City of Mount Gambier

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Mount Gambier SA 5290

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I hereby give notice that an Ordinary Meeting of Council will be held on:

Date:	**Tuesday, 17 October 2023**
Time:	**6.00 p.m.**
Location:	**Council Chamber** **Civic Centre** **10 Watson Terrace** **Mount Gambier**

AGENDA

Ordinary Council Meeting
17 October 2023

Sarah Philpott
Chief Executive Officer
12 October 2023

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1 ACKNOWLEDGEMENT OF COUNTRY

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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

Nil

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

Ordinary Council Meeting - 19 September 2023

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 19 September 2023 be confirmed as an accurate record of the proceedings of the meeting.

5 MAYORAL REPORT

5.1 MAYORAL REPORT - OCTOBER 2023 – REPORT NO. AR23/44841

- EO Recruitment Panel - LCLGA
- SAROC Committee Meeting
- SA CFS – Region 5 Council CEO and Mayor Briefing in Coonawarra
- Official Opening of Lower South East Bowls Season 2023-2024
- Radio Interview 5GTR-FM
- Disability Inclusion Training – Virtual
- Radio Interview ABC
- Elected Member Briefing – Presentation by Nathan Paine CEO – SA Forest Products Assoc
- UniSA Destination Australia Scholarship Video Project
- Fortnightly LCLGA Mayor's Meeting – Virtual
- Presentation to Year 5 - Tenison Woods College
- South Australia State Brand – Forum/Discussion with Kantar Public
- National Police Remembrance Day 2023 – Wreath Laying
- Meeting with representatives from Keolis Downer and Link SA
- SAROC Annual Business Plan Workshop
- South Australians Lead the Way Presentation
- Panel Interviews EO - LCLGA
- Citizenship Ceremony
- Valley Lake Climate Watch Trail Launch
- Ray White Real Estate - Fifth Birthday Celebration
- Radio Interview – Triple M
- Meeting re Christmas Parade
- Elected Member Briefing – RDALC and LCLGA
- Elected Member Briefing – Strategic Plan Update
- Meeting with Hon Ben Hood, MLC
- Information Session - Planning DC Grant
- Official Opening – Uniting Communities Mount Gambier Hub Site
- Friendship Force Rose Planting – Northland/Wairapa NZ
- LCLGA Board Meeting – Kingston District Council
- With CEO, Meeting in Naracoorte re Roads

6 REPORTS FROM COUNCILLORS

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - PUBLIC BUS SERVICE

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Member:	**Max Bruins, Councillor**

The following question on notice was received from Councillor Max Bruins.

Question

Following on from the announcement that the state government has recently awarded an 8 year contract for the public bus services in Mount Gambier with no increase to the current grossly inadequate service levels currently provided, what future strategic and advocacy work is planned to continue to push this issue on behalf of Mount Gambier ratepayers?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding the Public Bus Service raised by Councillor Max Bruins be received and noted.

ATTACHMENTS

Nil

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

10.1 DEPUTATION - KYM STEER, PRESIDENT OF THE SOUTH AUSTRALIAN ATHLETIC LEAGUE - SPONSORSHIP OF MOUNT GAMBIER GIFT CARNIVAL – REPORT NO. AR23/70869

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Author:	**Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**

REPORT RECOMMENDATION

1. That Council Report No. AR23/70869 titled 'Deputation - Kym Steer, President of the South Australian Athletic League - Sponsorship of Mount Gambier Gift Carnival' as presented on 17 October 2023 be noted.

BACKGROUND

The Mayor, Mrs Lynette Martin OAM, has granted a deputation request from Mr Kym Steer, President of the South Australian Athletic League for the purpose of discussing increased sponsorship of the Mount Gambier Gift Carnival to be held December 2023.

The Gift has been provided with Council support of $5,000 plus $2,000 in kind, however, the League is seeking an addition $5,000 (noting the original request was for $20,000).

ATTACHMENTS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 16/09/2023 TO 13/10/2023 – REPORT NO. AR23/44822

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Author:	**Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services**
Authoriser:	

REPORT RECOMMENDATION

1. That Council Report No. AR23/44822 titled 'Elected Member Information/Briefing Sessions from 16/09/2023 to 13/10/2023' as presented on 17 October 2023 be noted.

ATTACHMENTS

1. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 19/09/2023 - Organisational Update ⇩
2. Information Briefing Session - Elected Members - Record of Proceedings - 26/09/2023 - Confidential Update on Legal Matter and Presentation by Nathan Paine CEO South Australian Forest Products Association ⇩
3. Information Briefing Session - Record of Proceedings - 10/10/2023 - RDALC Presentation, Strategic Plan Update and Operational Update ⇩

INFORMATION / BRIEFING SESSIONS
TUESDAY, 19 SEPTEMBER 2023, COMMENCING 7.32 P.M.

Ref: AF22/549

RECORD OF PROCEEDINGS
TUESDAY, 19 SEPTEMBER 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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.

The sessions described at Item 1. will not be open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

1. ORGANISATIONAL UPDATE

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Sonya Mezinec	General Manager City Infrastructure
Cr Frank Morello	General Manager Corporate and Regulatory Services
Cr Max Bruins	Manager Financial Services
Cr Jason Virgo	Manager Operations Infrastructure
Cr Josh Lynagh	Media and Communications Co-ordinator
Cr Paul Jenner	Communications Officer
Cr Kate Amoroso	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Mark Lovett	Nil

DISCUSSION:

Consultation under section 99(2) of the Local Government Act regarding organisational position appointments and structures.

Discussion closed at 7.45 p.m.

INFORMATION / BRIEFING SESSIONS
TUESDAY 26 SEPTEMBER 2023, COMMENCING AT 5.15 P.M.

RECORD OF PROCEEDINGS
5:15 pm, Tuesday 26 September 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

The session described at Item 1. below was not open to the public as the matter to be discussed is of a confidential nature within the ambit of Section 90(3) of the Local Government Act 1999 being:

(i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council.

1. CONFIDENTIAL UPDATE ON LEGAL MATTER

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Max Bruins	General Manager Corporate and Regulatory Services
Cr Sonya Mezinec	Acting General Manager City Infrastructure
Cr Mark Lovett	Manager Governance and Property
Cr Frank Morello	Manager Development Services
Cr Paul Jenner	
Cr Josh Lynagh	

MEMBERS APOLOGY:-	LEAVE OF ABSENCE:-
Cr Jason Virgo	Nil
Cr Kate Amoroso	

DISCUSSION:

Confidential update on legal matter.

The session described at Item 2. was open to the public.

1. PRESENTATION BY NATHAN PAINE CEO - SOUTH AUSTRALIAN FOREST PRODUCTS ASSOCIATION

GUESTS:-

Nathan Paine, Chief Executive Officer, South Australian Forest Products Association (virtual)

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Max Bruins	General Manager Corporate and Regulatory Services
Cr Sonya Mezinec	Acting General Manager City Infrastructure
Cr Mark Lovett	

Cr Frank Morello
Cr Paul Jenner
Cr Josh Lynagh
Cr Kate Amoroso (via phone)

MEMBERS APOLOGY:-	LEAVE OF ABSENCE:-
Cr Jason Virgo	Nil

DISCUSSION:

Presentation from Nathan Paine, Chief Executive Officer, South Australian Forest Products Association – Overview of SAFPA.

Discussion closed at 6.20 pm.

INFORMATION / BRIEFING SESSIONS
TUESDAY, 10 OCTOBER 2023, COMMENCING AT 5.00 P.M.

Ref: AF22/549

RECORD OF PROCEEDINGS
5:00 p.m., Tuesday, 10 October 2023
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

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.

The session described at Item 1 was open to the public.

1. RDALC PRESENTATION

GUESTS:-

David Wheaton, Chief Executive Officer, Regional Development Australia Limestone Coast

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Sonya Mezinec	General Manager Corporate and Regulatory Services
Cr Mark Lovett	Acting General Manager City Infrastructure
Cr Paul Jenner	
Cr Josh Lynagh	
Cr Jason Virgo	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins	Nil
Cr Frank Morello	
Cr Kate Amoroso	

DISCUSSION:

Members were provided with a presentation from David Wheaton, Chief Executive Officer, Regional Development Australia Limestone Coast (RDALC) on the activities, projects and programs run by RDALC.

The session described at Item 2 was open to the public.

2. STRATEGIC PLAN UPDATE

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin	Chief Executive Officer
Cr Sonya Mezinec	General Manager Corporate and Regulatory Services
Cr Mark Lovett	Acting General Manager City Infrastructure
Cr Paul Jenner	Manager Strategic Projects
Cr Josh Lynagh	Manager Economy, Strategy and Engagement
Cr Jason Virgo	

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins Cr Frank Morello Cr Kate Amoroso	Nil

DISCUSSION:

Presentation from Manager Strategic Projects on the formulation of the Strategic Management Plan "Mount Gambier 2035".

The session described at Item 3 was open to the public.

3. OPERATIONAL UPDATE

MEMBERS PRESENT:-	STAFF PRESENT:-
Mayor Lynette Martin Cr Sonya Mezinec Cr Mark Lovett Cr Paul Jenner Cr Josh Lynagh Cr Jason Virgo	Chief Executive Officer General Manager Corporate and Regulatory Services Acting General Manager City Infrastructure

MEMBERS APOLOGIES:-	LEAVE OF ABSENCE:-
Cr Max Bruins Cr Frank Morello Cr Kate Amoroso	Nil

DISCUSSION:

Operational Update:

- Mitchell Street trees
- Crater Lakes Fire affected Pines
- Working with Community Groups

Discussion closed at 7.17 p.m.

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 19/09/2023 – REPORT NO. AR23/44831

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Author:	**Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services**
Authoriser:	

REPORT RECOMMENDATION

1. That Council Report No. AR23/44831 titled 'Council Action Items - 19/09/2023' as presented on 17 October 2023 be noted.

ATTACHMENTS

1. Council Action Items - 19/09/2023 ⇩

Action Sheets Report

Division:
Meeting: Council
Officer:

Date From: 19/09/2023
Date To: 19/09/2023

Printed: 12 October 2023 8:46 AM

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Chant, Tahlee La Greca, Sue	Elected Members Information Briefing Sessions	Elected Member Information/Briefing Sessions from 12/08/2023 to 15/09/2023

RESOLUTION 2023/191

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/44820 titled 'Elected Member Information/Briefing Sessions from 12/08/2023 to 15/09/2023' as presented on 19 September 2023 be noted.

CARRIED

22 Sep 2023 4:00pm Chant, Tahlee - Completion
Action completed by Chant, Tahlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Chant, Tahlee La Greca, Sue	Council Action Items	Council Action Items - 15/08/2023

RESOLUTION 2023/192

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/44830 titled 'Council Action Items - 15/08/2023' as presented on 19 September 2023 be noted.

CARRIED

22 Sep 2023 4:03pm Chant, Tahlee - Completion
Action completed by Chant, Tahlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Pasquazzi, Ashlee Fetherstonhaugh, Jane	Audit and Risk Committee Minutes and Recommendation	Minutes of the Special Audit and Risk Committee held on 11 September 2023

RESOLUTION 2023/193

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

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Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

That the Minutes of the Special Audit and Risk Committee meeting held on 11 September 2023 as attached be noted.

CARRIED

25 Sep 2023 8:56am Pasquazzi, Ashlee - Completion
Action completed by Pasquazzi, Ashlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Infrastructure Valuation

RESOLUTION 2023/195

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/60163 titled 'Infrastructure Valuation' as presented on 11 September 2023 be noted.

CARRIED

25 Sep 2023 6:45pm Scoggins, Julie - Completion
Action completed by Scoggins, Julie

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Pasquazzi, Ashlee Fetherstonhaugh, Jane	Building Fire Safety Committee Minutes	Minutes of the Building Fire Safety Committee held on 11 August 2023

RESOLUTION 2023/196

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

That the Minutes of the Building Fire Safety Committee meeting held on 11 August 2023 as previously circulated be noted.

CARRIED

25 Sep 2023 8:56am Pasquazzi, Ashlee - Completion
Action completed by Pasquazzi, Ashlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Shearing, Biddie La Greca, Sue	Council Reports	CBD Activation

Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

RESOLUTION 2023/197

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/61998 titled 'CBD Activation' as presented on 19 September 2023 be noted.
2. That Council endorse the CBD Activation (Watson Terrace) guidelines and a budget allocation of up to $20k to enable activation activities during the 24 November 2023 – 28 January 2024 period.
3. That Council be provided with a monthly activity report including budget update.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Shearing, Biddie La Greca, Sue	Council Reports	Crater Lakes Activation Plan

RESOLUTION 2023/198

Moved: Cr Sonya Mezinec
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/62025 titled 'Crater Lakes Activation Plan' as presented on 19 September 2023 be noted.
2. That the Crater Lakes Activation Plan Vision, Guiding Principles & Engagement Framework be endorsed.

CARRIED

26 Sep 2023 2:31pm Shearing, Biddie - Completion
Action completed by Shearing, Biddie

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Keding, Xamia La Greca, Sue	Council Reports	Event Sponsorship Rotary District 9780 Conference

RESOLUTION 2023/199

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

1. That Council Report No. AR23/61191 titled 'Event Sponsorship Rotary District 9780 Conference' as presented on 19 September 2023 be noted.
2. That provision of funding support for this unbudgeted proposal will deplete the contingency budget allocation for the financial year 2023.2024 inhibiting Councils capacity to consider future applications.
3. That Council endorse the following funding option to retain events contingency capacity for the remainder of the 2023.24 financial year:

   $14,820 + in-kind of $180 additional budget allocation requested as part of Budget Review.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Keding, Xamia La Greca, Sue	Council Reports	Event Sponsorship CMCA 37th National Rally

RESOLUTION 2023/200

Moved: Cr Kate Amoroso
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/61405 titled 'Event Sponsorship CMCA 37th National Rally' as presented on 19 September 2023 be noted.
2. That Council decline the invitation to attend the 36th National Rally in Dalby in October 2023, however, provide pre-promotional material to the value of $300, from within existing budget, to the Campervan & Motorhome Club of Australia towards the 37th National Rally announcement in October 2023.
3. That Council support the application as follows:

   FY 2023.24 - $300 to be absorbed within the current budget, and

   FY 2024.25 - $20, 000 Cash + $2,500 in-kind to be included in the budget.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Shearing, Biddie La Greca, Sue	Council Reports	26 January Event and Awards Ceremony

RESOLUTION 2023/201

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

Action Sheets Report	Division: Meeting: Council Officer:	Date From: 19/09/2023 Date To: 19/09/2023 Printed: 12 October 2023 8:46 AM

1. That Council Report No. AR23/62557 titled '26 January Event and Awards Ceremony ' as presented on 19 September 2023 be noted.
2. That Council continue to hold an Australia Day event in 2024, and explores modified programming for 2024 and ensures more inclusive programming that celebrates our intergenerational and diverse community, including our multicultural and First Nations peoples.
3. That Council hold its Citizenship Ceremony on Wednesday 24th January 2024 at 2pm in City Hall, prior to Australia Day to enable those who are becoming citizens to undertake this process prior to the Australia Day breakfast and associated activities.
4. That Council continue to facilitate the Citizen of Year Awards on Australia Day for 2024.
5. That a review be conducted post Australia Day 2024 to determine if it is more appropriate to continue to hold the Citizen of the Year Award Ceremony on Australia day or if it moves the Award Ceremony in conjunction with Volunteer Week 2025.

CARRIED

26 Sep 2023 2:32pm Shearing, Biddie - Completion
Action completed by Shearing, Biddie

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Keding, Xamia La Greca, Sue	Council Reports	2023 Mount Gambier Christmas Parade temporary road closures

RESOLUTION 2023/202

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/61632 titled '2023 Mount Gambier Christmas Parade temporary road closures' as presented on 19 September 2023 be noted.
2. That Council be notified that, pursuant to Section 33 of the Road Traffic Act 1961 and Instrument of Delegation, the Minister of Transport has made the order to close the following roads on Saturday, 18 November 2023:

STREET CLOSURES	
COMMERCIAL STREET EAST	- Davison Street to Crouch Street closed 8:00am to 12:30pm - N/S (North/South) Anthony Street closed 10:00am to 12:30pm - N/S Crouch Street closed 10:45am to 12:30pm

COMMERCIAL STREET EAST	- Crouch Street to Bay Road closed 8:30am – 2:00pm - N/S Crouch Street closed 10:45am – 12:30pm - N/S Krummel Street closed 10:00am – 12:30pm - N/S Compton Street closed 10:00am – 2:00pm - N/S Ferrers Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm
WATSON TERRACE	- N/S Watson Terrace closed 6:30am – 5:00pm - E/W Watson Terrace Bay Road closed 8:00am – 12:30pm
COMMERCIAL STREET WEST	- Bay Road to Wehl Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm - N/S Gray closed 10:55am – 2:00pm - N/S Elizabeth closed 10:55am – 2:00pm - N/S Wehl closed 10:30am – 2:00pm
COMMERCIAL STREET WEST	- Wehl Street to Bertha Street closed 10:00am – 2:00pm
VICTORIA TERRACE	- Ellis Street to Jubilee Highway West 10:00am – 2:00pm

3. That Council be notified that, SAPOL has granted exemption for persons taking part in the Parade from the following Australian Road Rules and Conditions:

ROAD RULES & CONDITIONS ON EXEMPTIONS FROM AUSTRALIAN ROAD RULES	
*Persons taking part in the Parade are **exempt** from the following Road Rules when on closed roads:*	
Rule 221	Using hazard warning lights

Action Sheets Report	**Division:** **Meeting:** Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

Rule 230	Crossing a road – general	**CARRIED**
Rule 231	Crossing a road at pedestrian lights	
Rule 232	Crossing a road at traffic lights	
Rule 234	Crossing a road on or near a crossing for pedestrians	
Rule 238	Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)	
Rule 264 *Condition on Exemption:*	Wearing of seat belts by drivers *provided the speed of the vehicle does NOT exceed 25km/h*	
Rule 265 *Condition on Exemption:*	Wearing of seat belts by passengers 16 years old or older *provided the speed of the vehicle does NOT exceed 25km/h*	
Rule 266 *Condition on Exemption:*	Wearing of seat belts by passengers under 16 years old *provided the speed of the vehicle does NOT exceed 25km/h*	
Rule 268 *Condition on Exemption:*	How persons must travel in or on a motor vehicle *provided the speed of the vehicle does NOT exceed 25km/h*	
Rule 269 *Condition on Exemption:*	Opening doors and getting out of a vehicle etc. *provided the speed of the vehicle does NOT exceed 5km/h*	
Rule 298 *Condition on Exemption:*	Driving with a person in a trailer *provided the speed of the vehicle does NOT exceed 25km/h*	

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Wilson, Sally Cernovskis, Barbara	Council Reports	Sport and Recreation Capital Works Program 2023/2024 - Applications

RESOLUTION 2023/203

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

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Division:
Meeting: Council
Officer:

Date From: 19/09/2023
Date To: 19/09/2023

Action Sheets Report

Printed: 12 October 2023 8:46 AM

1. That Council Report No. AR23/55209 titled 'Sport and Recreation Capital Works Program 2023/2024 - Applications' as presented on 19 September 2023 be noted.
2. That $100,000 be endorsed for distribution for the 2023/2024 Sport and Recreation Capital Works Program as follows:

Applicant	Priority (Score)	Requested	Approved
North Gambier Football/Netball Club	12	$ 15,000	$ 14,500
Mount Gambier RSL & District Bowling Club	17	$ 26,000	$ 25,000
South Gambier Football Netball Club	14	$ 13,000	$ 12,500
The Trustee for the Old Y Complex Trust	12	$ 26,633	-
Apollo Football Club	13	$ 50,000	$ 48,000
		$ 130,633	$ 100,000

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
   - all necessary land holder and development approvals being obtained; and
   - all works being completed in accordance with all relevant legislative and compliance standards.
4. That a workshop be held to discuss and review the criteria for the Sport and Recreation Capital Works Program.

CARRIED

25 Sep 2023 8:56am Pasquazzi, Ashlee - Reallocation
Action reassigned to Wilson, Sally by Pasquazzi, Ashlee - Action officer.
09 Oct 2023 10:13am Wilson, Sally - Completion
Action completed by Wilson, Sally

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Scoggins, Julie Fetherstonhaugh, Jane	Council Reports	Carry Forward 2022/2023 Capital Work In Progress, Operating Projects and Grants/Sponsorships Budgets

RESOLUTION 2023/204

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/36346 titled 'Carry Forward 2022/2023 Capital Work In Progress, Operating Projects and Grants/Sponsorships Budgets' as presented on 19 September 2023 be noted.
2. That Council approves the proposed total operating project and grants/sponsorship program carry forwards of $320.7k and $4.3m for capital works as at 30 June 2023 and revised annual net impact to financing activities of ($6.4m).

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Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

3. That Council adopts the revised operating and capital expenditure budgets for the year ending 30 June 2024.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Employee Behavioural Standards - Update

RESOLUTION 2023/205

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR23/62861 titled 'Employee Behavioural Standards - Update' as presented on 19 September 2023 be noted.
2. That Council note the delegation granted to the Chief Executive Officer to prepare and adopt '*employee behavioural standards*' in compliance with section 120A of the *Local Government Act 1999*, and the Chief Executive Officers responsibilities (including under sections 103, 104 or 107 of the *Local Government Act 1999*) to manage council employees in the workplace such as under a separate and existing '*Code of Conduct*'.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Telford, Melissa Philpott, Sarah	Council Reports	Policy Reviews

RESOLUTION 2023/206

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/59956 titled 'Policy Reviews' as presented on 19 September 2023 be noted.
2. The updated policies as attached to Council Report No. AR23/59956 be endorsed:
   - C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery
   - C355 Council Land - Irrigation Policy
   - E135 Encroachments - Protection of Public During Building and Maintenance Works

Action Sheets Report	Division: Meeting: Council Officer:	Date From: 19/09/2023 Date To: 19/09/2023 Printed: 12 October 2023 8:46 AM

- F110 Fencing Costs - Contributions by Council
- F175 Footways and Crossovers
- F190 Footways - Paving in City Centre Zone
- R270 Road Pavement - Excavation and Reinstatement Of
- S115 Fencing of Stormwater Retention Basins
- S120 Street Signs - Directional, Tourist and Other Scenic Facility Signs

3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policies arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

10 Oct 2023 2:38pm Telford, Melissa - Completion
Action completed by Pasquazzi, Ashlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Local Government Association - 2023 Conference and Annual General Meeting

RESOLUTION 2023/207

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/61008 titled 'Local Government Association - 2023 Conference and Annual General Meeting' as presented on 19 September 2023 be noted.
2. That the Mayor be noted as Council's authorised delegate to represent Council at the 2023 LGA Conference and Annual General Meeting to be held in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. Subject to the final meeting agenda being released and a determination being made by the Presiding Member and CEO that the content is relevant to the attendance of a non-voting delegate, that Cr Sonya Mezinec be registered to attend the 2023 LGA Conference and Annual General Meeting in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 with all associated costs to be met by Council.
5. That SAROC's receipt of Council's proposed item of business relating to Youth Allowance Eligibility be noted, and the Local Government Association be

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advised Council does not wish to submit any further notice of motion.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Pasquazzi, Ashlee Fetherstonhaugh, Jane	Council Reports	Political Neutrality and Government Relations Policy

RESOLUTION 2023/208

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/58117 titled 'Political Neutrality and Government Relations Policy ' as presented on 19 September 2023 be noted.
2. That Council Policy - Political Neutrality and Government Relations as attached to Report No. AR23/58117 be adopted.
3. Council notes that the Policy section 4.1 final paragraph will be amended to reflect section 90A rather than section 91A of the Local Government Act, 1999.

CARRIED

25 Sep 2023 8:58am Pasquazzi, Ashlee - Completion
Action completed by Pasquazzi, Ashlee

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Crown Land Dedication - Portion of Lake Terrace Cemetery

RESOLUTION 2023/209

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/49678 titled 'Crown Land Dedication - Portion of Lake Terrace Cemetery' as presented on 19 September 2023 be noted.
2. That the historical anomaly associated with the non-dedication of a portion of the Lake Terrace Cemetery (Section 412 – Hundred of Blanche) to the City of Mount Gambier be noted.
3. That the proposed conditions of dedication of Section 412, Hundred of Blanche to the City of Mount Gambier for cemetery purposes be accepted.

Action Sheets Report	Division: Meeting: Council Officer:	Date From: 19/09/2023 Date To: 19/09/2023 Printed: 12 October 2023 8:46 AM

4. That the Chief Executive Officer and Mayor be authorised to execute any documentation necessary documentation to accept and give effect to a dedication of Section 412 – Hundred of Blanche to the City of Mount Gambier for cemetery purposes.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Member Behavioural Management - Review

RESOLUTION 2023/210

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR23/63046 titled 'Member Behavioural Management - Review' as presented on 19 September 2023 be noted.
2. That, having met the requirement of section 262B of the *Local Government Act 1999* to review the operation of it's Member Behavioural Management Policy, no amendments to Council's Member Behavioural Management Policy are proposed at this time;
3. That Council confirms its April 2023 decision not to prepare and adopt a Member Behavioural Support Policy (or policies) at this time;
4. That a further report (or reports) be presented if any substantial changes are made to the Local Government Association model policies to enable consideration of any amendments to Council's Member Behavioural Support Policy and/or the preparation and adoption of a Member Behavioural Support Policy (or policies).
5. That Council notes it will be required to further consider the operation of it's Member Behavioural Management Policy, and whether (or not) to prepare and adopt a Member Behavioural Support Policy (or policies), following the November 2026 local government elections.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Scoggins, Julie Fetherstonhaugh, Jane	Council Reports	Accounting Policies

RESOLUTION 2023/211

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

Action Sheets Report	Division: Meeting: Council Officer:	Date From: 19/09/2023 Date To: 19/09/2023 Printed: 12 October 2023 8:46 AM

1. That Council Report No. AR23/63869 titled 'Accounting Policies' as presented on 19 September 2023 be noted.
2. The updated policies as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
   (a) P415 - Prudential Management Policy;
   (b) Asset Accounting Policy; and
   (c) Internal Controls Policy.
3. The new draft policy as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
   (a) External Grant Funding Policy.

CARRIED

25 Sep 2023 6:43pm Scoggins, Julie - Completion
Action completed by Scoggins, Julie

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Wilson, Sally Cernovskis, Barbara	Council Reports	Notice of Rescission - Installation of a Disabled Permit Parking Only Zone - Percy Street, Mount Gambier

RESOLUTION 2023/212

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/63887 titled 'Notice of Rescission - Installation of a Disabled Permit Parking Only Zone - Percy Street, Mount Gambier' as presented on 19 September 2023 be noted.
2. The below resolution 2023/61 titled Installation of a Disabled Permit Parking Only Zone on Percy Street, Mount Gambier that was passed on 21 March 2023 be rescinded:

   "1. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450.

