirms that the information and resolution in (d) above reflect the appropriate identification and treatment of the assets and liabilities of the Association.
- (f) The date and timing of the winding up to be determined between the Association, Constituent Councils and the Minister;
- (g) Council makes formal application to the Minister for Local Government to request that the Minister winds up the Provincial Cities Association of South Australia regional subsidiary pursuant to Section 33 of the Local Government Act 1999.
- (h) the Chief Executive Officer be authorised to make the necessary application to the Minister for Local Government in accordance with resolutions (b) – (g) above.
- (i) That the Executive Officer and Member Councils of the Association be advised of Council's resolutions herein, and thanked for their endeavours to represent and advocate the interests of South Australia's provincial cities communities.



**Michael McCARTHY**  
MANAGER – GOVERNANCE & PROPERTY

sighted



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

3<sup>rd</sup> December, 2015

**7. Notice Motion**

In accordance with my email advice of the 6<sup>th</sup> November 2015, the City of Port Lincoln has submitted a "Notice of Motion" which reads as follows: -

"That the City of Port Lincoln, through its representatives, proposes that the Provincial Cities Association be wound up as soon as practicable and should the wind up not proceed, then Council withdraws from the Provincial Cities Association."

A copy of the correspondence received from Mayor Bruce Green is attached (page 30).

On receipt of the advice from the City of Port Lincoln I made contact with the Office of Local Government to ensure that if the Notice of Motion was passed by the Association, what process needed to be observed. The undermentioned response was received from Ms Alex Hart, Acting Manager, Office of Local Government:

The process of winding up of a regional subsidiary is described in Clause 33 of Schedule 2 of the *Local Government Act 1999*.

Clause 33(1)(a) states that a regional subsidiary may be wound up by the Minister acting at the request of the constituent Councils.

In practice, such requests are evidenced by a resolution of each constituent Council:

- confirming its support of the Notice of Motion passed by the Association to have the Association wound up;
- resolving that the Association be wound up on the basis of terms including the consideration of all necessary information and report/s detailing the reason/s why an recommendations/s for the winding up, and confirmation that the assets and liabilities have been identified and addressed appropriately in accordance with the Association's Charter;
- resolving that the Chief Executive Officer be authorised to make written application on behalf of the Council and in conjunction with the Constituent Councils to the Minister for Local Government seeking approval for the Association to be wound-up (which is to include the reasons for the winding-up, the confirmation of the management of the assets and liabilities in accordance with the Charter, and a copy of the resolution); and
- resolving that the Council make formal application to the Minister accordingly, for the purpose of achieving the winding-up of the Association.

Clause 33(2) of the Act states that a subsidiary is wound up by the Minister publishing a notice in the Gazette.

Once the Minister has considered the requests of the Constituent Councils and the information provided, the Minister will formally provide his approval in writing for the winding-up. The Minister will then ensure that a Notice is published in the Gazette.

Clause 33 (3) of the Act states that any assets or liabilities of the subsidiary at the time of winding-up vest in or attach to the constituent Councils on the winding-up in accordance with the Charter.

It is the responsibility of the Association to ensure that the management of any such assets or liabilities is undertaken in accordance with the Association's Charter. The Minister will not formally indicate how this is to be done. It is the responsibility of the Association and each Constituent Council to describe in their report/s and in written application to the Minister what will be done and to evidence that this is in accordance with the Charter. The Minister will merely confirm the requirement described in clause 33(3).

Finally, it would be appreciated if the Constituent Councils could forward each of their written applications (written by each CEO – point 3 above) to the Minister to you as Executive Officer, so that you can then send all of the written applications to the Minister together in one package. This will make the process much smoother, as, in the past, Constituent Councils have sent their written applications separately to the Minister, resulting in significant time delays and often, the applications are not correct and require amendment, resulting in further delays. The Minister will then provide his written approval to you as Executive Officer, and you will then need to provide a copy of that formal approval to each of the Constituent Councils.

I am also seeking advice from State Records on what documentation held by the Association, needs to be forwarded to State Records for their retention, if the Association is wound up in accordance with the Notice of Motion. I would hope to be able to advise members of this requirement prior to, or during the teleconference.

I have also assumed that all of the "winding up process" will be subject to audit by the Association's Auditors John D. Ewen & Associates.

The Notice of Motion is submitted for a directive of the Association.