   2. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:

   Prohibited Area Disabled Permit Parking Only

Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

Ref No. 2.3.106

PERCY STREET (SOUTHERN HALF) - from 10 metres to 18 metres east of the intersection with Penola Road

To apply at all times."

3. That Council note installation of Seniors Only Parking signage is a viable alternate carpark solution at this location that allows both elderly and disabled customers access to parking at Westpac Bank.

CARRIED

26 Sep 2023 3:01pm Wilson, Sally - Reallocation
Action reassigned to Wilson, Sally by Wilson, Sally - For action.

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Wilson, Sally Cernovskis, Barbara	Motions with Notice	Notice of Motion - Minister for Transport

RESOLUTION 2023/213

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/64087 titled 'Notice of Motion - Minister for Transport' as presented on 19 September 2023 be noted.
2. That Council again write to the Honourable Tom Koutsantonis, Minister for Infrastructure and Transport insisting that he visit Mount Gambier and the Limestone Coast to inspect firsthand the deterioration of the roads and drainage assets in our region.
3. That Council requests that the Department of Infrastructure and Transport provide an update to Council on the progress of actions taken from meetings between the Department, Members of Parliament and the CEOs of the Limestone Coast Local Government Association member councils, and further advises when these important meetings will recommence.
4. That Council request that appropriate State Government resources be committed to the renewal and maintenance of roads and associated assets in Mount Gambier and the Limestone Coast.
5. That a copy be sent to Premier Peter Malinauskas MP, Minister Geoff Brock – Minister for Regional Roads, The Hon Clare Scriven MLC – Minister for Primary Industries, Regional Development, Forestry, Troy Bell MP – Member for Mount Gambier, Nick McBride MP – Member for MacKillop, and the Executive Officer - Limestone Coast Local Government Association.

CARRIED

Action Sheets Report	**Division:** **Meeting**: Council **Officer:**	**Date From:** 19/09/2023 **Date To:** 19/09/2023 **Printed:** 12 October 2023 8:46 AM

26 Sep 2023 3:01pm Wilson, Sally - Reallocation
Action reassigned to Wilson, Sally by Wilson, Sally - For action.

Meeting	Officer/Authoriser	Section	Subject
Council 19/09/2023	Scoggins, Julie Fetherstonhaugh, Jane	Reports	Review of Council Policies - Update

RESOLUTION 2023/194

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/59098 titled 'Review of Council Policies - Update' as presented on 11 September 2023 be noted.
2. That Council note the recommendation of the Audit and Risk Committee as contained in their meeting minutes dated 11 September 2023, and reproduced in the Council agenda for this meeting.
3. That Council note the policies amended in accordance with the Audit and Risk Committee feedback are presented for adoption at item 19.15 in the Council agenda for this meeting.

CARRIED

25 Sep 2023 6:56pm Scoggins, Julie - Completion
Action completed by Scoggins, Julie

15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

19 COUNCIL REPORTS

19.1 CREATIVE ARTS FUND 2023/2024 APPLICATIONS – REPORT NO. AR23/52928

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/52928**
CM9 Reference:	**AF22/378**
Author:	**Ben Kilsby, Strategic Development and Engagement Coordinator**
Authoriser:	**Sarah Philpott, Chief Executive Officer**
Summary:	**The Creative Arts Fund applications have been received and Council endorsement is sought for the distribution of funds for 2023/2024.**
Strategic Plan Reference:	**Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/52928 titled 'Creative Arts Fund 2023/2024 Applications' as presented on 17 October 2023 be noted.
2. That Council notes the total funding request from applicants was $85,613 and shortlisted applicants was $32,503, which is under the budgeted amount of $50,000 for the 2023/2024 grant round.
3. That $32,503.00 be endorsed for distribution for the 2023/2024 Creative Arts Fund as follows:

Project Name	Applicant	Requested	Approved
UP	Lucy Bonnin	$18,893	$ 18,893*
Sea Weave: A Community Weaving Project	Tabitha Williams	$13,610	$13,610

*Includes $193.00 Planning SA lodgement fee for Development Application

4. That all applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
   - all necessary land holder and development approvals being obtained; and
   - all works being completed in accordance with all relevant legislative and compliance standards.
5. That unspent funds ($17,497) from the 2023/2024 Creative Arts Fund be allocated to the delivery of the Mount Gambier Beacon Art Project, and reflected in Budget Review 1.

TYPE OF REPORT

Other

BACKGROUND

The Creative Arts Fund provides funding to artists, community groups and non-profit community based organisations for projects which respond to local needs and issues.

The Creative Arts Fund will encourage projects and provide opportunities that make a positive contribution to the City and demonstrate consistency with outcomes from Council's Strategic Plan with a particular focus on the following key goals:

- Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.
- Providing services, programs and facilities for the community to participate in a broad range of arts and cultural activities.
- Celebrating our cultural diversity.
- A City brought to life with public art.

Projects may focus on, but are not limited to, performing and visual arts, literature, film, design, multi-media, history and heritage and their expression through public debate, festivals, exhibitions, performances and public celebrations.

PROPOSAL

The Creative Arts Fund encourages programs, public art projects, place making activities and initiatives in any art form that culturally enrich Mount Gambier; and events and festivals that build community and cultural capacity and encourage cultural tourism in one of the following ways:

- Stimulate cultural and artistic exchange;
- Link with professional artists to build community and cultural capacity;
- Add to the City's profile as a vibrant and culturally diverse destination;
- Produce high quality artistic and cultural works that celebrate Mount Gambier's distinct arts, culture and heritage;
- Increase access for the community to an artistic, cultural or multi-cultural experience.
- Develop stimulating spaces that attract visitors and create a sense of community attachment;
- Add to the City's profile as a vibrant and culturally diverse destination.
- Activates the CBD.

Applicants were encouraged to refer to the following documents when preparing their submission:

- City of Mount Gambier Strategic Plan
- CBD Guiding Principles
- Mount Gambier Culture and Heritage Plan
- Public Art Strategy
- Reconciliation Action Plan

The Creative Arts Fund 2023/2024 Guidelines are attached to this report for Elected Members information **(Attachment 1)**.

At the close of application, Council received four submissions for the 2023/2024 round of funding.

Applicant	Project Name	Requested Funding
Lucy Bonnin	**UP** (working title) ***A large interactive mural for the Mount Gambier Railway Lands.***	**$ 18,893**
Tabitha Williams	**Sea Weave: A Community Weaving Project** ***A weaving project bringing a broad spectrum of community members of all ages together through an extensive series of workshops, combined to form a sculpture***.	**$13,610**
Mount Gambier Racing Club	'Greenwald' *A mural depicting a scene of Greenwald located adjacent to the harness club canteen (A & H Showgrounds) highlighting the pacers history and connection to the city.*	$9,420
Ruth Stephenson and Pariya Ziakas	Untitled *Sculptural interpretation of aspects of the Mount Gambier environment. The sculpture is ideally situated at Wulanda.*	$43,690
	TOTAL	$85,613.00

Proposed successful applicants are shown above in **bold**.

The Creative Arts Fund Selection Panel met on Thursday 7 September 2023 with the following attendees considering the submissions:

- Ben Kilsby – Acting Manager, Riddoch Arts & Cultural Centre (Chair)
- Cr Frank Morello – Elected Member, City of Mount Gambier
- Bonnie Saunders-Waye – First Nations artist
- Jennie Matthews – Artist and previous recipient
- Additional assessment notes were provided by Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services.

All applications were reviewed in accordance with the 2023/2024 Creative Arts Fund guidelines. After consideration by the selection panel, it was identified that two of the applications were limited in their capacity to align with the Creative Arts Fund priorities and guidelines and therefore were not recommended for funding.

Some additional reasons for these projects not being recommended also included:

- The proposed location of the artwork having limited public exposure or evidence of activation to the public realm.
- The need for further engineering assessment to ensure design suitability in inclement weather or to ensure public safety.
- Concepts incorporating extensive range of elements, some of which requiring additional ongoing resourcing considerations such as digital extensions or seasonal modification.

The following projects are aligned with the Creative Arts Fund priorities and meet the guidelines and are presented for Council's consideration:

Lucy Bonnin – 'UP'
This applicant proposes a large interactive mural for the Mount Gambier Railway Lands on the large vacant wall in the central plaza adjacent the artwork 'Signalling Change'. Utilising a similar colour scheme, the mural will complement the existing railway theme of Signalling Change and add a playful interactive activation which appeals to the families and children who are attracted to this installation and the play space adjacent. The mural can be appreciated from afar, whilst also inviting viewers to enter the railyards and explore up close. The interactive element adds to this sense of depth and allows viewers to stand at the bottom-centre of the mural and 'hold' the bunch of balloons by the string. This will create an excellent opportunity for people to take photos of themselves with the mural, which are likely to be shared widely on social media, also promoting the city and Railway Lands precinct. The artist has undertaken large-scale commissioned work in a variety of similar projects and the assessment panel commended the proposal for its significance and quality.

Tabitha Williams - Sea Weave: A community weaving project
The weaving project brings broad spectrum of community members of all ages together through an extensive series of workshops, crafting individual woven rounds which will be combined to form a magnificent sculpture of algae, promoting both the resilience and fragility of our oceans on the Limestone Coast. Delivered in collaboration the Limestone Coast Holdfast Art Project, over 30 workshops are planned in a variety of community settings across the city (such as schools, community hubs and local events) across a six-month period, to capture the participation of more than 450 local people within the project. Over 1000 rounds will be created which will culminate into a striking artwork that is proposed to be displayed in public buildings such as the Riddoch Arts and Cultural Centre, Wulanda Recreation and Convention Centre, Mount Gambier Library, Visitor Information Centre and the Civic Centre. The assessment panel highlighted the extensive community and cultural development capacity of the project and the commitment of the artist to ensuring broad and inclusive participation of community members of all walks of life in the culminative development of a temporary public artwork.

Development Requirements:

	Project Name	Applicant	Development Approval Required
1	UP	Lucy Bonnin	✓*
2	Sea Weave: A community weaving project	Tabitha Williams	✗

**Note that permission from property owners and favourable heritage advice has pre-sought on behalf of the applicant to assist in the pursuit of development approval. In courtesy to the creators of 'Signalling Change', artists Trevor Wren and Danica Garcesa McLean have been supplied with artist concepts and have voiced no objection.*

LEGAL IMPLICATIONS

The successful parties will sign an agreement with terms set out by Council in relation to the display, maintenance and legislative requirements for the projects.

STRATEGIC PLAN

The Creative Arts Fund encourages projects, and provides opportunities, that make a positive contribution to the City and demonstrate consistency with outcomes from Council's strategic objectives, with a particular focus on the following key goals:

- Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.
- Providing services, programs and facilities for the community to participate in a broad range of arts and cultural activities.
- Celebrating our cultural diversity.
- Celebration of Boandik and/or Aboriginal and Torres Strait Islander Culture
- A City brought to life with public art.

COUNCIL POLICY

D230 - Donations - Authority to Approve Requests

ECONOMIC IMPLICATIONS

Council should note that, through the further activation of the Mount Gambier Railway Lands, the proposed artwork 'UP' will be applied to a prominent privately owned limestone wall at the rear of 34 Margaret Street. Through its activation in this manner, the property owner has provided consent, subject to Council remaining responsible for the ongoing presentation of this wall into the future.

While it should be noted that the proposed wall has already been treated for some graffiti through patched neutral paintwork applied over the years, once the broader wall has been activated through the proposed mural, it will not be possible to return the wall to bare limestone in the future.

The artist has included an anti-graffiti coating within their budget and feedback from other Council's who have conducted similar projects suggests that this is a reasonably effective measure to protect the artwork. Negotiations will also be conducted with the artist to provide a maintenance plan for the life of the artwork of at least 3 years, noting that the lifespan of the artwork, if not impacted by considerations such as graffiti, could be expected to be considerably longer.

Council would need to consider that, should the artwork become unsightly, this wall either becoming:

1) reactivated through a similar artistic project (such as the Creative Arts Fund); or
2) repainted with neutral paintwork at Council's cost.

Given the high-profile location and the opportunity for the project to add considerable vibrancy to this area of the central Railway Lands central plaza, it's acknowledged that this may be the concession required in improving the amenity of this area and it's recommended that Council proceeds under these terms.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

The Creative Arts Fund encourages artists from diverse cultural backgrounds to create, perform and display public art across the city.

RESOURCE IMPLICATIONS

The total funding requested by the shortlisted applicants was $32,503 which is within the budgeted amount of $50,000 for the 2023/2024 grant round.

A total of $17,497 will remain unspent in the allocated budget. Administration contemplated two options for the recommended reallocation of these funds which were seen to broadly align to similar project objectives. These included:

1) support for the Trial CBD Activation of Watson Terrace, with a particular focus on the engagement of artist, musicians or performance; or
2) further complementing the allocated budget for the Mount Gambier Beacon Art Project.

In consideration to the known investment required to further bolster the feasibility of the Beacon Art Project, and its similar alignment to CBD activation and the fostering of our cultural identity as a city, it was concluded that this project would greatly benefit from this allocation of funds. This will result in the Beacon Art Project increasing from $99,000 by $17,497 to $116,497.

VALUE FOR MONEY

Council's investments in public outcomes through this project provide both direct and indirect outcomes which are advantageous to our cultural growth as a city. The initiative supports artist development, whilst also working to activate areas of our city through a range of community-led initiatives, learning opportunities or participatory programming.

RISK IMPLICATIONS

Council has committed to delivering a city brought to life with public art by establishing an annual public arts fund. If the program was not delivered Council may not fulfill this strategic goal.

The program is supported by a risk framework requiring each participating artist to hold and maintain their own insurance. When delivering projects on Council property, standard contractor risk management systems are followed.

EQUALITIES AND DIVERSITY IMPLICATIONS

The selection panel consisted of Council Officers, Elected Members and local artists who assessed applications in line with Council's strategic documents including the CBD Activation Guiding Principles, Reconciliation Action Plan and Disability Access and Inclusion Plan.

ENGAGEMENT AND COMMUNICATION STRATEGY

The Creative Arts Fund was advertised via Council's website, local print media and social media platforms. Shortlisted applications were supported to submit a final application for presentation to Elected Members.

IMPLEMENTATION STRATEGY

Following endorsement applicants will be notified in writing of Council's decision, each successful applicant will be required to complete their project and acquit the funds by 30 June 2024.

CONCLUSION AND RECOMMENDATION

This report seeks Council's endorsement for two unique creative art projects to the value of $32,503 as recommended by the 2023/2024 Creative Arts Fund Assessment Panel with remaining funds allocated to further enhance the Mount Gambier Beacon Art Project.

ATTACHMENTS

1. Creative Arts Fund 2023/2024 - Guidelines ⇩
2. Concept design 'UP' and examples of previous projects - Lucy Bonnin ⇩
3. Concept Weaving design - Tabitha Williams ⇩
4. Creative Arts Fund - Projects Previously Funded - 2019 - 2022 ⇩

CREATIVE ARTS FUND

City of Mount Gambier

2023/2024 Fund Guidelines:

The Creative Arts Fund provides funding to artists, community groups and non-profit community-based organisations for creative public art projects within Mount Gambier.

The Creative Arts Fund encourages projects, and provides opportunities, that make a positive contribution to the City and demonstrate consistency with outcomes from Council's Strategic Plan and Reconciliation Action Plan, with a particular focus on the following key goals:

- Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.
- Providing services, programs and facilities for the community to participate in a broad range of arts and cultural activities.
- Celebrating our cultural diversity.
- Celebration of Boandik and/or Aboriginal and Torres Strait Islander Culture*
- A City brought to life with public art.

*Any project depicting Aboriginal and Torres Strait Islander culture must demonstrate appropriate engagement or connection to this community. Please discuss with Manager Riddoch Arts and Cultural Centre prior to submission.

About the Program

The City of Mount Gambier values the positive contribution arts and culture make to the social and economic well-being of regional communities and actively encourages the practice of cultural exchange.

Council also recognises that cultural sharing and artistic expression assists in the building of resilient communities with a strong sense of place.

The Creative Arts Fund supports artists, community groups and not-for-profit organisations to deliver inspiring, creative and contemporary projects that contribute to a connected, vibrant and culturally diverse community. The Creative Arts Fund will be available for:

A creative project within the City of Mount Gambier such as:

- Murals*
- Installations (temporary or long-term)
- Events or performances (must be free and accessible to the general public)
- Creative community projects with an emphasis on skill development
- Mentorships or professional development opportunity with public outcome

* Please note the building owner/s retain the right of removal after artwork has been on display for an agreed minimum period.

Projects may focus on, but are not limited to, performing and visual arts, literature, film, design, multi-media, history and heritage, festivals, performances and public celebrations.

Applications for funding under the Creative Arts Fund, as a general rule, should be for projects with a minimum total project cost of $3,000. An allocation of $50,000 has been made in Council's 2023/2024 budget for distribution in this annual program.

CREATIVE ARTS FUND

City of Mount Gambier

Applications will be assessed by their ability to culturally enrich Mount Gambier, build community and cultural capacity and encourage cultural tourism in one of the following ways:

- Stimulate cultural and artistic exchange;
- Link with professional artists to build community and cultural capacity;
- Add to the City's profile as a vibrant and culturally diverse destination;
- Produce high quality artistic and cultural works that celebrate Mount Gambier's distinct arts, culture and heritage;
- Increase access for the community to an artistic, cultural or multi-cultural experience.
- Develop stimulating spaces that attract visitors and create a sense of community attachment;
- Add to the City's profile as a vibrant and culturally diverse destination.
- Activates the CBD.

Applicants are encouraged to review and consider the following documents prior to lodging an application:

- City of Mount Gambier Strategic Plan
- CBD Guiding Principles
- Mount Gambier Culture and Heritage Plan
- Public Art Strategy
- Reconciliation Action Plan

Application Process

Submit a draft proposal outlining your idea, including what it will be, where it will be and a sketch, photograph, design or drawing of what you are proposing
You will also need to include:

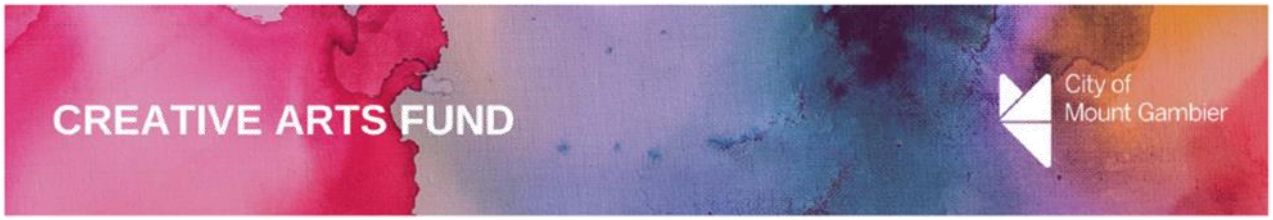
- CV
- examples of previous work
- 200 - 500 words explaining your project
- 200 - 500 words outlining how it fits into the goals identified on the first page
- expected duration/completion/display dates
- draft budget

Draft submissions will be shortlisted by a panel. Those applicants whose submissions that have been shortlisted will then work with the Manager Riddoch Arts and Cultural Centre to finalise their submission, including any formal paperwork required by council, finalisation of a budget, and any final details of project. The completed application will be presented to Elected Members for endorsement and applicants will be notified of the outcome.

Timeline

Applications open	**Tuesday, 8 August 2023**
Draft proposal due	**Monday, 4 September 2023**
Shortlisted applicants notified	**Friday, 8 September 2023**
Final submissions due	**Friday, 22 September 2023**
Successful applicants notified	**Wednesday, 25 October 2023**
Deliverable due	**Friday, 26 April 2023**

please note all dates are subject to change without notice



Guidelines

1. The grants provided by Council are to be expended only on projects and activities outlined in the application.
2. Successful applicants will be required to complete their project within 6 months of being notified they have been successful.
3. Successful applicants will be required to complete an acquittal, which includes an evaluation of the project, and the provision of evidence of expenditure of funds, including appropriate receipts. The acquittal should be completed within 6 weeks of the completion of the project and prior to 30 June 2024.
4. Successful applications must give appropriate acknowledgement of Council's support in all promotional material and programming information for the project.
5. The grant will be fully expended within the financial year of the approval, unless approval for an extension has been requested and approved in writing.
6. Any unspent funds are to be returned to Council.

You are eligible for the fund if you identify as one of the categories below:

- An incorporated community group;
- A not-for-profit organisation limited by guarantee;
- An unincorporated group auspiced by an incorporated association;
- Professional artist with an ABN

If you are applying as an organisation, you will be required to provide financial detail such as a statements and balance sheets to demonstrate your suitability for funding. All accumulated funds should be adequately explained.

Applicants must:

- Be located within, service or have a background or other connection with the City of Mount Gambier community or demonstrate community engagement in process and/or outcome
- Maintain or be willing to get Public Liability Insurance Cover ($20 million minimum cover).
- Have an ABN.
- Obtain all development approvals required for the delivery of the project.
- Include a copy of their organisations' Certificate of Incorporation in their grant application (where applicable).

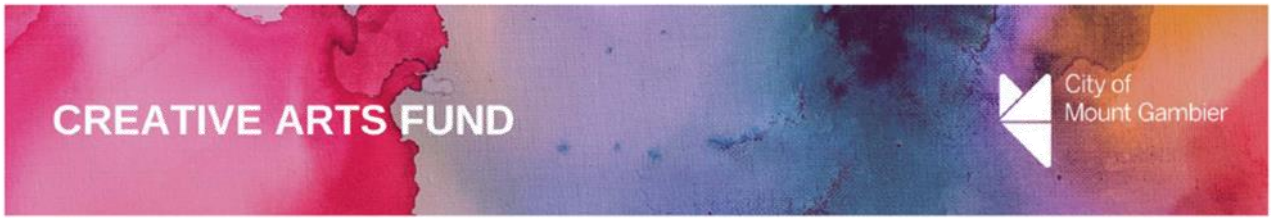
Development Approval (for murals and installations):

Applicants are encouraged to proactively review the need for Development Approval for their project ahead of lodging their application where possible, and to provide their application for Development Approval at the same time as their grant application.

Where a grant application is lodged without a Development Application but the need for a Development Application is later identified, applicants will be expected to lodge the Development Application with required information within 7 days of being advised that it is required. Works on the project should not commence until Development Approval has been obtained, if required.

Further information regarding Development Application requirements can be found at the below link, or by contacting Council direct by phone on 08 8721 2555:

Creative Arts Fund - Development Advice



Applicants are encouraged to engage with Council early in the process to ensure their applications receive the appropriate support including to complete the Development Application process, and that the progress of the project and grant funding is not delayed.

As part of Councils commitment to the Creative Arts Fund all Council fees will be waived for assessment of applications associated with the fund (this does not include State Heritage or DPTI fees), a State Government lodgment fee of $193.00 will be included within the grant that is awarded to the applicant for any application requiring development approval.

Applicants not eligible for funding

- Profit-making groups and organisations.
- Government departments or agencies (including schools).
- Applicants who submit incomplete applications.
- Applicants who have failed to acquit previous City of Mount Gambier grants.
- Applicants who fail to submit all relevant supporting documentation as requested.

Projects not eligible for funding

- Repeat projects.
- Projects or stages of projects which have already commenced.
- Purchase of buildings or land.
- Staff positions.
- Capital works.
- Projects undertaken for business development.
- Fundraising activities.
- Projects that are part of the organisations annual or regular program of activities, for example, end of year performances.
- Activities that are expected to return a profit through ticket sales etc.

Assessment of applications

Applications on the prescribed application form will be assessed by a selection panel in accordance with the aims, objectives, selection criteria and guidelines of the program. A report with recommendations for the allocation of grant funding will then be prepared for consideration and approval by Council.

Applicants will be assessed on the following criteria:

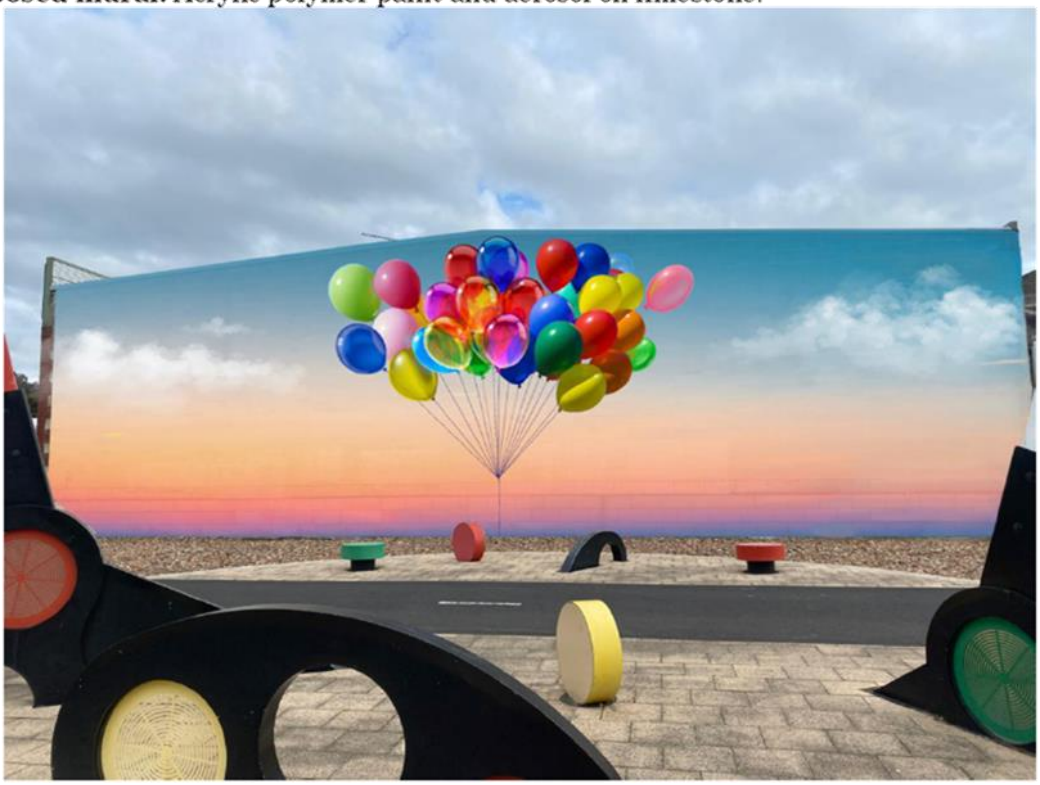
- The quality of support material including CV's, visual documentation, letters of support, relevant permissions.
- A clearly defined concept which is financially viable and the applicants capacity to deliver the project;
- The artistic and/or cultural strength and impact of the project
- Capacity to stimulate active community involvement and encourage, celebrate and/or demonstrate cultural diversity;
- The degree to which the project aligns with the priorities of the City of Mount Gambier's Strategic Plan.

City of Mount Gambier – Creative Arts Fund Grant Application – Lucy Bonnin

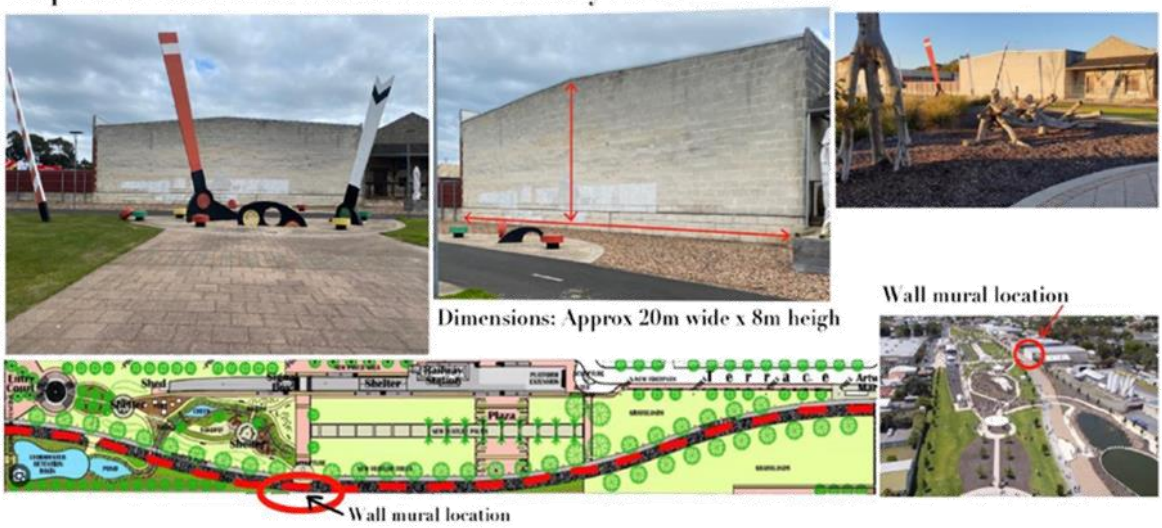
Artwork Proposal – Large outdoor mural – 'UP'

Existing wall:

Proposed mural: Acrylic polymer paint and aerosol on limestone.



Proposed Artwork Site: Mount Gambier Railway Yards



Interactive element: community engagement & promotion through photo & social media

City of Mount Gambier – Creative Arts Fund Grant Application – Lucy Bonnin

Examples of Work – outdoor & mural collection (11 works)

Please also see my website – bonnin.com.au

'Mary-Jayne'
Mural 5m x 8m
Commissioned by the City of Frankston – Big Picture Festival

'The Well of Being'
Mural 8m wide x 5m high.
Commissioned by the University of South Australia for BATYR mental health.

Trades Hall Lane
Mural 7m high x 10m wide and installation sphere.
Commissioned by Adelaide City Council & Eynesbury Senior College.

Little Miss Crab Shack
Mural 4m x 4m commissioned by the owners, 74 Frome St, Adelaide

'Grab Life'
Painting for tram wrap, commissioned by Eynesbury Senior College for Trams SA

'Pigs Fly'
Wall mural 4m x 3m interactive art event
Commissioned by HomeStart. Rundle Mall, Adelaide

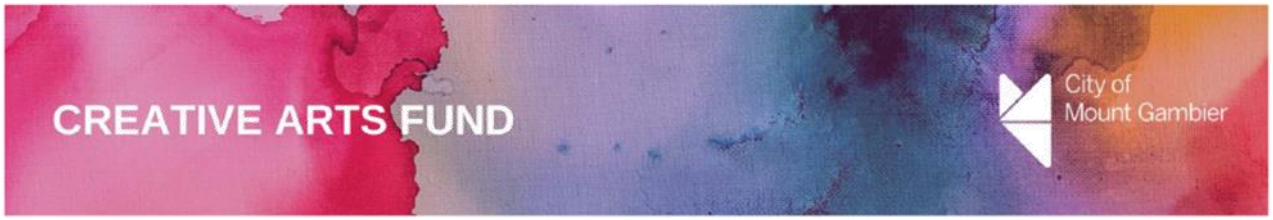
'Larry The Lobster'
Varied dimensions. Restoration and repainting.
Commissioned by Hamish and Andy "pinch a mate" Save Larry campaign. Kingston, SA

'Beach Bum'
Mural 4m wide x 6m high commissioned by the owners
Beach Bum, Rundle Mall, Adelaide

'Miss Perez'
Mural 5m wide x 3m high, commissioned by the owners.
Miss Perez Restaurant, Stirling, S.A.

Dial-A-Doctor (progression shots)
Mural 10m wide x 2m high, commissioned by Dial-A-Doctor Pty Ltd. Cairns, QLD

'When One Door Closes...'
Interactive Art Installation commissioned by the Adelaide City Council.
Tarntanyangga / Victoria Square, Adelaide



☑ Design of proposed work.

EXAMPLE OF RECENT WEAVING PROJECT WITH YEAR 4 COHORT AT TENISON CATHOLIC COLLEGE

ART WORK TITLE: 'Harmony: Threads of Unity'

Artist Statement: This collaborative art piece serves as a testament to unity and reconciliation. A myriad of woven rounds, each distinct in colour, texture, and pattern, converge harmoniously to create a singular breathtaking composition. The artwork eloquently symbolizes the beauty of human diversity and the power of collective effort. Just as every woven round retains its individuality while seamlessly intertwining with others, so do we, with our unique backgrounds and stories, contribute to the rich fabric of our society. The deliberate interplay of vibrant threads signifies the interconnectivity of our lives, reminding us that despite our differences, we are all threads in the same intricate tapestry. As you look upon this masterful creation, you will experience a profound sense of togetherness and shared destiny, and you are invited to contemplate the profound strength that emerges when we unite in our common humanity.

SEA WEAVE: A COMMUNITY WEAVING PROJECT

Hundreds of coaster sized woven rounds, or mini baskets will be attached/woven to the structure to form the sculpture

Weavings will be made out of multicoloured Madagascan raffia (sustainably sourced)

The internal structure of the algae will be constructed out of timber and its 3D form will be sculpted with chicken wire. The sculpture will stand on a short removable wooden plinth allowing it to be exhibited and transported with ease

Approximate dimensions for the final sculpture are:
1.3m high x 1m wide x .5m deep

The final structure may look different to the algae pictured, as we would like this process to be comunity driven, but it will represent an ocean forest drawing inspiration from the work of Jo Fife and Sally O'Connor with the Holdfast Art Project, and it will be in the form of an algae from the Limestone Coast region.

City of Mount Gambier

CREATIVE ARTS FUND
PROJECTS PREVIOUSLY FUNDED

Year	Recipient	Project Description	Allocation $
2019	Justin Clarke	Commerce Arcade Wall Mural	8,000
	Kate Hill	Photojournalism	6,200
	Mount Gambier City Band	City Band Hall Wall Mural	10,000
2020	Aileen Costales-Clarke	Short Place Wall Mural	8,500
	Pariya Ziakas	Stobie Pole Art	4,800
	Pariya Ziakas & Ruth Stephenson	Ripley Arcade Wall Mural	6,433
	Scott Coleman	Commerce Arcade Wall Mural	24,300
2021	April Hague	The Portrait Project	17,500
	Henry Wolff	Return	18,000
	Mount Gambier Theatre Group	Alice in Wonderland	5,000
2022	Megan Amoroso	DOG.	8,000
	MOD – University of Adelaide	Point of Impact	13,250
	Uniting Communities	Mount Gambier Mural	12,000

Last updated 2 August 2023

19.2 RIDDOCH ARTS AND CULTURAL TRUST - ANNUAL GENERAL MEETING, CONSTITUTION, SERVICE LEVEL AGREEMENT AND MEMBERSHIP – REPORT NO. AR23/67765

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/67765**
CM9 Reference:	**AF22/378**
Author:	**Michael McCarthy, Manager Governance and Property**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**
Summary:	**This report updates Council on the 2nd Annual General Meeting of the Riddoch Arts and Cultural Trust Inc. as well as proposed alterations to the Constitution, execution of an administrative service level agreement, and membership matters.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Diverse Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/67765 titled 'Riddoch Arts and Cultural Trust - Annual General Meeting, Constitution, Service Level Agreement and Membership' as presented on 17 October 2023 be noted.
2. That the release of an Expression of Interest and Prospectus for Riddoch Arts and Cultural Trust Board membership be noted.
3. That Cr Sonya Mezinec be endorsed as the Council Member on the Riddoch Arts and Cultural Trust Board for a further term of appointment for continuity purposes.
4. That the proposed actions of the Chief Executive Officer in relation to the Riddoch Arts and Cultural Trust Annual General Meeting, Constitution, service level agreement and interim Board membership as set out in Report No. AR23/67765, including in the Chief Executive Officers capacity as the Council Representative as sole Member of the Riddoch Arts and Cultural Trust Incorporated Association, be noted and endorsed.
5. That the Mayor and Chief Executive Officer be authorised to affix the Council Seal to any documents necessary to give effect to the actions proposed in resolution (4) and set out in Report No. AR23/67765.
6. That further reports be presented to Council to consider the Riddoch Arts and Cultural Trust Board membership and draft Business Plan and Budget for the 2024/2025 year.

TYPE OF REPORT

Corporate

BACKGROUND

At the Council meetings in January and February 2023 Council considered reports relating to the Riddoch Arts and Cultural Trust Incorporated ("RACT") inaugural Annual General Meeting and the first Business Plan and Budget for the remainder of the 2022/2023 and 2023/2024 years.

The RACT Annual General Meeting held on 15 February 2023 noted that alternate wording for the Objects and Purposes of the Trust as they relate to the support and promotion of the Riddoch Art Gallery and Riddoch Art Collections was necessary to inform an amendment to the Constitution.

Subsequent advice has been obtained on proposed changes and steps to update the Constitution.

At the Riddoch Arts and Cultural Trust Board meeting held on 3 October 2023 the Board resolved to finalise an agenda and call the 2nd Annual General Meeting of the Association on or about 10 November 2023 coinciding with strategic activities forming part of the RACT 2023/24 operating plan.

Further, earlier reports have noted the administrative support provided by Council to the RACT, to both the Association (of which Council is the sole Member) and Board administration, and a proposed service level 'Heads of Agreement' to formalise the scope of these administrative services.

This report presents an update and proposed actions associated with these matters.

PROPOSAL

<u>2nd Association Annual General Meeting of RACTInc.</u>

Due to be held within 5 months of the end of a financial year, the Riddoch Arts and Cultural Trust Board are preparing to call the 2nd Annual General Meeting of the Association in November 2023.

Whilst a time and date are yet to be scheduled, it is anticipated that the AGM will be held on or about (Friday) 10 November 2023 to coincide with a strategic session being conducted as part of the RACT 2023 operating plan at the end of that week.

It is a requirement of the RACT Constitution that at least 21 days notice be given of an AGM.

At the RACT Board meeting on 3 October 2023 a draft AGM agenda was considered and it was resolved to prepare, finalise and give notice of the 2nd RACT Annual General Meeting in the week ending 20 October 2023, following Council's consideration of the matters contained in this report.

Once given, the RACT AGM Notice will be circulated to Council Members who are welcome to attend, noting the Chief Executive Officer is Council's Representative (as the sole member of RACT).

<u>RACTInc. Constitutional Amendment</u>

With the upcoming RACTInc. Annual General Meeting in November 2023, it was timely to also address the appropriate wording changes to the RACT Constitution.

Proposed changes to clause 3.1 (Objects and Purposes) of the RACT Constitution comprise replacing '*operation*' (of the Riddoch Art Gallery) with *'support and promotion*' and to also insert *'and Riddoch Art Collections*' to better reflect the intentions in the establishment of the RACT.

Updated signature clauses have also been included to reflect the manner in which the Constitution is amended (see below).

A marked up version of the Constitution with proposed changes is attached **(refer Attachment 1)**.

Being more closely aligned with the intended activities of the Trust, the alternate wording will pave the way toward making an application to be recorded on the Register of Cultural Organisations, followed by an application to the Australian Charities and Not for Profit Commission, being necessary steps toward obtaining charitable and deductible gift recipient (DGR) status, one of the desired outcomes sought and for which the RACT was established as a separate entity from Council.

The immediate next steps to alter the Constitution are tor the Association Member to endorse the alteration. There are two potential methods of achieving this endorsement in the relatively unique circumstances whereby Council is the sole association member of the RACTInc.:

Method 1 – Member endorsement of Special Resolution at Annual General Meeting

This method requires the proposed constitutional amendment to be placed as a special resolution on the agenda for the Annual General Meeting. The prior notice for a special resolution (21 days) is the same notice period as required for the AGM.

The Chief Executive Officer, as Council Representative (as sole Member of the Association) has the sole voting rights at the AGM and may therefore endorse an amendment to the Constitution.

This would be the preferred method of passing such special resolutions in the future, being the ordinary method of amending an Association Constitution, and the purpose for which a Council Representative was included, and endorsed by Council, in the initial establishment of the RACT.

Unless Council acts otherwise, a special resolution will be included in the AGM meeting agenda and notice to alter the Constitution using this method.

Method 2 – Special Resolution by Council Resolution

The RACT Constitution includes an alternative method of passing any resolution (including a special resolution), without a General Meeting, by the passing of a resolution at a formally constituted meeting of the Council containing a statement that it is in favour of the resolution (i.e. Council resolving that it is in favour of the Association resolution).

With the holding of an AGM being imminent, it is not necessary to utilise this method of amending the RACT Constitution.

However, with this report being before the Council, and given the nature of the proposed change to the Objects and Purpose (albeit a relatively minor change to more correctly reflect the intentions in establishing the RACT) Council may prefer to endorse the alteration itself by passing a resolution in association with this report.

If Council determines to endorse the alteration to the Constitution itself, then the AGM Agenda will include an item to note the altered Constitution. Alternate recommendations are provided with this report to enable Council to note the proposed, or to endorse the alterations to the Constitution.

Next Steps

Depending which alteration method is used the Chief Executive Officer will be required to sign the altered Constitution (as Council Representative, or with the Mayor in affixation of the Council Seal). The Board will also be required to sign the altered Constitution and have passed a resolution authorising the Board Chair and Secretary to sign based on the draft version tabled at the 3 October Board meeting.

Following the signing of the altered Constitution, it must be registered with the Corporate Affairs Commission, and application will then be made for the RACT to be included on the Register of Cultural Organisations and then for registration by the Australian Charities and Not for Profit Commission.

Council previously resolved in August 2020 and July 2022 authorising the Administration to progress any necessary applications to relevant regulatory bodies, including for deductible gift recipient status.

Further reports will be provided to Council to update on the progress of an application.

<u>Service Level ‘Heads of Agreement’</u>

Council previously resolved in August 2020 and December 2021 authorising the Administration to perform such activities and incur such costs as are necessary to ensure the proper administration of the RACT in its early establishment period.

In February 2023 Council received and endorsed the RACT 2023 Plan and budget, including initial budget provisions from the 2022/2023 Riddoch Budget and 2023/2024 Council Budget.

As anticipated the commencement of operations is gradually enabling the periodic cost, both financial and administrative, to be identified which will enable more accurate budgeting to be prepared for future years.

The RACT Constitution requires an Annual Plan and Budget to be both prepared and approved by Council as the sole Member. As for the current plan and budget, this preparation is anticipated to occur in conjunction with the Riddoch Arts and Cultural Centre late each calendar year for consideration by Council as part of its own early budget preparations in the subsequent calendar year.

To support the provisions in the Constitution and the administration of these, and other support activities, a Service Level 'Heads of Agreement' has been prepared to formally document the support necessarily to be provided by the Council Administration to the Association (Council being the sole Member) and any discretionary support to be provided to the Board through the approval (and funding) of the RACT Annual Plan and Budget.

The draft Service Level 'Heads of Agreement' is attached for Members information **(Attachment 2)**. The relevant service levels are 'marked-up' in the document, and represent the services identified at this early stage of the RACT operations. Council is asked to note that at the time of writing no bank account had been opened nor any financial transactions conducted. This means that the extent of financial/accounting support required remains relatively unknown, but is anticipated to be relatively nominal from a transactional perspective, but requiring financial reporting to meet Association requirements and any additional requirements associated with registration with the Australian Charities and Not for Profit Commission for a deductible recipient status holder, if/when granted.

The 'Heads of Agreement' has been drafted to enable services to be added/withdrawn to meet the evolving administrative requirements of the RACT. It is also intended that the provision of services will be recorded for accountability and future budgeting purposes so that the real cost of operating the RACT can be incorporated into their Annual Plan and Budget.

At its meeting on 3 October 2023 the RACT Board resolved to execute the Service Level 'Heads of Agreement' in its current form, noting the potential for further amendments as any administrative needs arise.

This report recommends that the Chief Executive Officer and Mayor be authorised to execute the Service Level 'Heads of Agreement' with the RACT.

<u>RACT Board Membership</u>

Members may note that the original RACT Constitution provided for the initial Board Members.

All Board Member positions will expire at the end of the 2nd Annual General Meeting, with Maz McGann and (Councillor) Sonya Mezinec proposing to re-nominate for a further term. Rory McEwen has indicated his intention not to nominate for a further appointment term.

As has been discussed at an earlier Council Member workshop, a Board Prospectus and Expression of Interest has been updated from the previous approach for initial Board Members which has been published and distributed across a range of art related networks, and any potential Board Members may be directed toward these resources for consideration of submitting their interest.

Whilst it is intended that Council would formally appoint any new Members by resolution, it is proposed that, in the absence of competing nominations at the Annual General Meeting, the Chief Executive would confirm the re-appointment of any retiring Member that is re-nominating.

However, it should be noted that:

- Following the re-appointment of (Cr) Sonya Mezinec and (Chair) Maz McGann, the absence of a third Board member to replace Rory McEwen will leave the Board membership below the minimum of three (3) Board members required to hold a Board Meeting for any purpose other than to appoint Board Members.

The Board is empowered under clause 12.2 of the Constitution to appoint a person to fill a casual vacancy, and under clause 11.2 to convene a Board Meeting while the number of Board Members is below the minimum to pass resolutions to appoint additional Board Members.

Accordingly, to ensure continuity of Board membership the following may occur:

- a satisfactory Board nomination is received in writing before commencement of the Annual General Meeting, then the Chief Executive Officer as Council Representative may confirm an appointment at the Annual General Meeting as considered appropriate to meet minimum Board membership to convene Board Meetings.
- subsequent to the Annual General Meeting, upon receipt of a satisfactory nomination the Board may convene a meeting to appoint an additional Member as considered appropriate to meet minimum Board membership to convene Board Meetings.
- further nominations may be presented to a subsequent Council meeting for consideration and appointment as considered appropriate, by Council resolution.

Noting that, subject to the membership provisions in the Constitution, Council may appoint or remove Board Members at any time, either by Council resolution or by exercise of such power by the Chief Executive Officer as the Council Representative.

- Council may wish to turn its mind to whether, for Board continuity purposes, it wishes to re-affirm the membership of (Cr) Sonya Mezinec as the Council Member appointment to the Board, or whether it has a preference to appoint an alternative Council Member.

  (Cr) Sonya Mezinec has indicated an intention to nominate for a further term of appointment, which membership would again come up for retirement at the next (2024) Annual General Meeting by operation of clause 11.9 whereby half of the Board Members must retire, but subject to clause 11.13 (a 6 consecutive years limitation) are eligible for re-election.

  It should be noted that the provisions of Council Policy C410 (Conduct of Meetings) relating to seeking nominations for Council appointed positions is not invoked until a vacancy arises, being from the conclusion of an Annual General Meeting where membership has not been satisfactorily addressed.

  In the meantime, if the Council wishes to direct the Chief Executive Officer as Council Representative in this regard it should resolve accordingly, and in the absence of any resolved position it is expected that the Chief Executive Officer (as Council Representative) would act accordingly to fill Board membership positions as are able and necessary to be filled to enable the Board to continue to operate.

- Any potential Board Members known to Council Members that might meet one or more of the Board eligibility criteria may be directed to the RACT Board Prospectus and Expression of Interest form on the Council and Riddoch Arts and Cultural Centre webpages, and to submit their interest accordingly.

The Riddoch Arts and Cultural Trust Board eligibility are as follows:

All RACT Board Members must:

- be over 18 years of age and otherwise qualified to hold office in accordance with the Act and the ACNC Act;
- have obtained all current criminal screenings and background clearances in line with relevant state and national laws having regard to the operations of the Association;
- have consented in writing to being a Board Member; and
- not be an employee of the Council.

The specific Board composition being:

- at least one Board Member with experience and skills relevant to a position of company director and/or company secretary.
- at least one Board Member with an appropriate national or international profile in the arts and/or cultural fields.
- no more than 1 Board Member who is an Elected Member of Council; and
- no more than 2 Board Members who are Field Experts and who do not otherwise come under other criteria

Accordingly, it is envisaged that successful nominees would have skills relevant to a company director/company secretary role, or relevant field expertise of value to the Board/Trust

A further report on Riddoch Arts and Cultural Trust Board Membership matters would be brought back to Council to:

- Inform the Council of the post AGM RACT Board membership, and
- to consider further Board nominations and appointments as it considers appropriate.

LEGAL IMPLICATIONS

As an Association incorporated under the Associations Incorporations Act 1985, the Riddoch Arts and Cultural Trust is required to operate in accordance with that legislation, including its registered Constitution, as well as in compliance with other statutory requirements that apply to the activities it intends to undertake, such as to obtain eligibility for deductible gift recipient status.

STRATEGIC PLAN

The support and promotion of the Riddoch Art Gallery and Riddoch Art Collections through the Riddoch Arts and Cultural Trust relates to numerous objectives across all five goals in Council's Strategic Plan 2020-2024.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

Notwithstanding the potential associated with the continuing operations of the Riddoch Arts and Cultural Trust, the matters addressed in this report have no direct economic implications.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

The matters contained in this report relate to operational and administrative activities of the Riddoch Arts and Cultural Trust and are not considered to have any direct cultural implications.

RESOURCE IMPLICATIONS

Notwithstanding the potential associated with the continuing operation of the Riddoch Arts and Cultural Trust the matters in this report have no additional resource implications for Council.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

The matters addressed in this report include compliance matters for the Riddoch Arts and Cultural Trust.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Whilst this report includes notification of Board Membership matters that are subject to publication of a prospectus and expression of interest process, such process is already underway and there are no additional proposed engagement or communication activities arising directly from this report.

IMPLEMENTATION STRATEGY

The implementation of matters contained in this report will be conducted by the Administration and Riddoch Arts and Cultural Trust Board (i.e. Board Members and Board Observers).

CONCLUSION AND RECOMMENDATION

Having considered this update on matters associated with the Riddoch Arts and Cultural Trust, this report contains recommendations that such matters be endorsed by Council and otherwise noted for consideration at the Annual General Meeting in November 2023 and subsequent Board meetings.

ATTACHMENTS

1. Constitution - The Riddoch Arts and Cultural Trust Incorporated ⇩
2. DRAFT Heads of Agreement for Services between Riddoch Arts and Cultural Trust and Council ⇩

Norman Waterhouse

Constitution

THE RIDDOCH ARTS AND
CULTURAL TRUST INCORPORATED

AMENDED INSERT DATE

Level 11, 431 King William Street, Adelaide SA 5000
GPO Box 639, Adelaide SA 5001
www.normans.com.au
T +61 8 8210 1200

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1. **NAME OF ASSOCIATION**

The name of the incorporated association is The Riddoch Arts and Cultural Trust Incorporated.

2. **DEFINITIONS AND INTERPRETATION**

2.1 In this Constitution:

Act means the *Associations Incorporation Act 1985* (SA).

ACNC Act means the *Australian Charities and Not-for-profits Commission Act 2012* (Cth).

Annual General Meeting means an annual general meeting of Members of the Association held in accordance with the Act.

Annual Plan means the plan referred to in clause 5.3.

Association means The Riddoch Arts and Cultural Trust Incorporated.

Board means the board of management of the Association.

Board Meeting means a meeting of the Board.

Board Members means members of the Board from time to time.

Board Observers means the Gallery Director, Representative and Council Appointee.

Budget means a budget of expenses of the Association to be compiled by the Board pursuant to clause 5.2.

Chairperson means:

(a) in respect of the conduct or proceedings of any General Meeting, the person who presides under clause 20;

(b) in all other respects, the person elected chairperson of the Board under clause 13 from time to time.

Council means the City of Mount Gambier and its successors.

Council Appointee means the person appointed under clause 11.3.

Constitution means this constitution as amended from time to time.

Corporate Patron means a Patron that is a body corporate.

Corporate Representative means a person appointed to represent a Corporate Patron under clause 9.5.4 from time to time.

Deductible Gift Recipient has the meaning given to that term in the Tax Act.

Deputy Chairperson means the person elected deputy chairperson of the Board under clause 13.1 from time to time.

Elected Member means a person elected to the position of Mayor or Councillor of the City of Mount Gambier from time to time.

Executive Officer means the person (if any) appointed executive officer of the Association by the Board from time to time.

Field Expert means an individual who has experience, industry skills and/or connections that the Council considers will be beneficial to the Riddoch Art Gallery.

Financial Year means the 12 months ending on 30 June each year.

Friends of the Riddoch Membership means a special class of rights and entitlements for non-voting associates granted under clause 9.3.

Gallery Director means the Riddoch Art Gallery Director, Manager Arts and Culture Development with the City of Mount Gambier from time to time or their successor.

General Meeting means an Annual General Meeting or a Special General Meeting of the Association.

Gift means any sum of money, product or artefact given to the Riddoch Art Gallery as a donation.

Gift Fund means a gift fund established under clause 31.

Liabilities means liabilities, losses, damages, actions, causes of action, arbitrations, claims, orders, judgments, outgoings, costs and expenses.

Limestone Coast means the combined geographic area of the following Councils: District Council of Grant, District Council of Kingston, City of Mount Gambier, Naracoorte Lucindale Council, District of council of Robe; Tatiara District Council and Wattle Range Council.

Member means a member of the Association and **Membership** has a corresponding meaning.

Non-Voting Associate means any person or body corporate accepted or appointed under clause 9.3, 9.4, or 9.5.

Office Bearer means a person elected office bearer under clause 13.1 from time to time.

Officer means an officer of the Association within the meaning of the Act.

Patron means a Non-Voting Associate appointed under clause 9.5.

Public Officer means the Executive Officer or other person appointed as public officer of the Association by the Board from time to time under clause 29.

Registered Charity means a charity that is registered under the ACNC Act.

Representative means a person appointed to represent the Council under clause 7.1 from time to time.

Riddoch Ambassador means a Non-Voting Associate appointed under clause 9.4.

Riddoch Art Collections means the art and cultural collections owned or in the custody of the Council or the Association from time to time.

Riddoch Art Gallery means the building identifiable as the Riddoch Art Gallery, and the associated activities and operations of the Council and the Association .