## **8. Closure of Meeting**

**IAN McSPORRAN**  
**EXECUTIVE OFFICER**

**17<sup>th</sup> November 2015**

**1.4 Local Government Act 1999**

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Subsidiary shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

**1.5 Objects and Purposes**

The Subsidiary is established to:

- 1.5.1 further develop and implement relationships reflecting a co-operative approach to the development of the Constituent Council's respective communities, representation of their people the productive, and efficient and effective provision, planning, funding and management of services for the mutual benefit of the communities that comprise the Constituent Councils;
- 1.5.2 continue with a process of meetings based on open respectful and co-operative interaction and the exchange of information and resources between the Constituent Councils;
- 1.5.3 progressively develop a collective position of negotiation arrangements between responsible State Ministers and the Constituent Councils covering agreed specific areas;
- 1.5.4 to negotiate with the State Government on programs responsibilities and funding arrangements for the purpose of:
  - more effective, cost efficient and responsive service delivery;
  - clearer definition of roles and responsibilities within any particular functions; and
  - collective lobbying on an on going basis of the State Government for better recognition and real support and resources to the Constituent Council's either collectively and/or individually;
- 1.5.5 collaboratively work with a view to enhance relationships and mechanisms for extensive representation to the State Government;
- 1.5.6 provide leadership to and for individual member Councils in their development of Local Government views on issues that need to be negotiated with the State Government or other levels of government;
- 1.5.7 formulate views on matters of interest to the Constituent Councils and to convey such views to the appropriate groups, bodies and persons at a regional, State and national level;



- 1.5.8 undertake projects (including educational programmes and processes) and activities that benefit the areas of the Constituent Councils and their communities;
- 1.5.9 associate, collaborate and work in conjunction with other local government bodies for the advancement of matters of common interest;
- 1.5.10 to co-ordinate and represent the views of Local Government generally while not precluding the right of the individual Constituent Councils to represent their own views;
- 1.5.11 ensuring that the individual Constituent Councils have the opportunity to present their responsibilities to other governmental bodies;
- 1.5.12 ensuring that other levels of government treat the Constituent Councils with fairness and respect and that the principle of social justice and equity is upheld by the State Government to the Constituent Councils;
- 1.5.13 attempt to identify the challenges facing the Constituent Councils (and make recommendations on how to address them);
- 1.5.14 initiating specific actions on individual issues that the Subsidiary considers relevant to the majority of the member Councils;
- 1.5.15 addressing the long term sustainability and viability of the regional communities of South Australia and in particular the Constituent Councils; and
- 1.5.16 to liaise with the Local Government Association of South Australia to facilitate the Subsidiary's objects and purposes specified in this Clause 1.5;

and in so doing the Subsidiary will give due weight to economic, social and environmental considerations.

#### **1.6 Powers Functions and Duties**

The powers, functions and duties of the Subsidiary are to be exercised in the performance of the Subsidiary's objects and purposes. The Subsidiary shall have those powers, functions and duties delegated to it by the Constituent Councils from time to time which include but are not limited to:

- 1.6.1 becoming a member or co-operating or contracting with any other association or organisation;
- 1.6.2 entering into contracts or arrangements with any government agency or authority;





9 November 2015

Ian McSporran  
Executive Officer  
Provincial Cities Association  
PO Box 1704  
Port Augusta SA 5700

Dear Ian

**RE: CITY OF PORT LINCOLN - NOTICE OF MOTION**

In 2013, the City of Port Lincoln advised the Provincial Cities Association SA (PCA) of its intention to withdraw from Membership of PCA. Advice was received that at least twelve months' notice was required. Subsequently, PCA agreed to review its Charter and to apply for research funding from LGA R+D Fund to undertake such a review. Funding has not been forthcoming and PCA has not progressed in any strategic planning, Charter review or examination of an approach to best value to members. During this period, Port Lincoln's notice of its withdrawal has remained pending.

Recent discussions with Mayors from four of the PCA member Councils have identified common concerns about the value of the organisation in the current context of active representative entities, including Eyre Peninsula Local Government Association (EPLGA), SA Regional Organisation of Councils (SAROC), LGA and the Upper Spencer Gulf Special Purpose Group.

Based on the last two PCA annual reports, it is difficult to identify issues addressed in PCA's recent activities which are now also covered and actioned by regional organisations (in our case EPLGA) or our State LGA.

Based on my Mayoral report to my Council on Monday 2 November 2015, the City of Port Lincoln resolved as follows:

*"That the City of Port Lincoln, through its representatives, proposes that the Provincial Cities Association be wound up as soon as practicable, and should the wind-up not proceed, then Council withdraws from the Provincial Cities Association."*

I therefore request that a Notice of Motion to the effect of the above, be listed on the Agenda for the next meeting of the Provincial Cities Association, which I understand is being planned for either 2 or 3 December 2015.