Secretary means the person elected as secretary of the Board under clause 13 from time to time.

Special General Meeting means a general meeting of Members of the Association other than an Annual General Meeting.

Special Resolution means a resolution of Members of the Association passed in accordance with clause 22 or otherwise:

(a) at a duly convened General Meeting of which at least 21 days' written notice specifying the intention to propose the resolution has been given to all Members of the Association; and

(b) by a majority of not less than three quarters of the Members of the Association who being entitled to do so vote at such General Meeting (in person, by Corporate Representative or by proxy).

Tax Act means the *Income Tax Assessment Act* 1997 (Cth).

Treasurer means the person elected as treasurer of the Board under clause 13 from time to time.

2.2 In this Constitution, unless the context otherwise requires:

2.2.1 headings do not affect interpretation;

2.2.2 singular includes plural and plural includes singular;

2.2.3 words of one gender include any gender;

2.2.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;

2.2.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

2.2.6 another grammatical form of a defined word or expression has a corresponding meaning;

2.2.7 an expression defined in the Act has the meaning given by that Act at the date of this constitution; and

2.2.8 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions.

2.3 While the Association is a Registered Charity, the ACNC Act and the Act override any clauses in this constitution which are inconsistent with those Acts.

2.4 If the Association is not a Registered Charity (even if it remains a charity), the Act overrides any clause in this constitution which is inconsistent with that Act.

3. OBJECTS AND PURPOSES

3.1 The Association is established ~~for the operation of~~ to support and promote the Riddoch Art Gallery and Riddoch Art Collections in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.

3.2 The Association may pursue the above objects by:

3.2.1 developing the Riddoch Art Gallery to be an innovative centre and creative hub for art in the Limestone Coast region that presents inspiring and challenging exhibitions and displays of the Riddoch Art Collections and other art and cultural items on tour and loan;

3.2.2 attracting sponsorship and grants, deductible and other gifts of art and cultural and related items, and otherwise raise finance for the acquisition, development and maintenance of works of art and cultural items for the betterment of the Riddoch Art Collections;

3.2.3 Promoting, displaying, exhibiting, touring and related activities relating to the Riddoch Art Gallery and Riddoch Art Collections;

3.2.4 liaising with government departments and other organisations and agencies interested in the arts and culture; and

3.2.5 doing all such other things and entering into all such agreements as may be incidental or necessary to the attainment of such objects.

3.3 The assets and income of the Association must be applied exclusively to the promotion of its objects and no portion may be paid or distributed directly or indirectly to the Members, except as bona fide remuneration for services rendered or expenses incurred on behalf of the Association.

4. POWERS

The Association has, subject to the Act and other applicable laws:

4.1 the legal capacity and powers conferred by section 25 of the Act;

4.2 the power to do all things necessary or convenient to be done for, or in connection with, the attainment of its objects and purposes.

5. PROVISIONS RELATING TO THE ASSOCIATION

5.1 Decision making framework

The Association will exercise any powers, duties, discretions or authorities conferred by this Constitution consistent with the requirements of the Act.

5.2 **Budget**

5.2.1 The Board must compile a Budget of expenditure of the Association for each Financial Year which includes, without limitation, the remuneration, expenses and administrative costs of the Association.

5.2.2 The Board must monitor the expenditure of the Association in each Financial Year to ensure that the Association's expenses do not exceed the Budget.

5.2.3 The Board's expenditure in any Financial Year must be taken into account in formulating the Annual Plan and Budget for the next Financial Year to ensure that the Association remains in balance and operates prudently going forward.

5.2.4 The Budget shall be subject to the approval of the Council.

5.3 **Annual Plan**

5.3.1 The Board must make an Annual Plan each Financial year that identifies:

5.3.1.1 The proposed activities of the Association for the Financial Year; and

5.3.1.2 The goal or outcomes of the Association for the Financial year, having regard to:

(a) the value and financial position of the Association from the previous Financial Year; and

(b) any anticipated accretions to the Association for the Financial Year; and

5.3.1.3 the Association's remuneration and expenses for the Financial Year; and

5.3.1.4 any other information the Association considers relevant.

5.3.2 The Annual Plan shall be subject to the approval of the Council.

5.3.3 The Council may make, or require the Board to make changes to the Annual plan as it sees fit.

5.3.4 The Annual Plan may be in any form determined appropriate by the Board.

5.3.5 The Board will endeavour to finalise the Annual Plan for each Financial Year prior to the start of the Financial Year to which it relates.

5.3.6 The Board must make the Annual Plan available to the Council on request.

6. **MEMBERSHIP**

The Council is the sole member of the Association and shall be the only member. The Council agrees to be bound by this Constitution.

7. **REPRESENTATIVES**

7.1 The Council must appoint a senior officer as its Representative in writing. In the absence of appointment, the executive officer of the Council is the Representative.

7.2 Unless otherwise specified in the appointment, the Representative may exercise all the powers that the Council could exercise at a General Meeting or in voting on a resolution (including a resolution to be passed without a General Meeting).

8. **RESIGNATION**

8.1 The Council may resign from Membership by giving written notice to the Board.

8.2 On resignation of the Council as the sole Member, the Association will become a memberless association under the Act unless the Board otherwise determines.

9. **NON-VOTING ASSOCIATES**

9.1 Notwithstanding clause 6, the Association may recognise certain persons as "members" of the Gallery pursuant to this clause. For the avoidance of doubt, while this clause may prescribe certain benefits to a "member", any such person is not a Member of the Association for the purposes of the Act, and shall have no rights or entitlement to vote or receive any notices of the Association, and no rights or entitlements to the property of the Association. The title of "member" is a mere descriptor only.

9.2 Any person accepted or appointed under this clause 9 that wishes to actively participate other than as an observer or visitor must be formally accepted and inducted as a volunteer of the Council or the Association as determined by the Board in its absolute discretion, and comply with all directions, requirements, conditions, rules and regulations of the Board or its delegate.

9.3 **Friends of the Riddoch**

9.3.1 Friends of the Riddoch Membership is open to any person.

9.3.2 An application for Friends of the Riddoch Membership must be:

9.3.2.1 in the form determined by the Board; and

9.3.2.2 accompanied by any application fee determined by the Board.

9.3.3 The Board determines whether to accept or reject an application for Friends of the Riddoch Membership.

9.3.4 The Board is not required to give any reason for the rejection of an application.

9.3.5 If an application for Membership is rejected, the Board must:

9.3.5.1 give written notice of the rejection to the applicant; and

9.3.5.2 refund in full any fees paid by the applicant.

9.3.6 The rights and privileges of Friends of the Riddoch Membership shall be as determined by the Board from time to time, and are non transferable.

9.4 **Riddoch Ambassadors**

9.4.1 The Board may appoint persons as Riddoch Ambassadors having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and for the purposes of promotional and marketing activities of the Association, nationally and internationally, through promotion-focused approach as well as audience development approach, and any other factors the Board considers appropriate.

9.4.2 There shall be no application process and no application fee applicable to Riddoch Ambassadors.

9.4.3 The rights and privileges of a Riddoch Ambassador shall be as determined by the Board from time to time, and are not transferable.

9.4.4 The Riddoch Ambassadors may be reimbursed for their expenses incurred in relation to their activities as a Riddoch Ambassador to the extent determined by the Board.

9.5 **Patrons**

9.5.1 The Board may appoint persons or bodies corporate (whether a Friends of the Riddoch Member or not) as a Patron of the Association having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and such other factors as the Board considers appropriate.

9.5.2 There shall be no application process and no application fee applicable to Patrons.

9.5.3 The rights and privileges of a Patron shall be as determined by the Board from time to time, and are not transferable.

9.5.4 A Corporate Patron may appoint one individual as its Corporate Representative to represent it and to exercise the rights and privileges granted to it by the Board from time to time.

9.5.5 A Corporate Patron must appoint its Corporate Representative by a resolution of its board, and if directed by the Board, must provide a copy of its minutes relevant to the appointment, certified correct by its chairperson or secretary to the Board.

9.5.6 A Corporate Representative is treated as a Patron for all purposes until:

9.5.6.1 the Corporate Patron's board resolves to revoke the appointment and, if directed by the Board, provides a copy of its minutes relevant to such revocation, certified correct by its chairperson or secretary to the Board; or

9.5.6.2 the Chairperson believes on reasonable grounds that the Corporate Patron's board has resolved to revoke the appointment.

10. FUNCTIONS AND POWERS OF BOARD

10.1 The affairs of the Association are governed exclusively by the Board. In addition to the powers and authorities conferred by this Constitution, the Board may exercise all powers and do all things that are within the objects of the Association, and are not by the Act or by this Constitution, required to be done by the Association in General Meeting.

10.2 The Board may delegate any of its powers, authorities and discretions to any officer or employee or committee of the Association. A delegation must be in writing. A delegation does not derogate from the powers of the Board to act in any matter.

10.3 The Board may revoke, modify or vary any such delegation.

10.4 The Board may determine the manner in which its meetings and its business and proceedings are conducted and regulated.

10.5 The Board may interpret this Constitution and determine any matter relating to the affairs of the Association on which this Constitution is silent.

11. COMPOSITION OF BOARD

11.1 The Board comprises a minimum of three and a maximum of five Board Members and a maximum of three Board Observers.

11.2 Notwithstanding clause 11.1, while the number of Board Members is below the minimum, the Board may still convene Board Meetings and pass resolutions to appoint additional Board Members, but for no other purpose.

11.3 The Council may appoint any person to be an observer of board meetings by serving written notice on the Board, provided the maximum number of Board Observers is not exceeded.

11.4 A person may be appointed or elected a Board Member only if such person:

11.4.1 is an individual over 18 years of age and otherwise qualified to hold office in accordance with the Act and the ACNC Act;

11.4.2 has obtained all current criminal screenings and background clearances in line with relevant state and national laws having regard to the operations of the Association at the relevant time;

11.4.3 has consented in writing to being a Board Member; and

11.4.4 is not an employee of the Council.

11.5 Subject to this clause 11, the Council may appoint persons as Board Members and remove Board Members from office.

11.6 Notwithstanding clause 11.4.4 the Board Observers shall be present at Board Meetings for the purpose of observing and providing advice and administrative support to Board Members. The term of office for the Board Observers shall end when they are no longer an employee of the Council or their earlier replacement.

11.7 In appointing Board Members, the Council may:

11.7.1 appoint at least one Board Member with experience and skills relevant to a position of company director and/or company secretary.

11.7.2 appoint at least one Board Member with an appropriate national or international profile in the arts and/or cultural fields.

11.7.3 appoint no more than 1 Board Member who is an Elected Member of Council; and

11.7.4 appoint no more than 2 Board Members who are Field Experts and who do not otherwise come under this clause 11.7.

11.8 The first Board comprises the persons listed in Schedule 1. Subject to clause 11.11, those Board Members hold office until the conclusion of the second Annual General Meeting after incorporation at which time half of them, determined by lot, must retire from office.

11.9 Subject to clause 11.11, at the conclusion of each subsequent Annual General Meeting, half of the Board Members must retire from office.

11.10 The Board Members to retire under clause 11.9 are those who have been longest in office since their last election, and as between persons who became Board Members on the same day, are determined by lot (unless otherwise agreed amongst themselves).

11.11 If at the time of the retirement of any Board Members under clause 11.9 the number of Board Members is not a multiple of two, then the number of Board Members to retire is rounded down to the nearest whole number.

11.12 Subject to clause 11.13 a Board Member retiring under clause 11.9 is eligible for election under clause 13.2.

11.13 A Board Member that has attained a consecutive appointment period of 6 or more years must retire and will not be eligible for re-election under clause 11.12. This clause does not preclude a retired member from being eligible for a further reappointment after the period of 2 years have lapsed.

12. BOARD MEMBER VACANCIES

12.1 The office of a Board Member becomes vacant if the Board Member:

12.1.1 reaches the end of their term of office;

12.1.2 dies or becomes a person whose estate is liable to be dealt with in any way under laws relating to mental health;

12.1.3 becomes disqualified from holding office under the Act;

12.1.4 resigns from office by notice in writing to the Board or Executive Officer;

12.1.5 is removed from office under clause 11.5; or

12.1.6 is absent from three consecutive Board Meetings without the leave of the Board.

12.2 Subject to clause 11.4, the Board may appoint a person to fill a casual vacancy on the Board. A Board Member so appointed holds office until replaced in accordance with clause 11.5.

13. ELECTION OF OFFICE BEARERS

13.1 At the first Board Meeting after each Annual General Meeting the Board must appoint a chairperson, deputy-chairperson, secretary and treasurer from among their number. The Board must also appoint a Public Officer. Subject to this Constitution, those Office Bearers hold office until the conclusion of the election of Office Bearers at the first Board Meeting after the next Annual General Meeting.

13.2 A retiring Office Bearer is eligible for re-election.

13.3 Nominations for office of an Office Bearer are made in the manner determined by the Board.

13.4 If there is only one nomination for the office of an Office Bearer, the nominee stands elected to such office.

13.5 If there is more than one nomination for the office of an Office Bearer, then there must be an election for such office conducted by secret ballot.

13.6 The office of any Office Bearer becomes vacant if the Office Bearer:

13.6.1 reaches the end of their term of such office;

13.6.2 resigns from such office by notice in writing to the Board or Executive Officer;

13.6.3 is removed from such office by resolution of the Board (and in doing so, the Board is not obligated to provide reasons); or

13.6.4 ceases to be a Board Member.

13.7 Should a vacancy occur in the office of any Office Bearer, the Board must promptly fill such vacancy by appointment from among their number.

14. PROCEEDINGS OF BOARD MEETINGS

14.1 Ordinary meetings

The Board must meet at least four times a year or more often as required at a time, date and place fixed by the Chairperson from time to time.

14.2 Notice

14.2.1 Except in the case of an emergency (for example, to consider a matter of urgent or pressing necessity), at least seven days' notice of all Board Meetings must be given to all Board Members and Board Observers and such notice must be given in writing by email or letter or by any other means consented to by all the Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days' notice.

14.2.2 The notice given under clause 14.2.1 is to be accompanied by an agenda listing the items of business for the Board Meeting and any reports and attachments to be considered for each item of business.

14.3 Quorum

14.3.1 The presence of more than half the Board Members and at least one Board Observer constitutes a quorum at a Board Meeting and no business may be transacted unless a quorum is present.

14.3.2 If at any Board Meeting a quorum is not present, the meeting must be adjourned until no sooner than the following day and all Board Members are to be notified of such adjournment. When the meeting is reconvened, the Board Members present at the reconvened meeting constitute a quorum.

14.3.3 The quorum must be present at all times during the meeting.

14.4 Voting

14.4.1 All matters before the Board for decision at any Board Meeting must be decided by a majority of votes of the Board Members present. Subject to this Constitution, each Board Member present at a Board Meeting is entitled to one vote only except for the Board Member chairing the Board Meeting who has a deliberative, and in case of equality of voting, a casting vote.

14.4.2 Board Observers and Elected Members will have no voting rights.

14.5 Special meetings

Special Board Meetings may be convened by the Chairperson, or by direction of the Chairperson, at the requisition in writing of two or more Board Members, or by any one of the Gallery Director or Representative.

14.6 **Chairing of meetings**

14.6.1 Subject to clauses 14.6.2 and 14.6.3, the Chairperson must preside at all Board Meetings.

14.6.2 If the Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Deputy-Chairperson must preside at that Board Meeting.

14.6.3 If there is no Deputy-Chairperson, or if the Deputy-Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Board must appoint any other Board Member present to preside at that Board Meeting.

14.6.4 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.

14.7 **Attendance other than Board Members**

14.7.1 The Executive Officer (if any) is entitled to attend all Board Meetings unless the Board resolves otherwise, and the resolution is recorded in the minutes of the Board Meeting.

14.7.2 Elected Members may attend Board Meetings and the Board shall record such attendance in the minutes.

14.7.3 Others may attend Board Meetings with the approval of the Board, and the resolution is recorded in the minutes of the Board Meeting.

14.7.4 During a Board Meeting, the Board may exclude any Elected Members and other attendees from any part of the Board Meeting (with or without reason) and a resolution of such exclusion is to be recorded in the minutes.

14.7.5 For the avoidance of doubt, the words “other attendees” referred to in clause 14.7.4 does not include Board Observers.

14.8 **Meetings using technology**

14.8.1 A Board Meeting may be held with one or more of the Board Members or Board Observers taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the Board Meeting only whilst all attendees are able to hear the proceedings of the entire Board Meeting and to be heard by all others attending the Board Meeting.

14.8.2 Without limiting clause 14.8.1, a Board Meeting may be called or held using any technology consented to by all Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days’ notice.

14.8.3 A Board Meeting conducted in accordance with clauses 14.8.1 or 14.8.2 is deemed to be held at a place determined by the Board Members, provided that at least one of the Board Members or Board

Observer present at the Board Meeting was at such place for the duration of that Board Meeting.

14.9 **Circulating resolutions and minutes**

14.9.1 The Board Members may pass a resolution without a Board Meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.

14.9.2 Separate copies of a document may be used for signing if the wording of the resolution and statement is identical in each copy.

14.9.3 The resolution is passed when the last Board Member signs.

14.9.4 The Board Observers must be included in the circulation of any proposed resolution document to be signed under this clause 14.9 and a copy of the signed resolution, if passed.

14.9.5 A copy of the minutes of each Board Meeting including all resolutions and financial details must be circulated to all Board Members and Board Observers.

14.10 **Pecuniary interests**

14.10.1 A Board Member who has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, must, as soon as the Board Member becomes aware of the interest, disclose to the Board the nature and extent of the interest.

14.10.2 Where a Board Member has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, that Board Member must not vote with respect to that contract or matter but may, subject to that Board Member complying with clause 14.10.1, take part in the deliberations or discussions of the Board with respect to that contract or matter.

14.10.3 Clauses 14.10.1 and 14.10.2 do not apply in respect of any pecuniary interests that exist only by virtue of the fact that the Board Member is a member of a class of persons for whose benefit the Association is established.

14.10.4 A Board Observer must also disclose any personal pecuniary interest that arises in any matter which is before the Board for discussion. The Board is to determine whether the Board Observer shall vacate the room for discussion on such matters (and such resolution shall be recorded in the minutes).

14.10.5 Quorum will not be lost merely because a Board Observer vacates the room under clause 14.10.4.

14.10.6 Board Observers are not considered to have a personal pecuniary interest if the interest arises merely from their employment with Council.

15. BOARD HONORARIUM AND EXPENSES

15.1 The Association may pay the Board Members a maximum total honorarium for Board Members determined by the General Meeting.

15.2 The Board may determine the allocation of the total honorarium among the Board Members. If the Board does not determine the allocation, the total amount of the honorarium must be allocated equally among the Board Members.

15.3 In addition to any honorarium, the Association may also pay any extraordinary travelling and other expenses Board Members properly incur:

15.3.1 in attending Board Meetings or meetings of any committee of the Board;

15.3.2 in attending any General Meeting; and

15.3.3 otherwise in connection with the business of the Association.

16. EXECUTIVE OFFICER

16.1 The Association may employ a person chosen by the Board as the executive of the Association.

16.2 The Executive Officer shall be employed by the Association on such terms as determined by the Board.

16.3 The Executive Officer's contract of employment must include provisions establishing:

16.3.1 the Executive Officer's remuneration;

16.3.2 the term of the contract;

16.3.3 where the Executive Officer has not previously been employed in that position by the Association, a probation period; and

16.3.4 specified grounds for dismissal.

17. CONVENING GENERAL MEETINGS

17.1 The Board may call a Special General Meeting of the Association at any time, and must call an Annual General Meeting in accordance with the Act.

17.2 The first Annual General Meeting must be held within 18 months after the incorporation of the Association, and thereafter within five months after the end of each Financial Year.

17.3 Within one month of the receipt of a requisition in writing from the Council or the Representative, the Board must convene a Special General Meeting for the purpose specified in the requisition.

17.4 Every requisition for a Special General Meeting under clause 17.3 must be signed by the Representative or executive officer of the Council and must state the purpose of the meeting.

17.5 If the Board does not convene a Special General Meeting as required by clause 17.3, the Council may convene it. It must be convened in the same manner as a meeting convened by the Board. The reasonable expenses of convening and conducting such a meeting must be borne by the Association.

17.6 Subject to clause 20 the Representative shall be the Chairperson for General Meetings.

18. NOTICE OF GENERAL MEETINGS OF ASSOCIATION

18.1 Unless the Council otherwise agrees, at least 21 days' written notice of each General Meeting must be given to the Council. The notice must set out where and when the meeting will be held and particulars of the nature and order of the business to be transacted at the meeting.

18.2 For an Annual General Meeting, the order of business is the consideration of the accounts and reports of the Board and the auditors, the appointment of auditors, the election of Board Members (if required), and any other business requiring consideration by the Association in General Meeting.

18.3 The Association may give notice of General Meeting to the Council by delivering it to the Council Office, or by sending it by post or email to the following address of the Council:

18.3.1 PO Box 56, Mount Gambier, SA 5290; or

18.3.2 city@mountgambier.sa.gov.au.

18.4 Where a notice is sent by post, service of the notice is deemed to be effected if it is properly addressed and posted to the Council by ordinary prepaid mail. It is deemed to be received four business days after posting, if posted to and from a place within Australia.

19. QUORUM AND ATTENDANCE AT GENERAL MEETINGS OF ASSOCIATION

19.1 No business may be transacted at a General Meeting of Members unless the Council is present (in person by the presence of either one, or both of the Representative or executive officer of the Council) at all times during the meeting.

19.2 If a quorum is not present within 30 minutes after the time appointed for a General Meeting:

19.2.1 if the meeting was convened upon the requisition of the Council, it is dissolved; and

19.2.2 in any other case, it is adjourned to the same day in the next week at the same time and place, or to another day, time and place determined by the Board. If at the resumed meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting is dissolved.

19.3 Non-Voting Associates and Elected Members of the Council may attend a General Meeting of the Association. Their attendance shall not contribute to quorum and they will have no voting rights.

20. CHAIRPERSON TO PRESIDE AT GENERAL MEETINGS

20.1 Subject to clause 20.2 the Representative must preside as Chairperson at all General Meetings.

20.2 If the Chairperson is not present at the time appointed for the General Meeting or is unable or unwilling to preside at the meeting, the following may preside as Chairperson at the meeting (in order of precedence):

20.2.1 the executive officer of the Council;

20.2.2 the chairperson of the Board;

20.2.3 the Deputy-Chairperson;

20.2.4 a Board Member chosen by a majority of the Board Members present;

20.2.5 the only Board Member present;

20.2.6 the Mayor of the Council; or

20.2.7 the Elected Member chosen by a majority of the Elected Members present.

20.3 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.

20.4 The Chairperson:

20.4.1 has charge of the general conduct of the General Meeting and of the procedures to be adopted at the meeting;

20.4.2 may determine any dispute about the admission or rejection of a vote (including a vote recorded in the form of a formal resolution of Council tabled at the meeting);

20.4.3 may require the adoption of any procedure which is in the Chairperson's opinion necessary or desirable for proper and orderly debate or discussion and the proper and orderly casting or recording of votes at the meeting; and

20.4.4 may terminate discussion or debate on any matter whenever the Chairperson considers it necessary or desirable for the proper conduct of the meeting,

and a decision by the Chairperson under this clause is final.

21. ADJOURNMENTS

21.1 The Chairperson may adjourn a General Meeting to any place, date and time.

21.2 The Chairperson must adjourn a General Meeting if the Council agrees or directs the Chairperson to do so. The Chairperson may adjourn the meeting to any place, date and time.

21.3 If the meeting is adjourned for more than one month, notice of the resumed meeting must be given as for the original meeting.

21.4 Only unfinished business may be transacted at a resumed meeting.

22. MEMBER'S RESOLUTIONS

22.1 Unless the Act or this constitution requires a Special Resolution, a resolution is passed if the Council votes in favour of the resolution.

22.2 The Council may pass any resolution (including a Special Resolution) without a General Meeting being held if the Council (by the action of the Representative or executive officer of the Council) signs a document, or passes a resolution at a formally constituted meeting of the Council containing a statement that it is in favour of the resolution set out in the document.

22.3 The resolution is passed when the Council signs.

23. PROXIES AT GENERAL MEETINGS

23.1 The Council may appoint a proxy to vote in place of the Council at a General Meeting in the event that the Representative or executive officer of the Council, or both are not available to attend the meeting.

23.2 An appointment of a proxy is valid if:

23.2.1 it is in the form of Schedule 3 or any other form determined by the Board;

23.2.2 it is signed by the Council (either by the Representative or chief executive officer of the Council or, in the form of a resolution passed at a formally constituted meeting of the Council);

23.2.3 it contains the Council's name and address, the proxy's name or the name of the office held by the proxy, and the General Meetings at which the appointment may be used; and

23.2.4 it is provided to the Board at least 48 hours before the commencement of the meeting or resumed meeting.

23.3 An appointment of a proxy may be a standing one.

23.4 An undated appointment of a proxy is to be taken to have been dated on the day it is given to the Board.

23.5 A later appointment of a proxy revokes an earlier one if both appointments could not be validly exercised at the meeting.

23.6 Except to the extent that the appointment of a proxy expressly limits the exercise by the proxy of the power to vote at a General Meeting, a proxy has the same rights to attend, vote and otherwise act at the meeting as the Council.

23.7 An appointment of a proxy may specify the way the proxy is to vote on a particular resolution. In that event:

23.7.1 the proxy need not vote on a show of hands, but if the proxy does so, the proxy must vote that way;

23.7.2 if the proxy is the Chairperson, the proxy must vote on a poll, and must vote that way;

23.7.3 if the proxy is not the Chairperson, the proxy need not vote on a poll, but if the proxy does so, the proxy must vote that way; and

23.8 A proxy's authority to speak and vote for the Council at a meeting is suspended while the Representative or executive officer of the Council is present at the meeting.

24. IDENTITY OF REPRESENTATIVES AND PROXIES

The Chairperson may require a person to establish to the satisfaction of a General Meeting that the person is the Representative, executive officer or proxy of the Council for that meeting. If unable to do so, the person may be excluded from the meeting or from voting either upon a show of hands or upon a poll.

25. VOTING AT GENERAL MEETINGS

25.1 The Council has one vote in relation to any resolution and is the sole person (subject to a valid appointment under clauses 7 or 23) who may vote at a General Meeting.

25.2 If Council call a special meeting of the Council to consider any item of business on the agenda of a General Meeting of the Association then the resolution of the formally constituted meeting of the Council shall take precedence over the vote of the Representative, executive officer of the Council or duly appointed proxy with regard to the specific item of business.

26. MINUTES

26.1 The Association must cause minutes of all proceedings of General Meetings and of Board Meetings to be entered within one month after the relevant meeting in books kept for that purpose.

26.2 The Association must cause those minutes to be:

26.2.1 in the case of General Meetings, confirmed by the Council at a subsequent meeting;

26.2.2 in the case of Board Meetings, confirmed by Board Members present at a subsequent meeting;

26.2.3 signed by the person chairing the meeting at which the proceedings took place or by the person chairing the meeting at which the minutes are confirmed; and

26.2.4 provided to the Council.

26.3 A minute that is so entered, confirmed and signed is, in the absence of proof to the contrary, to be accepted as proof of the proceedings to which the minute relates.

26.4 Where minutes have been so entered, confirmed and signed, it is to be taken, in the absence of proof to the contrary, that:

26.4.1 the meeting to which the minutes relate was held; and

26.4.2 the proceedings that are recorded in the minutes occurred; and

26.4.3 all appointments of Officers or auditors that are recorded in the minutes were validly made.

27. COMMITTEES

27.1 The Board may from time to time appoint such committees as it thinks necessary and may delegate or refer to them such of the powers and the duties of the Board as the Board determines.

27.2 The Board must nominate a Board Member as chairperson of a committee appointed under clause 27.1.

27.3 Each committee must report its proceedings to the Board and must conduct its business in accordance with any rules and or directions of the Board.

27.4 The existence of or delegation to a committee does not derogate from the powers of the Board to act in any matter.

27.5 The Board Observers shall be provided with the full agenda and minutes of all committee meetings and shall be invited, but not obligated to attend, committee meetings. The Board or committee shall not be able to exclude Board Observers from attending any committee meetings.

28. VALIDATION OF ACTS

The acts of the Board, a committee, an Officer or delegate of the Association are valid even if it is subsequently discovered that there was a defect in an appointment or any of them was disqualified.

29. PUBLIC OFFICER

Unless otherwise determined by the Board, the Executive Officer (if there is one) ex officio is the Public Officer. If there is no Executive Officer, the Board must appoint a Public Officer.

30. **FINANCE**

30.1 All money received for the benefit of the Association is the property of the Association and must be deposited to the credit of the Association at a bank nominated from time to time by the Board.

30.2 Debts incurred by the Association in the ordinary course of business must be paid by cheque, credit card or electronic funds transfer authorised by any two persons appointed by the Board or the Executive Officer.

30.3 The Association must:

30.3.1 keep financial records as required by the Act; and

30.3.2 if required by the Act, prepare and distribute financial reports and cause the financial records of the Association to be audited.

30.4 In the absence of an Executive Officer, the Board and Association shall utilise the services of the Council for its financial activities and to meet its financial and other reporting obligations.

31. **GIFT FUND**

31.1 The Association may maintain, for the principal purpose of holding Gifts given to the Association, a gift fund which complies with Subdivision 30-BA of the Tax Act.

31.2 The Association must use the Gift Fund only for the principal purpose of the Association.

31.3 At the first occurrence of one of the following events:

31.3.1 the winding up of the Gift Fund; and

31.3.2 the revocation of the Association's endorsement as a Deductible Gift Receipt under Subdivision 30-BA of the Tax Act,

the Association must transfer any surplus assets of the Gift Fund to such one or more charitable entities, funds, authorities or institutions as the Board determines provided that the relevant recipient:

31.3.3 is endorsed as a Deductible Gift Recipient;

31.3.4 has objects similar to those of the Association; and

31.3.5 has rules which prohibit any distribution of profit to its members.

32. **EXECUTION OF DOCUMENTS**

32.1 The Association may execute a document (including a deed) in any manner authorised by the Board, and only if authorised by the Board.

32.2 The Board must provide for the safe custody of the seal of the Association.

32.3 The seal may only be used by the authority of the Board. Every instrument to which the seal is affixed must be signed by two seal holders in whose presence the seal is affixed.

32.4 A register listing the documents to which the seal has been affixed must be maintained.

32.5 The seal holders means the Executive Officer (if there is one) and such other Board Members as determined by the Board from time to time.

33. AMENDMENT OF CONSTITUTION

This Constitution may be amended, repealed or replaced by Special Resolution.

34. WINDING UP

34.1 The Association may be wound up by Special Resolution in accordance with the Act.

34.2 If the Association is wound up any surplus of money or any property (after satisfaction of its debts and liabilities) must be transferred to one or more of the charitable entities, funds, authorities or institutions determined by the Council, provided that the relevant recipient

34.2.1 is endorsed as a Deductible Gift Recipient;

34.2.2 has objects similar to those of the Association; and

34.2.3 has rules which prohibit the distribution of its income or assets among its members.

35. INDEMNITY

35.1 Subject to the Act, every person who is or has been an Officer must be indemnified out of the property of the Association against any Liabilities incurred in connection with that person's position as an Officer except a Liability:

35.1.1 owed to the Association; or

35.1.2 that did not arise out of conduct in good faith; or

35.1.3 for legal costs in defending or resisting proceedings in which the person is found by a court to have a Liability for which the person cannot be indemnified under any of the foregoing provisions of this clause; or

35.1.4 for legal costs in defending or resisting criminal proceedings in which the person is found guilty.

35.2 For the purposes of clause 35.1:

35.2.1 **legal costs** means legal costs on a solicitor and own client basis; and

35.2.2 **proceedings** means any initial legal proceeding and any appeal proceeding.

35.3 The Association need not indemnify a person under clause 35.1 in respect of a Liability to the extent that the person is entitled to an indemnity in respect of that Liability under a contract of insurance.

35.4 Where a person seeks to rely on the indemnity contained in clause 35.1, that person must:

35.4.1 immediately notify the Association of any claim which gives rise to or could give rise to a Liability of the Association to that person under the indemnity;

35.4.2 permit the Association to conduct any negotiations and proceedings in respect of the claim in the name of the person and to have the sole arrangement and the control of such negotiations or proceedings and to settle or compromise the claim or make any admission or payment in relation thereto;

35.4.3 not make any admission without the prior written consent of the Association;

35.4.4 promptly render all reasonable assurance and co-operation to the Association as requested by the Association.

35.5 The Association must make available for inspection by any person who is or has been an Officer the books and records of the Association at all reasonable times for the purposes of any proceedings in connection with that person's position as an Officer:

35.5.1 to which the person is a party; or

35.5.2 that the person proposes in good faith to bring; or

35.5.3 that the person has reason to believe will be brought against the person.

35.6 The obligations of the Association in respect of any person who is or has been an Officer under clause 35.5 cease on the expiry of seven years after that person ceases to be an Officer.

36. INSURANCE

36.1 Subject to the Act, the Association must maintain at its cost a policy of insurance (**Policy**) with a reputable Australian insurer insuring every person who is or has been an Officer against any Liabilities incurred by that person in connection with that person's position as an Officer except a Liability of the kind referred to in clauses 35.1.1 to 35.1.4.

36.2 The Policy must provide for an insurance payout to the person of at least $5,000,000.00 per claim.

36.3 The Policy must provide public liability cover to the amount of $20,000,000.00 per claim.

36.4 The Association must not by any act or omission render the Policy void or voidable or otherwise vitiate the Policy.

36.5 The Association must promptly upon request by each person who is or has been an Officer, produce to him or her, a copy of the insurance policy or any certificates of insurance or other reasonable documentary evidence of the currency of the Policy maintained in accordance with this clause.

36.6 The obligations of the Association in respect of any person who is or has been an Officer of the Association under this clause ceases on the expiry of seven years after that person ceases to be an Officer.

Schedule 1 - Initial Board Members

Rory McEwen

Maria McGann

Sonya Mezinec

Schedule 2 - Proxy

THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED

PROXY

The .....
Name of Member

of .....
Address

being a Member of the Association

appoint .....
Name of proxy or office held

or if no person is named, the chairperson of the meeting, as my proxy to vote on my behalf:

☐ at the General Meeting of the Association to be held at [date] and [time] and at any adjournment of that meeting;

☐ all General Meetings until revoked.

Direction to proxy

If you want to direct your proxy how to vote, mark one box only for each resolution. If you do not want to direct your proxy how to vote, do not mark any box for the resolution. If you wish not to vote on a particular resolution, mark the 'Abstain' box.

I direct my proxy to vote as follows:

Resolutions *Descriptions*	**For**	**Against**	**Abstain**

Date .....

The common seal of **City of Mount Gambier** was affixed in the presence of:

..... Signature of Mayor	..... Signature of Chief Executive Officer
..... Name of Mayor (print)	..... Name of Chief Executive Officer (print)

Schedule 3 – Appointment of Council Representative

THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED

REPRESENTATIVE

The City of Mount Gambier
Name of Member

of 10 Watson Terrace Mount Gambier South Australia
Address

being a Member of the Association

appoint .....
Name of representative or office held

or if no person is named, the executive officer of the Council, as representative to do all things necessary to give effect to the role of Council and Representative as set out in the Constitution of The Riddoch Arts & Cultural Trust Incorporated.:

MEMBER'S AGREEMENT

The Council, being the sole member of the Association at registration, has agreed by resolution passed [as a Special Resolution at a General Meeting / at a formally constituted meeting of the Council - DELETE AS APPLICABLE} held on the day of in the year to this constitution.

Date:

Signed by Council Representative

.....
Signature of Council Representative

.....
Name of Council Representative (print)

OR DELETE AS APPLICABLE

The common seal of **City of Mount Gambier** was affixed in the presence of:

.....	.....
Signature of Mayor	Signature of Chief Executive Officer
.....	.....
Name of Mayor (print)	Name of Chief Executive Officer (print)

Signed on behalf of Board

.....	.....
Signature of Authorised Board Memebr	Signature of Board Member
.....	.....
Name of Board Member / Position Held (print)	Name of Board Member / Position Held (print)

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Heads of Agreement

~~RIDDOCH ART GALLERY~~

CITY OF MOUNT GAMBIER

THE RIDDOCH ARTS AND CULTURAL TRUST INCORPORATED

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DATE

PARTIES

CITY OF MOUNT GAMBIER (ABN 17 330 264 425) of PO Box 56 Mount Gambier SA 5290 (**Council**)

and

THE RIDDOCH ARTS AND CULTURAL TRUST INCORPORATED (ABN 75 830 029 809) of c/- the City of Mount Gambier, PO Box 56 Mount Gambier SA 5290 (**Trust**)

BACKGROUND

A. The Council is the owner, or has control, of the Art Gallery and the Collection.

B. The Trust has been established for the support and promotion of the Art Gallery and Collection in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.

C. The Council and the Trust have agreed a process for the formulation of annual budgets for the Trust's operations and the Council's consideration of the provision of in-kind and incidental financial and administrative services and assistance to the Trust in accordance with such budgets.

D. This Heads of Agreement records the processes described in Recital C and associated matters.

AGREED TERMS

1. **DEFINITIONS AND INTERPRETATION**

1.1 **Definitions**

In this HOA:

Art Gallery means the building identified as the Riddoch Art Gallery.

Budget has the meaning given to it in the Trust Constitution.

Business Day means a day that is not a Saturday, Sunday or public holiday in South Australia.

Collection means the art and cultural collection owned or in the custody of the Council.

Financial Year means a year commencing on 1 July and ending on 30 June.

HOA means this Heads of Agreement.

Objective means the objective described in clause 2 of this HOA.

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Objects and Purposes means the objects and purposes of the Trust as set out in clause 3 of the Trust Constitution.

Parties means the Council and the Trust, and **Party** means either of the Council or the Trust.

Term means the term of this HOA as described in clause 4.1.

Trust Constitution means the Constitution of the Trust,

1.2 **Interpretation**

In this HOA, unless the context otherwise requires:

1.2.1 headings do not affect interpretation;

1.2.2 singular includes plural and plural includes singular;

1.2.3 words of one gender include any gender;

1.2.4 a reference to a Party includes its executors, administrators, successors and permitted assigns;

1.2.5 a reference to a person includes a partnership, corporation, association, government body and any other entity;

1.2.6 a reference to this HOA includes any schedules and annexures to this HOA;

1.2.7 a reference to a document includes that document as varied, novated or replaced from time to time;

1.2.8 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

1.2.9 a provision is not construed against a Party only because that Party drafted it;

1.2.10 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions; and

1.2.11 an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by the Act at the date of this HOA.

2. **OBJECTIVE OF THIS HOA**

2.1 The objective of this HOA is to provide a framework for:

2.1.1 the preparation and approval of yearly budgets for the Trust's operations; and

2.1.2 the Council to consider and determine in-kind (including administrative services) and financial assistance it may provide the Trust; and

2.1.3 Council support for discretionary operational activities as determined by the Board, as distinct from Council support of Association administration activities as sole member of the Trust, and other

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administrative activities of Council in dealing with the Trust Association/Board;

(**Objective**).

2.2 This HOA does not guarantee the provision of any in-kind or financial assistance by the Council to the Trust for discretionary operational matters.

The Council expressly reserves its discretion to determine what in-kind and/or financial assistance will be provided by the Council to the Trust for each Financial Year during the Term following the Council's consideration and approval of a Budget in accordance with this HOA, provided that Council will as the sole member of the Association support any administration matters required to meet the obligations of incorporated and registered association.

3. **STATUS**

This HOA is legally enforceable and binding on the Parties.

4. **TERM**

4.1 **Expiry**

Subject to earlier termination in accordance with clause 4.3 of this HOA, and any extension in accordance with clause 4.2 of this HOA, the term of this HOA is a period of three years commencing on the date of execution of this HOA (**Term**).

4.2 **Extension**

The Parties may (in their absolute discretion) agree to extend the Term of this HOA. An extension of this HOA will only be binding on the Parties if it is recorded in writing and signed by both Parties.

4.3 **Termination**

A Party may terminate this HOA with immediate effect by giving written notice to the other Party if:

4.3.1 the other Party breaches a material obligation under this HOA and fails to remedy the breach within fourteen days after receiving a notice and particulars of the breach from the other Party;

4.3.2 the other Party agrees in writing to the termination; and/or

4.3.3 any event described in clause 4.4 occurs.

4.4 **Notification of events**

The Trust must immediately notify the Council if:

4.4.1 the Trust ceases to be able to pay its debts as they become due; or

4.4.2 any action is taken to wind-up the Trust.

4.5 **Surviving provisions on expiry or termination**

Clauses 9, 10 and 11 survive termination of this HOA.

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5. **BUDGET**

5.1 The provisions of this clause 5 apply to the preparation by the Trust, and approval by the Council, of a Budget as required by clause 5.2 of the Trust Constitution.

5.2 The Trust must prepare and submit to the Council for consideration and approval a draft Budget a least 6 months prior to the start of each Financial Year (**Draft Budget**).

5.3 Each Draft Budget must, at a minimum, include separate line items for the following categories:

5.3.1 Anticipated Revenues, broken down as appropriate, including:

5.3.1.1 Tied/conditional grants and sponsorships (or similar);

5.3.1.2 Untied/unconditional grants and sponsorships (or similar);

5.3.1.3 Memberships and donations, including Ambassador contributions;

5.3.1.4 Deductible gifts (financial)

5.3.1.5 Other incomes;

5.3.2 Anticipated Expenditure on operational activities to be performed or provided directly by or on behalf of the Board, broken down as appropriate, including by;

5.3.2.1 Trust acquisition of art and cultural items

5.3.2.2 Development and maintenance of Trust items

5.3.2.3 General purchasing;

5.3.2.4 Contracts and Consultancy arrangements;

5.3.2.5 Grants, Programs, Projects, Exhibitions/Displays/Tours, Promotions;

5.3.2.6 Membership costs and benefits (including Council provided benefits under 5.3.3);

5.3.2.7 Insurances and affiliate membership fees

5.3.2.8 Board Honorariums, Ambassador and Patron expenses;

5.3.2.9 Executive/Administration costs;

5.3.3 Estimated costs (including for in-kind and out of pocket expenses for Board administration activities provided by the Council under this HOA on a fee for service basis) for Trust/Board operating costs, broken down as appropriate, including by:

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5.3.3.1 Ordinary/Special Board Meeting Administration (agendas/minutes)

5.3.3.2 General Board/Trust operational administration (e.g. communications, records management etc)

5.3.3.3 Overhead administrative and coordination costs associated with Grant, Program, Projects or similar conducted or auspiced by the Trust, y separate budget lines/amounts;

5.3.3.4 Financial/Accounting and transactional services

5.3.3.5 IT/website administration and content development;

5.3.3.6 Governance/Legal (or similar) support, including oversighting;

5.3.3.7 Risk management activities, including induction and

5.3.3.8 (Trust) Collection Management, including storage and maintenance/conservation costs;

5.3.4 And for transparency and Council budgeting purposes associated with the Trust, estimated Association administration expenses (including in-kind expenses/resource allocation) expected to be incurred by Council as sole Member of the Trust, including for:

5.3.4.1 Audit (and associated financial/accounting) services

5.3.4.2 Annual/Special General Meeting (agenda/minute preparation

5.3.4.3 Board Membership (vacancies)

5.3.4.4 Board Meeting Observation

5.3.4.5 Constitution Amendment / Legals

5.3.4.6 Financial and other statutory reporting

5.4 The Council may, on receipt of a Draft Budget:

5.4.1 approve the Draft Budget for the forthcoming Financial Year; or

5.4.2 require a meeting with the Trust with a view to refining the content of the Draft Budget; or.

5.4.3 work collaboratively and in good faith with the Trust to resubmit the Draft Budget until it is in a form which is approved by the Council

5.5 NOT USED.

5.6 Once approved by the Council, the Parties may agree to vary the Budget during a Financial Year. Such an agreement must be in writing and executed by both Parties.

5.7 The Trust must conduct its operations in accordance with the approved Budget.

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5.8 The Council and the Trust must meet as and when required by the Council to assess whether the Trust's operations are being undertaken in accordance with the approved Budget.

5.9 In circumstances where the Council, acting reasonably, determines that the Trust's operations are not being undertaken in accordance with the approved Budget, the Council may give notice to the Trust directing the Trust to remedy the issue. Any notice given under this clause may specify a time within which the default must be remedied which is to be at the Council's discretion but must be reasonable.

5.10 If the Trust fails to remedy the default in accordance with a notice issued under clause 5.9~~5.10~~**Error! Reference source not found.**, the Council may suspend future payments to the Trust unless and until the defaults are remedied to the Council's reasonable satisfaction.

6. COUNCIL ASSISTANCE

6.1 At the same time as the Council notifies the Trust of the Council's approval of a draft Budget, the Council must notify the Trust in writing of all assistance, in-kind and financial, that the Council agrees to provide the Trust for the forthcoming Financial Year.

6.2 Where the Council has notified the Trust that the Council will provide financial assistance to the Trust during a particular Financial Year, the notification must also detail when that financial assistance will be paid.

6.3 For the purposes of this clause 6 and clauses 5.3.3 and 5.3.4 the assistance to be provided by Council as at the commencement of this HoA shall be as contained in Schedule 1 – Service Schedule, which Schedule may be amended from time to time in writing between the parties, and as notified by Council in accordance with this clause 6.

~~6.3~~6.4 The Trust is solely and wholly responsible for all operating costs of the Trust that are not covered by in-kind or financial assistance from the Council.

7. INVOICING AND PAYMENT

7.1 Where the Council determines to provide financial assistance to the Trust during a particular Financial Year, the Trust must issue a tax invoice to the Council for payment of that financial assistance at the time(s) specified for payment in the notification given to the Trust pursuant to clause 6.2.

7.2 The Council will pay a correctly rendered tax invoice from the Trust within 30 of receipt.

8. COLLECTION

8.1 It is the intent of the Parties to work collaboratively to discuss the Trust's use of the Art Gallery and the Collection to further the Trust's Objects and Purposes.

8.2 To this end, the Council and the Trust agree to commence negotiations on the terms and conditions of a further agreement to permit and facilitate the Trust's use of the Art Gallery and the Collection.

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9. **AUDIT OF EXPENDITURE**

9.1 The Council may, at its cost, undertake an audit of the financial accounts of the Trust for the purposes of assessing the Trust's compliance with the requirements of this HOA.

9.2 The Trust must promptly provide access to its financial accounts and other records, documentation and systems on request by any auditor appointed by the Council for the purposes of clause 9.1.

10. **PUBLICITY**

10.1 The Trust must not make or permit any public announcement or media release about or in connection with any assistance provided by the Council to the Trust pursuant to this HOA without the Council's prior written consent.

10.2 If required by the Council, the Trust must acknowledge all assistance provided by the Council to the Trust, in a form approved by the Council.

11. **CONFIDENTIAL INFORMATION**

Any information exchanged under this HOA and identified by either Party as confidential will be kept confidential and must not be disclosed by the other Party without the prior written consent of the other Party, except where disclosure is required by law.

12. **COSTS**

12.1 The Council will pay the costs in relation to the negotiation and preparation of this HOA as the sole member of the association.

12.2 Each Party must perform its roles, responsibilities and obligations under this HOA at its own cost.

13. **RELATIONSHIP OF THE PARTIES**

The liabilities and obligations of the Parties will be several. Nothing in this HOA will be interpreted as constituting the relationship of the Parties as a relationship of employment, agency or partnership, other relationship in which any one or more of the Parties may be liable generally for the acts or omissions of another.

14. **MISCELLANEOUS**

14.1 **Alteration**

This HOA may be altered only in writing signed by each Party.

14.2 **Novation and assignment**

A Party must not novate or assign this HOA or its rights under this HOA or otherwise deal with this HOA without the prior written consent of the other Party.

14.3 **Entire agreement**

This HOA:

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14.3.1 constitutes the entire agreement between the Parties about its subject matter; and

14.3.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

14.4 **Waiver**

A waiver of a provision of or right under this HOA:

14.4.1 must be in writing signed by the party giving the waiver; and

14.4.2 is effective only to the extent set out in the written waiver.

14.5 **Exercise of power**

The failure, delay, relaxation or indulgence by the Council in exercising a power or right under this HOA is not a waiver of that power or right.

14.6 **Counterparts**

This HOA may be executed in counterparts. All executed counterparts constitute one document.

14.7 **Governing law**

14.7.1 This HOA is governed by the law in South Australia.

14.7.2 The parties irrevocably submit to the exclusive jurisdiction of the courts in South Australia.

15. **GST**

15.1 In this clause 15 an expression defined in the *A New Tax System (Goods and Service Tax) Act 1999* (Cth) has the meaning given to it in that Act.

15.2 If a Party makes a supply under or in connection with this HOA in respect of which GST is payable, the consideration for the supply is increased by an amount equal to the GST payable by the supplier on the supply.

15.3 A Party need not make a payment for a taxable supply under or in connection with this HOA until it receives a tax invoice for the supply.

16. **NOTICES**

16.1 A notice, demand, consent, approval or communication under this HOA (**Notice**) must be:

16.1.1 in writing, in English and signed by a person authorised by the sender; and

16.1.2 hand delivered or sent by pre paid post or electronic mail to an address of the recipient specified below, as varied by any Notice given by the recipient to the sender.

16.2 At the date of this HOA, the addresses for Notices are:

Council

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Postal Address: PO Box 56 Mount Gambier SA 5290

Email Address: MMcCarthy@mountgambier.sa.gov.au

Trust

Postal Address: c/- the City of Mount Gambier, PO Box 56 Mount Gambier SA 5290

Email Address: mmcgann@internode.on.net

16.3 A Notice is deemed to be received:

16.3.1 if hand delivered, on delivery;

16.3.2 if sent by prepaid mail, four Business Days after posting (or seven Business Days after posting if posting to or from a place outside Australia); and

16.3.3 if sent by electronic mail, at the time and on the day shown in the sender's electronic mail delivery report , if it shows that the Notice was sent to the recipient's electronic mail address last Notified by the recipient to the sender;

However if the Notice is deemed to be received on a day that is not a Business Day or after 5:00pm, the Notice is deemed to be received at 9:00am on the next Business Day.

16.4 If two or more people comprise a Party, Notice to one is effective Notice to all.

16.5 Each party authorises its solicitor to sign Notices on its behalf.

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EXECUTED as an agreement

Signed for **CITY OF MOUNT GAMBIER** by its authorised delegate in the presence of:

.....	.....
Signature of witness	Signature of authorised delegate
.....	.....
Name of witness (print)	Name of authorised delegate (print)
	.....
	Position of authorised delegate

The common seal of **THE RIDDOCH ARTS AND CULTURAL TRUST INCORPORATED** was affixed in the presence of:

.....	.....
Signature of Executive Officer	Signature of Board Member
.....	.....
Name (print)	Name (print)

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SCHEDULE 1 – SERVICE SCHEDULE

As at the commencement of the HoA between Council and the Trust, the Council agrees to provide the following services for the benefit of the Trust and Association:

1. **FEE FOR SERVICE** (in-kind and out of pocket) as per Council approved Trust Board Annual Business Plan and Budget for Trust/Board operating activities, as required:

   - agendas/minute preparation for Ordinary/Special Board Meetings
   - General Board/Trust operational administration i.e. communications, records management etc
   - administrative and coordination of Grants, Programs, Projects or similar conducted or auspiced by the Trust;
   - Financial/Accounting, banking and transactional services
   - IT/website administration and content development;
   - Governance/Legal (or similar) support, including oversight of Board contracts, policies etc
   - Risk management documentation and activities
   - Collection Management of Trust acquired items, including storage and maintenance/conservation;

2. **ASSOCIATION ADMINISTRATION** (as sole Member of the Trust) at no cost to the Trust:

   - Audit (and association financial/accounting/banking) services
   - agenda/minute preparation for Association Annual/Special General Meetings
   - filling Board Membership vacancies
   - Observation of Board Meetings
   - Constitution advice and amendments
   - Periodical reporting to Council, including on Annual Business Plan and Budget, and associated administration and communications.
   - induction of Trust Board Members and non-voting associates (i.e. as volunteers – if/as necessary) for the purpose of their support and liability protection associated with relevant Riddoch Arts and Cultural Centre activities.
   - Liability coverage for appropriately inducted and supervised volunteers.

3. The services in parts 1 and 2 of this Schedule may be amended by the written agreement of the Council Representative (the Chief Executive as at the commencement of this HoA) following a request from the Trust by Board resolution or a Board Observer, and where it has been determined that:

   - a change to a service under part 1 is warranted to give effect to the Boards Annual Business Plan and Budget or has arisen as a beneficial opportunity, and may be accommodated within Council's budget and resource capacity in the relevant year, or
   - a service obligation exists for the Association for a change under part 2.