Yours sincerely

**Bruce Green**  
**MAYOR**

**Membership**

City of Port Augusta  
City of Mount Gambier  
City of Port Lincoln  
City of Whyalla  
Port Pirie Regional Council  
Rural City of Murray Bridge

**Executive Officer**

Mr. Ian McSporran  
PO Box 3106  
PORT AUGUSTA WEST SA 5700  
Mobile: 0419 810 644  
Phone: (08) 8642 2092  
Email: [myallone@bigpond.com](mailto:myallone@bigpond.com)

LET0157

**3 December 2015**

Mr M McShane  
Chief Executive Officer  
City of Mount Gambier  
PO Box 56  
MOUNT GAMBIER SA 5290

Dear Mark

**WINDING UP OF PROVINCIAL CITIES ASSOCIATION OF SOUTH AUSTRALIA**

I refer to the discussions during Meeting #61 of the Provincial Cities Association held via teleconference on the 2<sup>nd</sup> December 2015, concerning the Notice of Motion lodged by the City of Port Lincoln regarding the above issue, and confirm that the meeting unanimously passed the following resolution:

- "1. That the Provincial Cities Association (the Association) resolves in accordance with the Notice of Motion of the City of Port Lincoln, ie that the Association be wound up as soon as practicable, and notes the intention of the City of Port Lincoln to withdraw from the Association if it is not wound up.
2. That the Executive Officer provides a report to Association Member Councils on the assets and liabilities of the Association, and that upon its winding up the assets and liabilities be distributed equally between the Member Councils.
3. That each Member Council be requested to confirm its support for the winding up of the Association by way of resolution, including confirmation of the matters identified by the Office of Local Government.
4. That following the passing of the appropriate resolutions by each Member Council, the Executive Officer conveys all relevant information to the Minister for Local Government together with the Association's request to wind up the Provincial Cities Association regional subsidiary."

In accordance with the contents of the resolution, I advise that the only asset of the Association is cash held within a Bank SA account held in the Port Augusta Branch of the Bank and that the Association has no liabilities.

I also submit for the consideration of your Council a draft resolution (in accordance with the discussions), indicating support for the proposed course of action:

- "1. That Council:
  - a. resolves to support the resolution of the Provincial Cities Association of South Australia ('the Association') to wind up the Association, being a regional subsidiary pursuant to the Local Government Act 1999;
  - b. confirms the following reasons for supporting the winding up of the Association:
    - i. other representative entities such as Regional Local Government Associations, South Australian Regional Organisations of Councils, Local Government Association of South Australia and Regional Development Australia Boards are covering and actioning issues previously dealt with by the Association;
    - ii. it is the intention for the current constituent members (and possibly others) to meet informally as part of a consultation process (possibly organised through the Local Government Association of South Australia) to discuss on a regular basis, issues of mutual concern to provincial communities;
  - c. notes the advice of the Executive Officer and the audited Annual Financial Statements that the only asset of the Association is cash held within a Bank SA Account held in the Port Augusta Branch of the Bank and that the Association has no liabilities, and accordingly resolves that at the date of winding up of the Association the cash is to be divided equally between constituent members;
  - d. confirms that the information and resolution in (1)(c) above reflect the appropriate identification and treatment of the assets and liabilities of the Association.
2. That in pursuant of (1) above, Council makes formal application to the Minister for Local Government to request that the Minister winds up the Provincial Cities Association of South Australia regional subsidiary pursuant to Section 33 of the Local Government Act 1999.
3. That the Chief Executive Officer be authorised to make the necessary application to the Minister for Local Government in accordance with (1) and (2) above.
4. That the Executive Officer and Members Councils of the Association be advised of Council's resolutions herein, and thanked for their endeavours to represent and advocate the interests of South Australia's provincial cities communities."

As indicated in the advice provided to the meeting by the Office of Local Government, should your Council agree with the decision of the Association, confirmation of that decision and a copy of the above resolution should be provided to me to enable all information from constituent members to be lodged with the Minister of Local Government.

I would also like to place on record and thank Rob Donaldson, CEO, City of Port Lincoln for his great assistance in the framing of the relevant resolutions contained herein.

I await your Council's advice on this matter.

With kind regards

Yours sincerely



**IAN McSPORRAN**  
**EXECUTIVE OFFICER**