Draft

19.3 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4 - PROJECT NOMINATIONS – REPORT NO. AR23/66435

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/66435**
CM9 Reference:	**AF22/378**
Author:	**Abdullah Mahmud, Manager of Operations & Engineering**
Authoriser:	**Karl Manarangi, Acting General Manager City Infrastructure**
Summary:	**This report seeks Council endorsement of the proposed project nominations for submission to the Local Roads and Community Infrastructure Program - Phase 4.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage**

REPORT RECOMMENDATION

1. That Council Report No. AR23/66435 titled 'Local Roads and Community Infrastructure Program Phase 4 - Project Nominations' as presented on 17 October 2023 be noted.
2. That Council endorse the below project nominations for Phase 4 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Allocation
Frew Park Upgrade	Upgrading facility which is due for renewal.	January 2024	June 2025	AUD $486,995	100%
Road Reconstruction - Boandik Terrace (Crouch Street to Warren Street)	Road section to be renewed due to its existing condition. As per our forward works program.	July 2024	June 2025	AUD $280,909	100%

3. That the Chief Executive Officer and/or General Manager City Infrastructure be authorised to submit the above projects for LRCI Phase 4 to the Commonwealth (represented by the Department of Infrastructure, Transport, Regional Development and Communications).
4. That the budget be updated to include the grant revenue in Budget Review 1 for 2023/2024.

TYPE OF REPORT

Corporate

BACKGROUND

The Commonwealth (represented by the Department of Infrastructure, Transport, Regional Development and Communications) is currently offering Council Phase 4 of the Local Roads and Community Infrastructure Program (LRCI) grant funding, for a total amount of $767,904. Project nominations must be submitted before 31 December 2024 with construction works due to be completed by 30 June 2025.

Phase 4 has been separated into the below categories:

Funding allocated under **Part A** ($486,995) can be spent on any eligible local road or community infrastructure projects.

Funding allocated under **Part B** ($280,909) can be spent on eligible local rural, regional or outer-urban road projects, unless as otherwise agreed by the Department.

Previous Phases of LRCI - The following funding has been allocated to Council as part of the LRCI Program:

- **Phase 1** - $486,995
- **Phase 2** - $1,041,637
- **Phase 3** - $973,990

PROPOSAL

Council Officers have reviewed the terms of the Phase 4 grant funding agreement and identified the following projects for nomination:

LRCI Phase	Project	2023/2024	2024/2025
Phase 4(a)	Frew Park Upgrade - Amenities, Access Road, Stormwater Improvements, Fencing and Seating	$50,000 (Design)	$436,995
Phase 4 (b)	Road Reconstruction - Boandik Terrace (Crouch Street to Warren Street)		$280,909

LEGAL IMPLICATIONS

Council has a formal executed agreement with the Department for Phase 4 grant funding and are obliged to deliver the projects within the agreed timeframes.

STRATEGIC PLAN

Goal 2: Our Location

2.1 Infrastructure development and managing our current assets

Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

4.2 We will ensure that future growth is planned in a manner that provides access to, and does not detract from, the community's environmental values.

COUNCIL POLICY

P420 - Procurement and Disposal of Land and Assets

B300 - Budget Framework Policy

ECONOMIC IMPLICATIONS

As per the grant agreement Council will receive 60% of the allocated grant money upon submission and approval of the proposed work schedule.

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Disability Access and Inclusion Plan 2020-2024

Action Plan 3: Accessible Communities

Action 6 Council to adopt inclusive design principles that encourage best practice rather than meeting minimum legislative requirements.

RESOURCE IMPLICATIONS

It is critical that these projects are delivered before the deadline of June 2025 as per the grant funding agreement.

The Frew Park upgrade project will require careful consideration during the design process for its status as a local heritage place. It is proposed that Council engage an external consultant with local heritage knowledge to undertake the project design and contract management during the life of the project. The estimated total cost for this project includes allowances for a consultant to undertake the project management.

Impact on 2023/2024 Budget:

- **Frew Park Amenities etc** - The adopted budget included 50% of Phase 4(a) revenue and $50k for design costs as part of the adopted 2023/2024 Annual Business Plan and Budget. The additional 10% of grant revenue i.e. $48.7k will be included in Budget Review 1.
- **Road Reconstruction - Boandik Terrace - Crouch Street to Warren Street** – No revenue was included in the adopted 2023/2024 Annual Business Plan and Budget. The 60% allocation of grant revenue of $168.5k will be included in Budget Review 1.

Impact on Adopted LTFP:

- **Frew Park Amenities etc** - It was assumed that the remaining grant funding would be received 2024/2025 (40%) and 2025/2026 (10%).
- **Phase 4 (b)** – The grant funding was not included in the adopted LTFP. The funding for the capital project was included in the Infrastructure forward works program.
- The next version of the LTFP will be updated accordingly.

VALUE FOR MONEY

- These projects are fully funded under the Local Roads and Community Infrastructure Phase 4 Program.

RISK IMPLICATIONS

- The project delivery schedule may change due to Council's delivery capacity and any possible changes to the forward works program that is currently being developed as part of the LTFP review. Regular updates will be provided to all stakeholders.
- There are existing provisions within the grant agreement that allow Council to apply for changes/amendments of the approved work schedule by December 2024.

EQUALITIES AND DIVERSITY IMPLICATIONS

The design will include all disability accessibility and inclusive principles from Council's adopted DAIP Strategy and non-gender specifications for the Frew Park amenities block.

ENGAGEMENT AND COMMUNICATION STRATEGY

Nil

IMPLEMENTATION STRATEGY

- Reporting will be provided to the grant body aligned with the deed, the projects will be delivered accordingly and grant funding will be paid to Council.

CONCLUSION AND RECOMMENDATION

- That Council endorse the project nominations as provided and authorise the Chief Executive Officer and/or the General Manager City Infrastructure to submit this to the Department for approval.
- That the budget be updated to include the grant revenue in Budget Review 1 for 2023/2024.

ATTACHMENTS

Nil

19.4 SOUTH AUSTRALIAN FOREST PRODUCTS ASSOCIATION (SAFPA) - AFFILIATE MEMBERSHIP – REPORT NO. AR23/67000

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/67000**
CM9 Reference:	**AF22/378**
Author:	**Sarah Philpott, Chief Executive Officer**
Authoriser:	**Sarah Philpott, Chief Executive Officer**
Summary:	**It is recommended that Council consider further information provided in order to determine whether to become an affiliate member of SAFPA to support the forestry industry in Mount Gambier and the Limestone Coast Region and contribute to economic, environmental and community development.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Divers Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/67000 titled 'South Australian Forest Products Association (SAFPA) - Affiliate Membership as presented on 17 October 2023 be noted.

Choose option 1 or 2 below:

OPTION 1

2. That Council become an affiliate member of the South Australian Forest Products Association (SAFPA) to support the forest industry in Mount Gambier and contribute to economic, environmental and community development.
3. That Council note that the $3,000 annual membership fee can be funded from the existing budget.

OPTION 2

2. That Council does not become an affiliate member of the South Australian Forest Products Association (SAFPA) however, reiterates Council's ongoing support and recognition of the contribution to economic, environmental and community outcomes of the forest industry in Mount Gambier and the Limestone Coast.

TYPE OF REPORT

Corporate

BACKGROUND

The South Australian Forest Products Association (SAFPA) is a Committee of the Board of the Australian Forest Products Association (AFPA). SAFPA represents all parts of the forestry industry value chain from the sustainable establishment and management of plantations, harvesting and haulage, processing and manufacture of products.

The purpose of SAFPA is to influence policy development, lobby and advocate for its members and the industry generally. In doing this it works collaboratively with other industry bodies and organisations.

It has a strong relationship with government and is looking to broaden its membership to include affiliate members with whom they can work to advocate for issues that affect the forestry industry and its communities. Such issues include, but are not limited to: climate change, water management, recycling, freight routes, education and skills development, affordable housing, worker housing, student housing, regional and community infrastructure, planning for future growth and digital connectivity.

Mayor Martin, the Chief Executive Officer and the General Manager City and Community Growth met with the SAFPA Chief Executive Officer on 2 May 2023.

Affiliate membership has an annual fee of $3,000 and includes two in-person member events (industry networking and information sharing), one 'meet the parliament event' and contribution to policy development and advocacy.

Forestry is a major industry in Mount Gambier, providing 819 direct jobs, being 47.2% of forestry and logging jobs in South Australia and contributes significantly to gross regional product.

Council considered a report recommending affiliate membership to SAFPA on 16 May 2023. Council resolved as follows:

RESOLUTION 2023/86

1. *That Council Report No. AR23/28646 titled 'South Australian Forest Products Association (SAFPA) - Affiliate Membership as presented on 16 May 2023 be noted.*
2. *That a decision be deferred until such time that SAFPA brief Council on the benefits of affiliate membership via an Information Briefing.*

An open workshop was held with Councillors on 26 September 2023. Mr Nathan Paine, the CEO of SAFPA attended the workshop virtually, and provided a presentation to Councillors about the work of SAFPA and the contribution of the industry to the city and region.

A number of questions were put to Mr Paine about the benefit that affiliate membership might bring to the City of Mount Gambier and residents. Discussion points included:

- That affiliate membership is a new category of membership for organisations who are not growers or producers, but are key stakeholders in the success of the industry
- That while SAFPA is a lobby group, Council would not have to agree to all policy positions of the group
- That while Council would still be able to access forestry products organisations on a one-on-one basis, affiliate membership would provide access to all members

- That SAFPA does not represent all forestry growers and forestry products businesses (particularly a few smaller operators)
- Council could choose to contribute to key policy decisions and advocacy
- SAFPA could also take up Council's key advocacy matters where there is a connection also to forestry (emergency management and resources or road condition as an example)
- That Council would be the first local government to be an affiliate member at this point

PROPOSAL

The original proposal put to Council in May was that, given the significance of the forestry industry in the City of Mount Gambier and the broad charter of the SAFPA encompassing industry, employment, transport, manufacture, housing and community generally as well as its advocacy and lobbying role, the City of Mount Gambier joins SAFPA as an affiliate member at an annual cost of $3,000.

Council may now turn to considerations as presented within the workshop to determine whether Council wishes to become an affiliate member, or whether Council does not wish to become an affiliate member.

If Council determines not to become an affiliate member, it is recommended that the resolution include acknowledgement of the important role the forestry and timber products industry plays in our community.

Both options (to become an affiliate member, or not to become an affiliate member) have been provided within the draft recommendation provided in this report to Council, and on resolving, the alternative option which is not chosen should be removed.

LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN

Goal 3.1 Our Diverse Economy: Identity, gateways and support for our businesses

Establish a strong, positive, aspirational identity that includes the message that the City of Mount gambier is "Open for Business".

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Being an affiliate member of SAFPA may contribute to strengthening the City of Mount Gambier's connection with one of its major industry sectors and add to advocacy on issues of economic, environmental and community development. However, if Council does not choose to become an affiliate member, this sector's contribution to our economy would continue (i.e. it is not dependent on our membership to succeed). If Council chooses not to become a member, then it is recommended that an acknowledgement of Council's support of this important industry is clearly articulated given its significance for our region.

ENVIRONMENTAL IMPLICATIONS

SAFPA facilitates and promotes sustainable forestry practices and participates in key environmental discussions including on matters such as water policy.

SOCIAL IMPLICATIONS

SAFPA advocates for social issues such as planning and housing for communities in the Limestone Coast Region from the perspective of social development for forestry communities.

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

The $3,000 annual membership fee could be allocated from the current financial year budget.

VALUE FOR MONEY

Value for money would be through industry / member events, 'meet the parliament' and other advocacy. Value for money would be evaluated over the course of the first year to inform consideration of future membership. However, Council will also wish to consider whether ratepayers would see the benefit of a return on investment from Council's participation in such a membership association.

RISK IMPLICATIONS

The risk in joining SAFPA as an affiliate member is primarily two-fold – ensuring that the financial investment is worthwhile by way of improved advocacy outcomes and access to policy decisions and policy makers and secondly, reputational in terms of whether the community would see it as an appropriate and beneficial expenditure of rate payer funds.

The risk of not joining is that the industry may believe that Council is not supportive of this critical industry, which can be partly mitigated by communication, and also by continuing to forge good relationships with businesses and other organisations such as the Green Triangle Forestry Industries Hub.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Partly dependent upon Council's decision. SAFPA CEO would be advised of the outcome.

IMPLEMENTATION STRATEGY

Nil

CONCLUSION AND RECOMMENDATION

It is recommended that Council consider whether to approve $3,000 from the current budget for the City of Mount Gambier to become an affiliate member of the South Australian Forest Products Association (SAFPA) to show support to the forestry industry in Mount Gambier and contribute to economic, environmental and community development. Alternatively, Council may choose not to become an affiliate member, and in doing so, make clear Council's ongoing support of the industry and its important place for our city's economic, environmental and community future.

ATTACHMENTS

Nil

19.5 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION (LCLGA) CHARTER – REPORT NO. AR23/66855

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/66855**
CM9 Reference:	**AF22/378**
Author:	**Michael McCarthy, Manager Governance and Property**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**
Summary:	**This report presents an updated Charter for the Limestone Coast Local Government Association for review and endorsement.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Diverse Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/66855 titled 'Limestone Coast Local Government Association (LCLGA) Charter' as presented on 17 October 2023 be noted.
2. That the updated Limestone Coast Local Government Association Charter as attached to Report No. AR23/66855 be endorsed.

TYPE OF REPORT

Other

BACKGROUND

The Charter for the Limestone Coast Local Government Association requires that it be reviewed at least once in every four (4) years and may be amended by unanimous resolution of the Constituent Councils. The last review of the Charter occurred in 2015.

Over the last twelve months, the LCLGA Charter has been reviewed by all Councils and feedback provided to Norman Waterhouse who have amended the Charter based on this feedback that improves the previous Charter.

The amended Charter was presented to the 10 February 2023 LCLGA Board meeting and the following motion was approved:

"That the LCLGA Board approve the release of the proposed Charter to the LCLGA's constituent Council's for review and approval."

PROPOSAL

For the Charter to be adopted, all seven constituent Councils must approve the proposed new Charter.

The changes made are mostly cosmetic, removing some duplication and re-ordering and amending several provisions to improve readability and interpretation.

There are no material changes to overall the manner in which the Limestone Coast Local Government Association would be expected to operate.

This report recommends that Council endorse the updated Charter to enable it to be furnished to the Minister and notice of its amendment to be published in the SA Government Gazette.

LEGAL IMPLICATIONS

As a regional subsidiary of which the City of Mount Gambier is one of the seven Constituent Councils there is an expectation that Council participate in certain activities associated with the Limestone Coast Local Government Association including the review of its Charter.

As a regional subsidiary under section 43 of the *Local Government Act 1999* the Limestone Coast Local Government Association has an obligation to operate in accordance with its Charter and the relevant provisions of the Act.

STRATEGIC PLAN

The activities of the Limestone Coast Local Government Association contribute across the 5 Goals and numerous objectives in Council's Strategic Plan 2020-2024.

COUNCIL POLICY

N/A

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

N/A

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Upon its adoption the Limestone Coast Local Government Association Charter is to be published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, namely the Limestone Coast Local Government Association website.

Notice of the amendment to the Charter is also to be published in the SA Government Gazette.

IMPLEMENTATION STRATEGY

Implementation activities associated with changes to the Limestone Coast Local Government Association Charter would be conducted by the Limestone Coast Local Government Association.

CONCLUSION AND RECOMMENDATION

The amended LCLGA Charter is attached to this report for Members review and approval.

ATTACHMENTS

1. Proposed Limestone Coast Local Government Association Charter ⇩

Norman Waterhouse

Limestone Coast Local Government Association

CHARTER

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1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Limestone Coast Local Government Association (referred to as "LCLGA" in this Charter).

1.2 Definitions

1.2.1 "Absolute majority" of the Constituent Councils means a majority of the whole number of the Constituent Councils;

1.2.2 "Act" means the Local Government Act 1999 and all relevant regulations and statutory instruments made there under, as amended from time to time;

1.2.3 "Affiliate" means a council constituted under the Act and any other authority of a local government nature constituted or established under South Australian or Commonwealth legislation which is not a Constituent Council but which is affiliated to the South East Zone Regional Association under the Local Government Association's Constitution;

1.2.4 "Board" means the Board of Management of LCLGA;

1.2.5 "Board Member" means at any time a member of the Board, and where the context so admits, includes a Deputy Board Member;

1.2.6 "Budget" means a budget that conforms to Clause 25 of Schedule 2 to the Act and last adopted by the LCLGA;

1.2.7 "Business Plan" means a business plan that conforms to Clause 24 of Schedule 2 to the Act and last adopted by the LCLGA;

1.2.8 "Constituent Council" means those councils named in Clause 1.4;

1.2.9 "Council" means a council as constituted under the Act;

1.2.10 "Deputy Board Member" means at any time a person appointed and holding office as a Deputy to a Board Member;

1.2.11 "Elected Member" means a Mayor, Chairman or Member of a Council who has been elected or appointed pursuant to the Local Government (Elections) Act 1999 and the Act;

1.2.12 "Financial year" means a year beginning on 1 July in each year and ending on 30 June of the following year;

1.2.13 "LGA" means the Local Government Association of South Australia;

1.2.14 "Project fee" means a charge imposed by LCLGA on the Constituent Councils in accordance with Clause 5.2;

1.2.15 "Meeting" includes an ordinary and a special meeting of the Board;

1.2.16 "Minister" means the Minister for the time being responsible for the administration of the Act;

1.2.17 "Subscription" means those monies the Constituent Councils are liable to contribute to LCLGA in accordance with Clause 6.2.

1.3 **Interpretation**

In this charter unless the context otherwise requires:

1.3.1 headings do not affect interpretation;

1.3.2 singular includes plural and plural includes singular;

1.3.3 words of one gender include any gender;

1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;

1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;

1.3.7 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions;

1.3.8 any reference to a section(s) is a reference to a section of the Act and includes any section that substantially replaces that section and deals with the same subject matter.

1.3.9 a reference to a 'Clause' means a clause of this Charter.

1.4 **Establishment**

LCLGA is a regional subsidiary established pursuant to Section 43 of the Act by the:

1.4.1 City of Mount Gambier;

1.4.2 District Council of Grant;

1.4.3 Kingston District Council;

1.4.4 Naracoorte Lucindale Council;

1.4.5 District Council of Robe;

1.4.6 Tatiara District Council;

1.4.7 Wattle Range Council.

1.5 **Local Government Act 1999**

This Charter must be read in conjunction with the Act. LCLGA shall conduct its affairs in accordance with the Act except as modified by this Charter as permitted by the Act.

1.6 **Objects and Purpose of LCLGA**

LCLGA is established to:

1.6.1 work in association with both the LGA and the Australian Local Government Association;

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

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

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

1.6.5 develop further co-operation between its Constituent Councils for the benefit of the communities of its region;

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

1.6.7 undertake projects and activities that benefit its region and its communities;

1.6.8 associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;

1.6.9 implement programs that seek to deliver local government services on a regional basis; and

1.6.10 to effectively liaise and work with the State and Commonwealth Governments and instrumentalities on a regional basis for the general enhancement of the region.

2. **POWERS AND FUNCTIONS OF LCLGA**

The powers, functions and duties of LCLGA are to be exercised in the performance and furtherance of LCLGA's objects and purposes.

2.1 **Powers and Functions**

In addition to those specified in the Act, the powers and functions of LCLGA are:

2.1.1 subject to clause 2.5, subscribing to, becoming a member of or co-operating or contracting with any other association or organisation whether within or outside the area of the Constituent Councils whose purposes are wholly or in part similar or complimentary to the objects and purposes to LCLGA, and on such terms as LCLGA deems appropriate;

2.1.2 subject to clause 2.5, entering into contracts or arrangements with any Government agency or authority which are incidental or conducive to the attainment of the objects and exercise of the powers of LCLGA;

2.1.3 subject to clause 2.5, appointing, employing, remunerating, removing or suspending officers, managers, employees and agents of LCLGA;

2.1.4 raising revenue through Subscriptions, Project Fees and any other means not inconsistent with the objects and purposes of LCLGA from Constituent Councils (and Affiliates), by arrangements with sponsor organisations and by arrangement or contract with any other organisation or person;

2.1.5 printing and publishing any newspapers, periodicals, books, leaflets, electronic communications and other like writing;

2.1.6 establishing committees for such purposes as it considers appropriate which may include to steer projects or to pursue geographic or functional interests of LCLGA, the Constituent Councils or specific groups of the Constituent Councils, determining the terms of reference for a committee and appointing any member, officer or employee of a Constituent Council to be a member of a committee; ;

2.1.7 subject to clause 2.7, acquiring, holding, dealing with and disposing of any real or personal property;

2.1.8 opening and operating bank accounts;

2.1.9 accumulating surplus funds for investment purposes;

2.1.10 investing any of the funds of LCLGA, provided that:

(a) in exercising this power of investment LCLGA must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and

(b) LCLGA must avoid investments that are speculative or hazardous in nature

2.1.11 subject to clause 2.5, borrowing money;

2.1.12 giving security for the discharge of the liabilities of LCLGA; and

2.1.13 doing all other things that are necessary or incidental or conducive to the attainment of the objects and purposes, the furtherance of the interests and the exercise, performance or discharge of the powers, functions or duties of LCLGA.

2.2 **Duties and Acting Outside Areas of Constituent Councils**

2.2.1 LCLGA has the following duties:

(a) to exercise the functions and powers of LCLGA only in the performance and furtherance of LCLGA's objects and purposes;

(b) to comply with this Charter, the Act, all other applicable laws and any lawful direction of the Constituent Councils.

2.2.2 LCLGA may undertake its activities outside the areas of the Constituent Councils in accordance with the Act but only where such activities have been approved by the Constituent Councils as being necessary or expedient to the performance by LCLGA of its functions.

2.3 **Other Powers, Functions and Duties**

LCLGA may exercise such other functions and powers as may be delegated to the LCLGA or authorised by the Constituent Councils from time to time.

2.4 **Property**

2.4.1 All property held by LCLGA is held by it on behalf of the Constituent Councils;

2.4.2 No person may sell, encumber or otherwise deal with any property of LCLGA without the approval of the Board by way of resolution at a Board meeting.

2.5 **Borrowings and Expenditure**

2.5.1 LCLGA has the power to incur expenditure as follows:

(a) as set out in a budget adopted by LCLGA in accordance with the Act; or

(b) in respect of expenditure not contained in a budget adopted by LCLGA for a purpose of genuine emergency or hardship.

2.5.2 LCLGA has the power to borrow money subject to the following:

(a) LCLGA must prior to taking out any borrowings submit a proposal in writing to the Constituent Councils outlining the amount of money proposed to be borrowed, the terms and conditions of the borrowings and the purpose to which the money will be put;

(b) LCLGA may only borrow money if an absolute majority of the Constituent Councils grant approval to the borrowing which approval may be granted on such terms and conditions as determined by the absolute majority of the Constituent Councils granting the approval.

2.6 **Delegation by LCLGA**

LCLGA may subject to this Charter and in accordance with the Act by resolution delegate any of its power or, functions under the Act or this Charter but may not delegate:

2.6.1 the power to impose charges including the power to impose a Project Fee or Subscriptions;

2.6.2 the power to borrow money or obtain any other form of financial accommodation;

2.6.3 the power to approve expenditure of money on the works, services or operations of LCLGA not set out or included in a budget approved by

LCLGA or where required by this Charter approved by the Constituent Councils;

2.6.4 the power to approve the reimbursement of expenses or payment of allowances to members of the Board;

2.6.5 the power to adopt financial estimates and reports.

A delegation is revocable at will and does not prevent LCLGA from acting in a matter.

2.7 National Competition Policy

LCLGA must undertake any commercial activities, which constitute a significant business activity of LCLGA, in accordance with the principles of competitive neutrality.

3. BOARD OF MANAGEMENT

3.1 Structure

3.1.1 LCLGA is a body corporate and is governed by the Act and this Charter.

3.1.2 The Board is LCLGA's governing body and has the responsibility to manage the business and other affairs of LCLGA ensuring that LCLGA acts in accordance with this Charter and all relevant legislation.

3.1.3 All meetings of the Board shall be meetings of LCLGA.

3.2 Membership of the Board

3.2.1 The Board shall consist of Members appointed pursuant to this Charter.

3.2.2 Each Constituent Council will be entitled to appoint one elected member to be a Board Member and may at any time revoke this appointment and appoint another elected member to be a Board Member.

3.2.3 Subject to this Charter a Board Member shall be appointed for a term specified in their instrument of appointment or until the conclusion of the next periodic Local Government Election following their appointment, whichever term is lesser, at which time they will be eligible for re-appointment by the Constituent Council.

3.2.4 Each Constituent Council may appoint two elected members of the Constituent Council to be Deputy Board Members for such terms as determined by the Constituent Council , either of whom may act in place of that Constituent Council's Board Member at the request of the Board Member or the Board if the Board Member will be unable to be present at a meeting of the Board. The Constituent Council may revoke the appointment of a Deputy Board Member and appoint another elected member as a Deputy Board Member at any time.

3.2.5 In the absence of a Board Member, the Deputy Board Member acting for the absent Board Member has all of the rights and responsibilities of the Board Member.

3.2.6 Each Constituent Council must give notice in writing to LCLGA of the elected members it has appointed as a Board Member and Deputy Board Members and of any revocation of any of those appointments.

3.2.7 In the event that a Board Member or both Deputy Board Members are unable to attend a meeting of the Board, any other elected member of the Constituent Council present at the meeting may, upon application, be accepted by the meeting as the proxy for the absent Board Member and Deputy Board Members for the period of the absence of the Board Member and Deputy Board Members.

3.2.8 A Constituent Council may invite any of its elected members or employees to attend meetings of the Board and those so invited may be heard but only a Board Member may exercise a vote.

3.2.9 The provisions regarding terminating the appointment of a Board Member as prescribed in the Act apply to all Board Members. In addition to those provisions, the appointment of a Board Member shall terminate:

(a) upon the Council who appointed him/her ceasing to be a Constituent Council; or

(b) if the Board Member ceases to be an elected member of the Constituent Council which appointed him/her;

(c) upon the happening of any other event through which the Board Member would become ineligible to remain as a Board Member.

(See Clause 20, Part 2, Schedule 2 of the Act for the grounds that give rise to a vacancy)

3.2.10 The Board may by a two thirds majority vote of the Board Members present (excluding the Board Member subject to this Clause 3.2.10) make a recommendation to the relevant Constituent Council requesting that the Constituent Council terminate the appointment of a Board Member in the event of:

(a) any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;

(b) serious neglect of duty in attending to the responsibilities of a Board Member;

(c) breach of fiduciary duty to LCLGA or the Constituent Council(s);

(d) breach of the duty of confidentiality to LCLGA or the Constituent Council(s);

(e) breach of the conflict of interest provisions of the Act; or

(f) any other behaviour that may, in the opinion of the Board, discredit LCLGA or the Constituent Councils.

3.2.11 If any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment. The person

appointed to fill the vacancy will be appointed for the balance of the term of the original appointment or such longer term as the Constituent Council appointing the person may determine and at the expiry of that term shall be eligible for re-appointment.

3.3 **Functions of the Board**

In addition to the functions of the Board set out in the Act, the Board has the following functions:

3.3.1 ensuring that LCLGA achieves the objectives the purposes set out in this Charter;

3.3.2 formulating strategic plans aimed at improving the activities of LCLGA;

3.3.3 providing input and policy direction to LCLGA;

3.3.4 monitoring, overseeing and evaluating the performance of the Executive Officer of LCLGA;

3.3.5 ensuring that ethical behaviour and integrity is maintained by LCLGA and its Board Members in all activities undertaken by LCLGA;

3.3.6 ensuring that the activities of LCLGA are undertaken in an open and transparent manner, save as otherwise permitted by this;

3.3.7 assisting in the development of Annual Business Plans;

3.3.8 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

3.4 **Propriety of Members of the Board**

3.4.1 The provisions regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a council.

3.4.2 Board Members are not required to comply with Chapter 5, Part 4, Division 2 (Register of Interests) of the Act.

3.4.3 Board Members must at all times act in accordance with their duties as set out in the Act.

3.5 **President and Vice President of the Board**

3.5.1 The Board will elect from the Board members a President and Vice President at the Annual General Meeting of the Board.

3.5.2 Where there is more than one nomination for the position of President or Vice President, the election shall be decided by ballot.

3.5.3 The President and Vice President shall hold office from the Annual General Meeting and for such term as determined by the Board except that the President and Vice President shall immediately cease to hold office as President or Vice President if he or she:

(a) resigns from the office of President or Vice President;

(b) is removed from office as President or Vice President by the Board; or

(c) is no longer a Board Member.

3.5.4 The President is entitled to the payment of an honorarium as determined by the Board.

3.5.5 In the event that:

(a) the President ceases to hold office as the President for any reason whatsoever, the Vice-President will be appointed to the role of President and the Board Members may elect from the other Board Members a Board Member to hold the office of Vice-President until the next Annual General Meeting;

(b) the Vice-President ceases to hold office as the Vice President for any reason whatsoever, the Board Members may elect from the other Board Members a Board Member to hold the office of Vice- President until the next Annual General Meeting;

(c) both the President and Vice-President cease to hold office as President and Vice President at the same time for any reason whatsoever, the Board Members may elect from the other Board Members, two Board Members to hold the offices of President and Vice President until the next Annual General Meeting.

3.6 **Powers of the President and Vice President**

3.6.1 The President shall preside at all meetings of the Board.

3.6.2 In the event of the President being absent from a meeting of the Board, the Vice President will preside during the President's absence.

3.6.3 In the event of the President and Vice President being absent from a meeting, the Board shall appoint a Board Member from those present, who shall preside for the duration of the absence of the at the President or Vice President.

3.6.4 The President and the Vice President individually or collectively shall have such other powers as may be decided by the Board.

3.7 **Meetings of the Board**

3.7.1 The Board may determine procedures, in addition to but not inconsistent with those specified in this Charter, to apply at or in relation to its meetings.

3.7.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Officer of LCLGA from time to time, and in any event not less than two (2) times per financial year. Notice of any change to the time and or place of an ordinary meeting of the Board must be provided by the Executive Officer to each Board Member and Chief Executive Officer of the Constituent Councils at least four (4) weeks prior to the holding of the ordinary meeting as far as reasonably practicable.

3.7.3 An ordinary meeting of the Board will constitute an ordinary meeting of LCLGA. The Board shall administer the business of the ordinary meeting.

3.7.4 For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means ("telecommunications meeting") of the Board Members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board.

3.7.5 Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present.

3.7.6 At the commencement of a telecommunications meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the President of the meeting.

3.7.7 The time and place of ordinary meetings of the Board (including the Annual General Meeting) fixed by the Board in accordance with clause 3.7.2 will be confirmed at each ordinary meeting of the Board.

3.7.8 Notice of a meeting of the Board for the purpose of making a recommendation to the Constituent Councils to wind up LCLGA will be sent to Board Members and the Chief Executive Officers of the Constituent Councils at least eight (8) weeks before the date of the meeting.

3.7.9 Any three (3) Constituent Councils may by delivering a written request to the Executive Officer of LCLGA require a special meeting of the Board to be held. On receipt of the request, the Executive Officer shall send a notice of the special meeting to all Board Members and Chief Executive Officers of the Constituent Councils at least three (3) days prior to the date of the special meeting in the manner provided for in this Charter. Such notice shall specify the date, time and place of the special meeting and be signed by the Executive Officer, and contain, or be accompanied by, the agenda for the meeting.

3.7.10 The request by any Constituent Council to the Executive Officer of LCLGA requiring a special meeting to be held must be accompanied by the proposed agenda for the meeting and any written reports intended to be considered at the meeting (and if the proposed agenda is not provided the request is of no effect).

3.7.11 The President may convene a special meeting of the Board at the President's discretion without complying with the notice requirements prescribed in this Charter provided always that there is a minimum one (1) hour notice given to Board Members.

3.7.12 The President shall convene other meetings of the Board as the Board may direct.

3.7.13 **Quorum**

(a) The prescribed number of Board Members will constitute a quorum at a meeting and no business will be transacted at a meeting unless a quorum is present.

(b) The prescribed number of Board Members means a number ascertained by dividing the total number of Board Members for the time being in office, by two (2) ignoring any fraction resulting from the division and adding one (1).

3.7.14 **Voting**

(a) Each Board Member present at the meeting including the President, shall hold a voting card and be entitled to make a deliberative vote on behalf of that Constituent Council.

(b) In the event of an equality of votes, the President does not have a second or casting vote.

(c) Questions arising for decision at ordinary meetings of the Board will be decided by an absolute majority of votes on the basis of one (1) vote per Board Member present at the meeting, providing the number of "for" votes is not less than the absolute majority of Constituent Councils.

(d) A recommendation to Constituent Council's to wind up LCLGA requires the votes of the Board Members of an absolute majority of the Constituent Councils.

(e) Subject to the Act, each Board Member validly present at a meeting and entitled to vote in accordance with this Charter must vote on a question arising for decision at the meeting. Failure by any Board Member to vote other than where permitted or required by the Act not to vote will be deemed to be a negative vote in relation to the question for decision.

3.7.15 A majority of the Board Members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.

3.7.16 Subject to the provisions of this Charter, meetings of the Board must be conducted in a place open to the public and Chapter 6 Part 3 of the Act extends to LCLGA as if LCLGA were a council and the Board Members were members of the Council.

3.7.17 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and present the minutes at the next meeting of the Board for confirmation and adoption.

3.7.18 Where the Executive Officer is excluded from attendance at a meeting of the Board pursuant to this Charter, the person presiding at the meeting shall cause the minutes to be kept.

3.7.19 Subject to this Charter a person is entitled to inspect, without payment of a fee:

(a) minutes of a Board Meeting;

(b) reports to the Board received at a meeting of the Board;

(c) recommendations presented to the Board in writing and adopted by resolution of the Board.

3.7.20 Subject to the Act and this Charter and to any direction of the Constituent Councils the Board may determine its own procedures for meetings which must be fair and contribute to free and open decision making.

3.8 **Annual General Meeting**

The Annual General Meeting will:

3.8.1 be held on a day determined by the Board save that it must be held before 30 April in each calendar year unless extraordinary administrative difficulty;

3.8.2 receive LCLGA's Annual Report which may incorporate reports from committees and any representatives reports from other organisations;

3.8.3 receive the audited financial statement for the preceding financial year;

3.8.4 acknowledge the appointment of Board Members;

3.8.5 elect the:

(a) President; and

(b) Vice President;

3.8.6 determine the amount of the honorarium to be paid to the President; and

3.8.7 consider any other business requiring consideration by the Board Members in general meeting.

4. EXECUTIVE OFFICER

4.1 The Board shall appoint an Executive Officer of LCLGA to manage the business of LCLGA on terms agreed between the Executive Officer and the Board.

4.2 The Executive Officer is responsible to LCLGA for the implementation of decisions made by LCLGA and for the efficient and effective management of the affairs of LCLGA.

4.3 The Executive Officer shall cause records to be kept of all activities and financial affairs of LCLGA in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.

4.4 The Board shall delegate responsibility for the day-to-day management of LCLGA to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of LCLGA.

4.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:

4.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;

4.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;

4.5.3 providing information to assist the Board to assess LCLGA's performance against its Strategic Management and Business Plans;

4.5.4 appointing, managing, suspending and dismissing employees of LCLGA;

4.5.5 determining the conditions of employment of employees of LCLGA, within budgetary constraints set by the Board;

4.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;

4.5.7 ensuring that LCLGA is at all times complying with the relevant legislation;

4.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of LCLGA;

4.5.9 ensuring that the assets and resources of LCLGA are properly managed and maintained;

4.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;

4.5.11 ensuring that LCLGA's Annual Report is distributed to the Constituent Councils in time to be incorporated in their Annual Reports;

4.5.12 exercising, performing or discharging other powers, functions, delegations or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and

4.5.13 achieving financial outcomes in accordance with adopted plans and budgets of LCLGA.

4.6 The Executive Officer may delegate or sub-delegate any power or function vested in the Executive Officer to:

4.6.1 a committee;

4.6.2 an employee of LCLGA;

4.6.3 an employee of a Constituent Council; or

4.6.4 a person for the time being occupying a particular office or position.

4.7 A delegation or sub-delegation by the Executive Officer may be subject to any conditions or limitations as determined by the Executive Officer.

4.8 Where a power or function is delegated to an employee, or a person occupying a particular office or position, that employee or person is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.

4.9 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.

5. MANAGEMENT

5.1 Financial Management

5.1.1 LCLGA shall keep proper books of accounts, and reconsider its budget in accordance with the requirements of the Local Government (Financial Management) Regulations 2011 and all applicable Australian accounting standards.

5.1.2 LCLGA's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.

5.1.3 LCLGA must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.

5.1.4 LCLGA shall appoint no less than two Board members, the Executive Officer, the President and the Vice President as authorised operators of the bank accounts. A minimum of two authorised operators must be required to deal with the bank account at any one time.

5.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures approved by the external Auditor.

5.1.6 The Executive Officer must act prudently in the handling of all financial transactions for LCLGA and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

5.2 Project Fees

5.2.1 LCLGA may charge Constituent Councils or any of them for a specified activity or activities in the form of Project Fees.

5.2.2 A Project Fee must be imposed by the Board at an ordinary meeting or an Annual General Meeting.

5.2.3 The Executive Officer must give notice to Constituent Councils of the purposes of a Project Fee at least four (4) weeks prior to an ordinary meeting of the Board.

5.2.4 In the event that a Constituent Council does not wish to participate in an activity or activities, that Council may elect to be excluded from that activity or activities.

5.2.5 The Executive Officer must give notice of the Project Fees to all affected Constituent Councils.

5.2.6 A Project Fee will not be binding on Constituent Councils until the expiration of one calendar month from the date of the notice specified in clause 5.2.5.

5.2.7 A Constituent Council that objects in writing to the imposition of the Project Fee within one month of the date of the notice shall be exempt from payment of the Project Fee until its objection is considered at a meeting of the Board.

5.2.8 A meeting of the Board must, after consideration of the objection of a Constituent Council to a Project Fee, confirm or vary the Project Fee on that Council or exempt that Constituent Council from payment of the Project Fee.

5.2.9 The President may convene a special meeting of the Board to consider an objection to a Project Fee.

5.3 **Audit**

5.3.1 The Board must appoint an external auditor in accordance with the Local Government (Financial Management) Regulations 2011.

5.3.2 The external Auditor shall hold office for such term as determined by the Board.

5.3.3 The role of external Auditor will be as specified in the Act.

5.3.4 The audit of financial statements of LCLGA, together with the accompanying report from the external Auditor, shall be submitted to both the Board and the Chief Executive Officers of the Constituent Councils.

5.4 **Annual Business Plan and Budget**

5.4.1 LCLGA shall prepare and adopt an Annual Business Plan and Budget:

(a) linking the core activities of LCLGA to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and

(b) detailing the estimated subscriptions, revenues, costs and Project Fees for the ensuing financial year.

5.4.2 A draft Annual Business Plan and Budget shall be submitted by the Executive Officer to the Board by 30 April in each financial year unless otherwise determined by the Board.

5.4.3 The Annual Business Plan and Budget shall be adopted by the Board after 31 May for the ensuing financial year and before 31 August. A draft Annual Business Plan and Budget must be referred to the Constituent Councils at least eight (8) weeks prior to the date of the meeting of the Board at which they are to be adopted.

5.4.4 A Constituent Council may comment on the draft Annual Business Plan and Budget in writing to the Executive Officer at least fourteen (14) business days before the meeting at which they are to be adopted or through its Board Members at that meeting.

5.4.5 The Board must provide a copy of the adopted Annual Business Plan and Budget to the Chief Executive Officers of each Constituent Council within five (5) business days after adoption.

5.4.6 The Board will reconsider the Annual Business Plan and Budget at least three times during the financial year in line with the Local Government (Financial Management) Regulations 2011.

5.4.7 LCLGA shall consult with the Constituent Councils prior to amending the Annual Business Plan and Budget.

5.5 **Prudential Requirements**

Where consideration is being given to LCLGA undertaking a commercial or large project, the provisions of Chapter 4 Part 3 Sections 48(1)(b), 48(2) and 48(3) of the Act, shall apply.

5.6 **Strategic Management Plan**

5.6.1 LCLGA shall prepare and implement a Strategic Management Plan.

5.6.2 The Strategic Management Plan will:

(a) identify LCLGA's objectives over the period;

(b) identify the principal activities that LCLGA intends to undertake to achieve its objectives;

(c) state the measures that are to be used to monitor and access the performance of LCLGA over the period;

(d) identify the broad means by which its activities are to be carried out;

(e) address issues associated with arranging its affairs; and

(f) make provision for the review of LCLGA's charter and activities.

5.6.3 LCLGA may amend its Strategic Management Plan at any Board meeting, but must review the Strategic Management Plan at least once every five (5) years.

5.7 **Reporting**

5.7.1 LCLGA must submit to the Constituent Councils, on or before 30 September in each year a report on the work and operations of LCLGA detailing achievement of the aims and objectives of its Annual Business Plan and incorporating the audited Financial Statements of LCLGA and any other information or report as required by the Constituent Councils.

5.7.2 The Board shall present a balance sheet and full financial reports to the Constituent Councils at the end of each financial year in accordance with the Local Government (Financial Management) Regulations 2011.

6. MISCELLANEOUS

6.1 New Members

6.1.1 Subject to the provisions of the Act, including but not limited to Ministerial approval, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership, such conditions to be determined by the Board.

6.1.2 A Council may apply for Affiliate status provided that the Board is satisfied that there is good reason for the Council not to be a full member. Subject to this Charter, an Affiliate shall be entitled to attend at all meetings of the Board and shall have an opportunity to speak to the meeting, however an Affiliate shall not be entitled to vote at meetings of the Board and shall, subject to legislative requirements, have such other rights and obligations as the Board may decide.

6.2 Subscription

6.2.1 Every Constituent Council shall be liable to contribute monies to LCLGA each financial year.

6.2.2 Subscriptions are to be applied equitably to Constituent Councils under such terms and conditions determined by the Board.

6.2.3 The amount of each Constituent Council's subscription will be decided at an ordinary meeting and will be due and payable within one month of a written request from the Executive Officer for payment.

6.2.4 If a Council becomes a Constituent Council after the first day of July in any year, the subscription payable by that council for that financial year will be calculated on the basis of the number of months remaining in that financial year.

6.2.5 The subscription payable by an Affiliate shall be decided at the time Affiliate status is granted and may be determined by the Board at the Annual General Meeting.

6.3 Standing Orders

Subject to Clause 21 of Schedule 2 of the Act, LCLGA may by resolution at any meeting of the Board pass, alter or rescind standing orders or rules for the due management and regulation of LCLGA. Standing orders or rules made pursuant to this Clause shall be entered in a book that will be kept for the information of Board Members and may be printed or circulated at the discretion of LCLGA.

6.4 Disqualification

6.4.1 Subject to any legislative requirements including but not limited to Ministerial approval, a Council that fails to pay its subscription or any other monies due to LCLGA within six months from the date upon which the subscription or other monies become due and payable shall cease to be a Constituent Council or, as the case may be, an Affiliate.

6.4.2 The Executive Officer will give notice in writing to the Constituent Council that its status as a Constituent Council or, as the case may be, an Affiliate, has been terminated.

6.5 **Withdrawal**

6.5.1 Subject to any legislative requirements, including but not limited to Ministerial approval, a Constituent Council or an Affiliate may resign from LCLGA at any time by giving three months' notice in writing of such withdrawal to the Executive Officer provided that its subscription of the current year and other monies outstanding prior to the date of its giving notice of withdrawal have been paid to LCLGA.

6.5.2 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by LCLGA at any time before or after such withdrawal in respect of any act or omission by LCLGA prior to such withdrawal.

6.6 **Insurance and Superannuation Requirements**

6.6.1 LCLGA shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.

6.6.2 LCLGA shall advise the Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of LCLGA.

6.6.3 If LCLGA employs any person it shall register with the Local Government Superannuation Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.

6.7 **Winding Up**

6.7.1 LCLGA may be wound up by the Minister acting upon a unanimous resolution of the Constituent Councils or by the Minister in accordance with Schedule 2, Part 2, clause 33 (1)(b) of the Act.

6.7.2 In the event of a winding up of LCLGA, any surplus assets after payment of all expenses shall be returned to Constituent Councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to wind up.

6.7.3 If there are insufficient funds to pay all expenses due by LCLGA on winding up, a levy shall be imposed on all Constituent Councils in proportion to the subscription paid in the financial year prior to the passing of the resolution to wind up.

6.7.4 In the event of a winding up of LCLGA, an Affiliate shall not be entitled to participate in a distribution of surplus assets and shall not be liable to pay a levy if there are insufficient funds to pay all expenses.

6.8 **Direction by Constituent Councils**

6.8.1 The establishment of LCLGA does not derogate from the power of the Constituent Councils to jointly act in any manner prudent to the sound management and operation of LCLGA, provided that the Constituent

Councils have first agreed by resolution of each Constituent Council as to the action to be taken.

6.8.2 The establishment of LCLGA does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter for which LCLGA has been established.

6.8.3 Provided that the Constituent Councils have all first agreed unanimously as to the action to be taken, the Constituent Councils may direct and control LCLGA.

6.8.4 For the purpose of clause 6.8.3, any direction given by the Constituent Councils must be given in writing to the Executive Officer of LCLGA.

6.9 **Alteration and Review of Charter**

6.9.1 This Charter will be reviewed by the Constituent Councils at least once in every four (4) years.

6.9.2 This Charter may be amended by unanimous resolution of the Constituent Councils.

6.9.3 The Executive Officer must:

(a) furnish a copy of the charter, as amended, to the Minister; and

(b) ensure that a copy of the charter, as amended, is published on a website (or websites) determined by the chief executive officers of the Constituent Councils; and

(c) ensure that a notice of the fact of the amendment and a website address at which the charter is available for inspection is published in the Gazette.

6.10 **Disputes Between Constituent Councils**

6.10.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.

6.10.2 Where the Constituent Councils are unable to resolve a matter within twenty-one (21) days of the matter being presented to them, the matter will be referred by the Board to the President of the Institute of Arbitrators and Mediators Australia (or his/her nominee) for the appointment of an arbitrator.

6.10.3 Notwithstanding clause 6.10.2 the Constituent Councils agree to be bound by the decision of the appointed arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.

6.10.4 The costs of arbitration shall be borne equally by the Constituent Councils involved in the arbitration, or as otherwise determined by the arbitrator.

6.11 **Committees**

6.11.1 The Board may establish a committee of Board Members for the purpose of:

(a) enquiring into and reporting to the Board on any matter within LCLGA's functions and powers and as detailed in the terms of reference given by the Board to the Committee;

(b) exercising, performing or discharging delegated powers, functions or duties.

6.11.2 The Board may establish advisory committees consisting of or including persons who are not Board Members or elected members for enquiring into and reporting to the Board on any matter within LCLGA's functions and powers and as detailed in the terms of reference.

6.11.3 Subject to clause 6.11.4 the Board may appoint a member of a committee or advisory committee for such term as determined by the Board save that a term of office of a member of a committee or advisory committee will conclude at the conclusion of the next local government election following their appointment.

6.11.4 A member of a committee or advisory committee established under this Clause holds office at the pleasure of the Board.

6.11.5 The President of the Board is an ex-officio member of any committee or advisory committee established by the Board.

6.12 **Common Seal**

6.12.1 LCLGA shall have a common seal upon which its corporate name shall appear in legible characters.

6.12.2 The common seal shall not be used without the express authorisation of a resolution of LCLGA and every use of the common seal shall be recorded in the minute book of LCLGA.

6.12.3 The affixing of the common seal shall be witnessed by the President or Vice President and the Executive Officer or such other person as LCLGA may appoint for the purpose.

6.12.4 The common seal shall be kept in the custody of the Executive Officer or such other person as LCLGA was may from time to time decide.

6.13 **Circumstances Not Provided For**

6.13.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the President may decide the action to be taken to ensure achievement of the objects of LCLGA and its effective administration.

6.13.2 The President shall report any such decision at the next general meeting.

19.6 REVIEW OF DECEMBER 2023 / JANUARY 2024 COUNCIL MEETING DATES – REPORT NO. AR23/1241

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/1241**
CM9 Reference:	**AF21/496**
Author:	**Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**
Summary:	**To seek clarity from Elected Members their preferred Council meeting arrangements for December 2023 / January 2024**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Diverse Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/1241 titled 'Review of December 2023 / January 2024 Council Meeting Dates' as presented on 17 October 2023 be noted.
2. That the December 2023 meeting be held one week earlier on the 2nd Tuesday of the month, being 12 December 2023, to avoid the week leading into Christmas.
3. That the January 2024 meeting be held one week later on the 4th Tuesday of the month, being 23 January 2024, providing more opportunity for agenda preparation to occur after the Christmas / New Year period.

TYPE OF REPORT

Other

BACKGROUND

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

In considering meeting frequencies, it is important to note that pursuant to section 81(2) of the Local Government Act 1999, there must be at least one ordinary Council meeting per month. Other prescribed requirements that apply to Council meetings include:

- If a time and place has not been appointed for the holding of an ordinary meeting during a month, the Chief Executive Officer must appoint the time and place at which the ordinary meeting for the month is to be held.
- Ordinary meetings of a Council may not be held on Sundays, or on public holidays.
- Ordinary meetings of the Council may not be held before 5.00 p.m. unless the Council resolves by a resolution supported unanimously by all Members of the Council.

PROPOSAL

Council meetings require lead time to prepare reports and collate agendas for meetings.

The Council Offices will be closed from 2:00 pm Friday 22 December 2023 and will re-open on Tuesday 2 January 2024. If Council were to hold the December Council meeting on the 3rd Tuesday of the month the meeting would be scheduled for Tuesday 19 December 2023, three days before the holiday closedown period.

Given the above, it would be more practical as previous years, to:

- hold the December 2023 meeting one week earlier on the 2nd Tuesday of the month, 12 December 2023, to avoid the week leading into Christmas; and
- hold the January 2024 meeting be one week later on the 4th Tuesday of the month, the 23 January 2024, to provide more opportunity for agenda items and agenda collation to occur after the Christmas / New Year period.

LEGAL IMPLICATIONS

With the exception of the requirement to hold at least one Council meeting per month, and to give adequate notice of meeting dates and times, there are no other legal implications associated with the proposals in this report.

STRATEGIC PLAN

Nil

COUNCIL POLICY

Nil

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Nil

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Nil

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Should Council resolve to alter any scheduled meetings as a result of this report, such changes will be communicated through Council's ordinary channels.

IMPLEMENTATION STRATEGY

Nil

CONCLUSION AND RECOMMENDATION

Given the reduced timeframe and impracticalities for the preparation of reports and agendas, and the actioning of resolutions preceding/during/following the Christmas and New Year holiday period, it is recommended that:

- the December 2023 meeting be held one week earlier on the 2nd Tuesday of the month, the 12 December 2023, to avoid the week leading into Christmas; and,
- the January 2024 meeting be held one week later on the 4th Tuesday of the month, 23 January 2024, to provide more opportunity for agenda items and agenda collation to occur after the Christmas / New Year period.

Due to January 2024 having 5 Tuesdays the above recommendation will still result in a 4 week period between the January and the next meeting on the 3rd Tuesday of the month on the 20th of February.

ATTACHMENTS

Nil

19.7 VOLUNTEER MANAGEMENT PLAN AND POLICY – REPORT NO. AR23/68821

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/68821**
CM9 Reference:	**AF22/378**
Author:	**Tegan McPherson, Project Manager**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**
Summary:	**This report recommends a Volunteer Management Plan and Policy for the approval of Council.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Diverse Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/68821 titled 'Volunteer Management Plan and Policy' as presented on 17 October 2023 be noted.
2. That the City of Mount Gambier Volunteer Management Plan as attached to Report No. AR23/68821 be endorsed to progress to implementation planning.
3. That the proposed Volunteer Management Policy as attached to Report No. AR23/68821 be endorsed.

TYPE OF REPORT

Corporate

BACKGROUND

The City of Mount Gambier Strategic Plan 2020 - 2024 commits to developing a Volunteer Management Plan to maximise the benefit of volunteering to the community for those who choose to donate their time to Council. To deliver on this, Council committed to the development of this plan as part of its suite of Strategic Priority Projects for 2023/24.

A cross-functional project team was established with representatives from the key volunteer program areas across Council, including:

- Community Events
- Mount Gambier Library
- Riddoch Arts and Cultural Precinct
- Valley Lakes Conservation Park
- Waste Transfer Station and ReUse Market

In addition, subject matter expertise and input was provided by the Human Resources and Workplace Health and Safety team.

To inform the development of the Volunteer Management Plan, the project team undertook a benchmarking exercise against the National Standards for Volunteer Involvement which is a framework developed by Volunteering Australia specifically designed to help organisations attract, manage, recognise and retain volunteers, and to manage risk and safety with respect to volunteers. In addition, the project team undertook the Council's first ever Volunteer Experience Survey to gather feedback and input directly from our existing volunteers. The initial findings from this benchmarking exercise and survey were shared with Council at a Briefing Session on 13 June 2023.

In summary, there were a range of program gaps, or inconsistencies in implementation across all 8 of the National Standards which have been incorporated into the proposed Plan. The eight (8) National Standards are:

- Standard 1: Leadership and Management
- Standard 2: Commitment to Volunteer Involvement
- Standard 3: Volunteer Roles
- Standard 4: Recruitment and Selection
- Standard 5: Support and Development
- Standard 6: Workplace Safety and Wellbeing
- Standard 7: Volunteer Recognition
- Standard 8: Quality Management and Continuous Improvement

While undertaking the review of our volunteer programs, it was identified that some essential elements of our volunteer program were inconsistent or not in place to ensure effective governance and support to our volunteers. It is with this in mind that some of the initiatives proposed in Year 1 of the Volunteer Management Plan are already being implemented across Council. These include:

- Develop and implement position descriptions for volunteers.
- Develop process for recording volunteer hours and participation.
- Centralise management of volunteer files and data.
- Ensure volunteers are aware and have capacity to report safety incidents and hazards.

In addition, it was felt, that by implementing a Volunteer Management Policy in conjunction with a Volunteer Management Plan the organisation would meet its commitment to volunteer involvement through publicly declaring its intent, purpose and commitment to involving volunteers. This Policy is also attached to this report for Council's consideration and approval.

PROPOSAL

It is proposed that Council endorse the proposed Volunteer Management Plan and Volunteer Management Policy as presented.

LEGAL IMPLICATIONS

The following legislation applies in the management of volunteers:

- South Australian Work Health and Safety Act, 2012
- South Australian Work Health and Safety Regulations, 2012
- Local Government Act, 1999
- Volunteer Protections Act 2001
- Children's Protection Act 1993
- Children's Protection Regulations 2010
- Privacy Act 1988

This legislation has been referenced and incorporated in our actions against the Volunteer Management Plan and in preparing the Volunteer Management Policy.

STRATEGIC PLAN

The City of Mount Gambier Strategic Plan 2020 - 2024 commits to developing a Volunteer Management Plan to maximise the benefit of volunteering to the community for those who choose to donate their time to Council. To deliver on this, Council committed to the development of this plan as part of its suite of Strategic Priority Projects for 2023/24.

Volunteer Management is also captured within the following City of Mount Gambier strategic documents:

- City of Mount Gambier Disability Access and Inclusion Plan 2020 -2024.
- City of Mount Gambier Regional Public Health Plan 2021 – 2026.
- City of Mount Gambier Sport Recreation and Open Space Strategy.

We are pleased to advise that this is the first of the Strategic Priority Projects managed under our Strategic Work Plan 2023 – 2026 that has reached completion and would like to acknowledge the work of the cross-functional project team in delivering this piece of work.

COUNCIL POLICY

Council Policy – Volunteer Management (Attachment 2) has been developed to demonstrate Council's commitment to and management of volunteers. The purpose of this Policy is to ensure that Council volunteers are valued, acknowledged, managed and supported in accordance with Volunteering Australia's National Standards for Volunteer Involvement.

In seeking approval from Council for the proposed Volunteer Management Plan, we ask that Council also approve this Policy to demonstrate its commitment.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

As outlined in the Volunteer Management Plan, volunteering plays a key role in sustaining healthy, resilient communities and contributes significantly to the quality and vibrancy of our society.

Volunteers of the City of Mount Gambier reported through the Volunteer Experience Survey that they get personal satisfaction from giving back and making a difference to our community. They feel that volunteering gives them a sense of purpose and opportunity to socialise, network and connect with others in the community.

There are also organisations within the City of Mount Gambier who benefit from volunteering. Organisations that use volunteers have access to a wider pool of skills and experience. Volunteers are an important resource and support, with many organisations being unable to survive without the commitment of their volunteers.

Members of our community also benefit from volunteering. Volunteering helps build social networks, increase shared values and strengthens social cohesion. People who volunteer are more likely to take part in other aspects of community life. Communities that harness volunteers are more resilient.

This Volunteer Management Plan aims to improve the experience of our volunteers, enhance outcomes for volunteer involving organisations and supports our community to reach a higher volunteer participation rate.

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Currently the management of volunteers is decentralised within the service areas. As the Volunteer Management Plan is implemented, there will be different aspects of the management of volunteers which will be centralised to our Organisational Development team.

As this occurs, the elements of the Plan that call for the inclusion of volunteer management in overall organisational planning and budgeting processes and workforce planning, will be essential to understand any future resource implications.

VALUE FOR MONEY

There are over 100 active volunteers that support the services and programs across Council. While historically we have not captured the relevant data to estimate a financial value of this contribution, we know that the services and programs that they support would not be able to operate at their current capacity without them.

Now that we have a process in place for capturing the volunteer hours contributed, by the end of this financial year we should be able to estimate the financial value of this contribution.

RISK IMPLICATIONS

Volunteers are identified as “workers” under the SA WH&S Act (2012) and have the same rights and responsibilities as paid workers.

However, they are not entitled to benefits pursuant to the Workers’ Rehabilitation and Compensation Act (1986). Volunteers are provided with Personal Accident Insurance and are protected for civil liabilities (such as public liability) while undertaking *approved* work for Council.

All Council Workplace Health and Safety Administrative Principles and Procedures reflect volunteers and their responsibilities as well as those of the organisation.

Volunteer Management will be captured within Council’s Risk Management framework to ensure active oversight of any risks presented by any of Council’s volunteer programs.

EQUALITIES AND DIVERSITY IMPLICATIONS

Within the Volunteer Management Policy, an underlining principle informing Council’s commitment to and management of volunteers is through the provision of a diverse range of volunteer

opportunities that are reflective of the needs of our community. This will ensure equal opportunity and access to different volunteer opportunities as the volunteer program evolves.

ENGAGEMENT AND COMMUNICATION STRATEGY

Council's existing volunteers were provided with two opportunities to provide input and feedback into the development of the Volunteer Management Plan and Volunteer Management Policy.

The first was via the Volunteer Experience Survey which was launched as part of National Volunteer Week in May 2023. The survey could be completed online or on a paper-based version and has provided Council with a benchmark of feedback on the current status of the volunteer programs.

Once the Volunteer Management Plan and Volunteer Management Policy were drafted, they were posted on Have Your Say for a period of 3 weeks with an email invitation sent to volunteers to review and provide feedback.

The final draft documents have been updated to reflect the content of feedback received.

IMPLEMENTATION STRATEGY

Once endorsed by Council, an implementation plan will be developed in accordance with Council's Strategic Planning and Reporting Framework to inform delivery over the next three (3) years.

As indicated, some of the initiatives proposed in Year 1 of the Volunteer Management Plan are already being implemented across Council. These include:

- Develop and implement position descriptions for volunteers.
- Develop process for recording volunteer hours and participation.
- Centralise management of volunteer files and data.
- Ensure volunteers are aware and have capacity to report safety incidents and hazards.

The proposed Volunteer Management Policy is also an action in Year 1 of the Volunteer Management Plan.

CONCLUSION AND RECOMMENDATION

In conclusion, the City of Mount Gambier's commitment to developing a Volunteer Management Plan and Policy reflects its dedication to maximising the benefits of volunteering for both the community and those who generously donate their time to Council. Through a comprehensive process that involved benchmarking against the National Standards for Volunteer Involvement and gathering feedback from existing volunteers, the proposed Volunteer Management Plan addresses program gaps and inconsistencies.

We recommend that Council approves the proposed Volunteer Management Plan and Policy to create a more robust and inclusive volunteer program that aligns with the City of Mount Gambier's strategic goals. This will not only enhance the volunteer experience but also contribute to the resilience and vibrancy of the community while optimising the use of valuable resources.

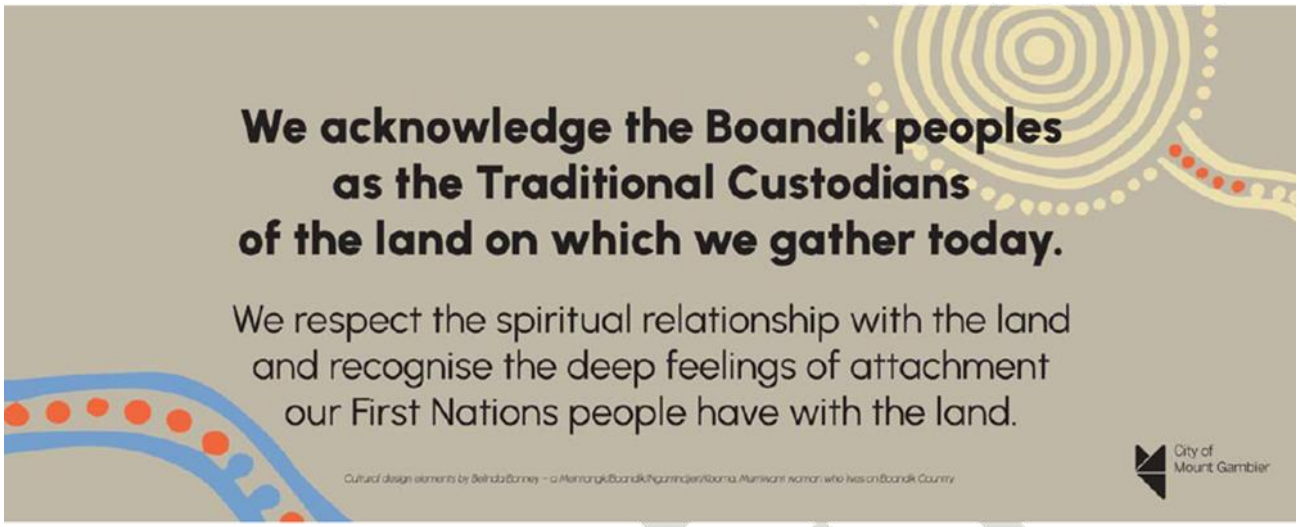
ATTACHMENTS

1. Final Draft - Volunteer Management Plan ⇩
2. Final Draft - Volunteer Management Policy ⇩

City of
Mount Gambier

Volunteer Management Plan

Acknowledgement of Traditional Owners



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Introduction

Defining Volunteering

What is Volunteering?

Volunteering is time willingly given for the common good and without financial gain (Volunteering Australia, 2015).

This definition recognises that there are many ways people give their time, service or skills, including:

- formal volunteering that takes place within organisations (including institutions and agencies); and
- informal volunteering (volunteering that takes place outside an organisational setting).

While the vast majority of volunteering is undertaken by individuals, this definition also recognises that entities also can volunteer, as they can donate employee time.

Volunteering generally does not include paid activities or those linked to some other obligation. For example, caring for family members and domestic duties, paid work, training programs and work experience are not considered volunteering.

Types of volunteering

Formal volunteering includes activities within an organisation, club or group. It usually involves a level of structure, support or management.

Spontaneous volunteering includes activities that happen without planning. It often occurs during or immediately after an event – for example responding to an accident or a natural disaster.

Workplace volunteering (or corporate volunteering) includes activities where an employer supports staff to offer professional skills or practical supports to others during work or paid time. It is one way that businesses might choose to "give back" to community.

Virtual volunteering includes activities performed online. Communications and social media, fundraising and advocacy are common forms of virtual volunteering.

Informal volunteering includes activities outside of an organisation and often involves a private arrangement - for example looking after a neighbour's children, house or pets or providing personal help.

Valuing volunteering

As outlined in the Volunteering Strategy for South Australia, volunteering plays a key role in sustaining healthy, resilient communities and contributes significantly to the quality and vibrancy of our society.

Volunteers of the City of Mount Gambier get personal satisfaction from giving back and making a difference to our community. They feel that volunteering gives them a sense of purpose and opportunity to socialise, network and connect with others in the community.

There are organisations within the City of Mount Gambier who benefit from volunteering. Organisations that use volunteers have access to a wider pool of skills and experience. Volunteers are an important resource and support, with many organisations being unable to survive without the commitment of their volunteers.

Members of our community also benefit from volunteering. Volunteering helps build social networks, increase shared values and strengthens social cohesion. People who volunteer are more likely to take part in other aspects of community life. Communities that harness volunteers are more resilient.

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This Volunteer Management Plan aims to improve the experience of our volunteers, enhance outcomes for volunteer involving organisations and supports our community to reach a higher volunteer participation rate.

Policy Context

Local Context

Strategic Document	
City of Mount Gambier Strategic Plan 2020 – 2024	Goal 1, Our People, brings together five key themes that affect out people – whether they live, work, study or visit the City of Mount Gambier. Within this, Council commits to developing a Volunteer Management Plan to maximise the benefit of volunteering to the community for those who choose to donate their time to Council.
City of Mount Gambier Disability Access and Inclusion Plan 2020-2024	One of the key focus areas outlined in our Disability Access and Inclusion Plan is to promote skill development for individuals with disabilities through volunteering and support to navigate the pathway between learning and earning. Council's goal is to ensure that individuals with disabilities have access to inclusive places of study, and that education and training provides them with pathways to meaningful and inclusive employment and volunteering opportunities. To achieve this goal, Council is committed to partnering with relevant agencies to create volunteering and employment opportunities for people living with disabilities. Through these partnerships, we aim to provide the necessary support and resources to help individuals with disabilities develop their skills, gain experience, and access opportunities that will enable them to lead fulfilling and rewarding lives.
City of Mount Gambier Regional Public Health Plan 2021 – 2026	Council's Regional Public Health Plan recognises the benefit that volunteering can provide to personal health and wellbeing. The Plan also highlights that the level of volunteering can be indicative of the cohesiveness of the community. With this in mind, the Regional Public Health Plan further endorses Council's commitment to developing a Volunteer Management Plan and the importance of volunteer programs for our community. It highlight's Council commitment to providing ongoing assistance to a number of local services through a unique corporate volunteering program which connects staff to a range of key local service providers during times of need.
City of Mount Gambier Sport Recreation and Open Space Strategy	The vision for Open Space across the City of Mount Gambier is to: Create a network of accessible and connected high quality open spaces that encourage a range of physical activities and social opportunities for the Mount Gambier community. In line with this vision, one of the six guiding principles that support this strategy acknowledges the important role that volunteers play in our community with a commitment to ensure that our sport and recreation facilities are inclusive,

	fit for purpose, and share resources to reduce the burden on our volunteers.

South Australian Policy Context

The Volunteering Strategy for South Australia is a 'world first' partnership agreement that has been collaboratively developed, is sector-led, and has cross-sector support.

The State Government committed to continue to support this second Volunteering Strategy for a further 6 years (2021 – 2027) and ensure the partnerships sustained focus and commitment to the volunteering sector with a particular emphasis on growing and supporting volunteering in South Australia.

The are four focus areas outlined within the Volunteering Strategy for South Australia, with underpinning work to progress them:

1. Invest in the foundations of volunteering – build the capability of volunteer involving organisations to inclusively engage, training and support volunteers.
2. Communicate the benefits of volunteering – raise the profile of volunteering in the community to encourage greater participation.
3. Implement leading practice and high quality standards – organisations have access to relevant information, resources and networks to establish effective management practices.
4. Continuous Improvement – continue to build relationships, networks and partnerships to maintain the impact of volunteering on our communities.

The Local Government Association of SA is party to this partnership with a commitment for local government to support the initiatives within this Strategy.

National Policy Context

In Australia, the National Strategy for Volunteering 2023 – 2033 is the main national policy statement on volunteering. The strategy includes three inter-connected focus areas, each with a clear aim, as a framework for the National Strategy for Volunteering:

1. Individual Potential and the Volunteer Experience — volunteering is safe, inclusive, accessible, meaningful, and not exploitative.
2. Community and Social Impact — the diversity and impact of volunteering is articulated and celebrated.
3. Conditions for Volunteering to Thrive — the right conditions are in place for volunteering to be effective and sustainable.

The purpose of the National Strategy for Volunteering is to guide the actions needed to achieve a better future for volunteering. It sets out the desired outcomes for volunteering in Australia over the next ten years. It provides a clear and compelling case, underpinned by robust data and evidence, for targeted and sufficient investment in volunteering and celebration of the role it plays in creating thriving communities.

In addition, the National Standards for Volunteer Involvement exist to help organsiations:

- Incorporate the values and maximise the benefits of volunteer involvement;
- Develop effective volunteer involvement strategies and practices;
- Involve volunteers in meaningful and useful activities that contribute to the outcomes of the organisation's work;

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- Ensure the rights of volunteers are protected and that they are supported to carry out their roles and responsibilities.

City of Mount Gambier has utilised the National Standards for Volunteer Involvement as a foundation and framework to inform that actions contained within this Volunteer Management Plan.

State of Volunteering

Across Australia, more than half of adult Australians volunteered formally through an organisation or informally in the community in the period leading up to April 2022. In South Australia alone, volunteers are estimated to have an economic impact of $5 billion with over 900,000 South Australians engaging in some kind of formal or informal volunteering. However, the rate of formal volunteering has been declining for decades and in Mount Gambier we are not immune to this impact.

While Mount Gambier has had a relatively strong volunteering profile, (compared with State and National averages) since 2016 we have seen a significant decline in the rate of formal volunteering according to ABS Census data.

Table 1: Percentage of Population (people aged 15 years and over) that did voluntary work through an organsiation or group (last 12 months)

	City of Mount Gambier	South Australia	Australia
2021 Census*	16.8%	17%	14.1%
2016 Census	22.1%	21.4%	19%
2011 Census	22.2%	19.8%	17.8%

(Source: Australia Bureau of Statistics Census Data 2021, 2016 & 2011)

The National Strategy for Volunteering reports that several factors are responsible for this decline (across Australia), many which relate to challenges people face in their broader lives such as being time poor or having to balance paid work and unpaid care.

Decreased participation in formal volunteering creates significant challenges for volunteer involving organisations and for the general population, with many critical services such as emergency management, 24-hour helplines and food security programs being heavily dependent on volunteer involvement.

COVID-19 also had significant impacts on rates of volunteering. Whilst many people continued to volunteer during the COVID-19 pandemic, enabled through organisational innovation and individual resilience, overall, there was a dramatic decrease in volunteering levels.

City of Mount Gambier has established volunteer programs across many of its programs and services, including:

- Advisory Groups
- Community Events
- Library
- Riddoch Arts and Cultural Centre
- ReUse Market
- Valley Lake Conservation Park

*In 2021, 16.8% of City of Mount Gambier residents reporting performing voluntary work, which was consistent with the rate of volunteering across South Australia at 17% (2021 ABS Census).

Volunteer Management Plan

The Volunteer Management Plan has been broken down into four key focus areas, with deliverables over a three year timeframe. The focus areas are a further consolidation of our required actions against the National Standards for Volunteer Involvement, with some additional actions determined necessary by City of Mount Gambier.

The key focus areas are as follows:

- Key focus area 1: Leadership and Governance
- Key focus area 2: Integration and Planning
- Key focus area 3: Support and Development
- Key focus area 4: Quality Management and Continuous Improvement

Key focus area 1: Leadership and Governance

The City of Mount Gambier understands the importance of a positive culture of volunteer involvement within our organisation. To achieve this, our organisation will demonstrate leadership in promoting and embracing volunteering, while implementing efficient management systems to support the engagement of volunteers. By aligning our commitment to volunteer involvement with our strategic direction, we aim to create a cohesive and impactful volunteer program that benefits the volunteer, our community and our organisation.

Council will:

1.1. Develop a City of Mount Gambier Volunteer Policy that outlines our philosophy and formal commitment to volunteering and is endorsed by Council.
1.2. Ensure all Council policies, principles, and procedures that have application to volunteers reflect this.
1.3. Centralise the management of volunteer files and data, utilising CM9 and SkyTrust to ensure appropriate management of personal and confidential information.
1.4. Develop a process and approach for the development of volunteer partnerships and associated compliance requirements.

Key focus area 2: Integration and Planning

The City of Mount Gambier will focus on the inclusion of volunteers in overall organisational planning and budgeting processes to ensure their integration into the broader workforce. This focus area aims to recognise the value and contributions of volunteers by incorporating them into the organisation's strategic plans and allocating resources for their support.

2.1. Ensure volunteers are captured in organisational planning and budgetary processes by implementing the Volunteer Management Plan.
2.2. Include volunteers in Council's Workforce Management Plan and ensure adequate funds annually for volunteer registration requirements, recognition, and training.
2.3. Update Council's website to provide information about volunteer opportunities and associated volunteer programs.
2.4. Develop an induction program that is consistent across the organisation and includes necessary site, role, and WH&S requirements.
2.5. Develop a process for recording volunteer hours and participation.

Key focus area 3: Support and Development

The City of Mount Gambier will focus on supporting and developing volunteers within the organisation. This focus area emphasises the important role of our volunteer managers and ensuring that they are provided the necessary resources, training, and recognition to empower volunteers and enhance their experience. It is also about supporting and developing volunteers so that they feel safe, fulfilled and recognised for their valuable contribution.

3.1. Develop and implement role descriptions for volunteers ensuring their role responsibilities and requirements are clear and well documented and that a diverse

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range of volunteering roles are available to be inclusive of a diverse volunteer workforce.

3.2. Ensure roles with volunteer management responsibilities are reflected in position descriptions and provide relevant training, capacity, and support.
3.3. Provide opportunities for professional development to volunteers.
3.4. Ensure volunteers have the capacity to report hazards and incidents.
3.5. Develop a volunteer recognition program.

Key focus area 4: Quality Management and Continuous Improvement

Once the foundations and a framework are in place for effective volunteer involvement, focus area 4 ensures that City of Mount Gambier has a system of good practice, review and continuous improvement to ensure the sustainability and ongoing effectiveness of the volunteer program. It also provides the foundation for leadership to our community on effective volunteer involvement.

4.1. Develop appropriate procedures that guide the organisation regarding recruitment, selection, induction, onboarding, performance management, and reimbursement for volunteers.
4.2. Centralise the management of the volunteer program with a dedicated resource to ensure quality management and continuous improvement.
4.3. Provide regular formal and informal opportunities for volunteers to provide feedback.
4.4. Incorporate volunteers in Council's Risk Framework.

How will we know we have succeeded?

At the end of each year of the plan, City of Mount Gambier will measure its performance against the following performance indicators in order to measure success:

- City of Mount Gambier has implemented the recommendations of the Volunteer Management Plan.
- City of Mount Gambier will improve its completion rate, against the National Standards for Volunteer Involvement, to at least 75% by the end of Year 3.
- Through seeking regular feedback, City of Mount Gambier will maintain a volunteer satisfaction score of at least 90%.
- City of Mount Gambier will have introduced new volunteer programs and increased its volunteer workforce by the end of Year 3.

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Volunteer Management Plan – Implementation Framework

Volunteer Management Plan 2023 - 2026

	Key Focus Areas	Year 1	Year 2	Year 3
I. LEADERSHIP & GOVERNANCE	We will align our commitment to volunteer involvement with our strategic direction, resulting in the development of a cohesive and impactful volunteer program that benefits the individual volunteer, our community and organisation.	Develop City of Mount Gambier Volunteer Policy. Centralise management of volunteer files and data.	Audit relevant Council Principles and Procedures to reflect application to volunteers (where applicable). Develop process and approach for volunteer partnerships Include volunteers in Council's Workforce Management Plan.	
II. INTEGRATION & PLANNING	We will enhance the recognition of the value and contributions of volunteers by incorporating them into our organisation's strategic plans and allocating dedicated resources to support their efforts.	Capture volunteers in organisational planning and budgetary processes by implementing the Volunteer Management Plan. Develop process for recording volunteer hours and participation. Develop and implement volunteer induction and onboarding program.	Update Council's website	
III. SUPPORT & DEVELOPMENT	We will ensure that our volunteer managers are equipped with the necessary resources, training, and recognition to effectively support and develop our volunteers, fostering a safe, fulfilling, and recognised environment for their valuable contributions.	Ensure volunteer coordination responsibilities are captured in staff PDs. Ensure volunteers have capacity to report incidents & hazards. Develop & implement role descriptions for volunteers	Provide Volunteer Coordinators with training & development. Extend applicable training & development activities to volunteers. Develop and implement volunteer recognition program.	Develop professional development program for volunteers.
IV. QUALITY MANAGEMENT & CONTINUOUS IMPROVEMENT	We will implement a system of good practice, review, and continuous improvement to ensure the sustainability and ongoing effectiveness of our volunteer program.		Incorporate volunteers in Council's Risk Framework. Develop volunteer procedures for recruitment, selection, induction, onboarding, performance management & reimbursement. Centralise the volunteer program with a dedicated resource.	Consider strategy and approach to enhance volunteering in our community. Provide regular formal opportunities for volunteers to provide feedback.

City of Mount Gambier	VOLUNTEER MANAGEMENT POLICY	Version No:	3
		Issued:	Month, 20##
		Next Review:	Month, 20##

1. INTRODUCTION

City of Mount Gambier (Council) recognises the importance of volunteers within its community. Volunteers are valued for providing customer focused services and enhancing established Council programs.

Volunteers forge a strong bond between Council and the Community and will extend and enhance services to improve the quality of community life by encouraging:

- Community engagement;
- Access to resources and information;
- Social interaction and satisfaction;
- Participation in established Council services and events;
- Viability to core Council Operations.

Council appreciates and acknowledges the services provided by volunteers in improving the quality of services across the Council area.

This Policy demonstrates Council's commitment to and management of volunteers. The purpose of this Policy is to ensure that Council volunteers are valued, acknowledged, managed and supported in accordance with Volunteering Australia's National Standards for Volunteer Involvement.

The Volunteer Management Policy is guided by principles of good governance, advocacy, compliance and service provision.

Scope

This policy applies to everyone who works at Council, including all employees, contractors, consultants and volunteers.

2. POLICY STATEMENT

The following statements outline Council's underlining principles informing its commitment to and management of volunteers:

- Volunteers at the Council make a significant contribution to the ongoing delivery of our operational success, and we recognise and value the diverse skills, experience, passion and insights they bring.
- The Council operates a structured volunteer program, where volunteer involvement is a considered and planned part of the Council's strategic development and is streamlined in an effort to reduce barriers to volunteer involvement.
- The Council seek to provide a diverse range of volunteer opportunities that is reflective of the needs of our community.
- Volunteer roles are clearly defined, well managed and volunteer management practices are continually reviewed and improved.
- Volunteers complement, and do not replace, the contributions of paid team members.
- In alignment with the peak body, Volunteering Australia, we define volunteering as 'time willingly given for the common good and without financial gain'.

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The Council and its employees are committed to meeting the National Standards for Volunteer Involvement (2015) developed by Volunteering Australia as best practice in volunteer management in Australia. The aims and principles are as follows:

- Volunteer involvement should be a considered and planned part of an organisation's strategic development, aligning with the organisations strategic aims and incorporated into its evaluation framework.
- Effective volunteer involvement requires organisational leadership and a culture and structure that supports and values the role of volunteers.
- Volunteers have rights, which include the right to work in a safe and supportive environment with appropriate infrastructure and effective management practices.
- Volunteers have responsibilities, which include acting responsibly, being accountable for their actions to the organisation, and respecting the organisations values and practices.

3. VOLUNTEERING AT COUNCIL

Council engages volunteers across a diverse range of community programs and services. Volunteers enhance the work of paid employees, never replace or supersede it.

Volunteers at Council will be a positive contributor to the Council and uphold the Council's values while contributing to a safe working environment for other volunteers, paid employees, and members of the public in accordance with the Council's Workplace Health and Safety Administrative Principle.

The roles that can be performed by volunteers are determined by the relevant Managers in consultation with the Organisational Development team. Volunteer roles could be either public-facing or back-of-house roles.

The Council will communicate clear expectations and where feasible provide written position descriptions relevant for each volunteer role. Position descriptions must be approved by the appropriate Manager and Volunteer Coordinator.

4. WHO CAN VOLUNTEER?

Volunteers must be at least 18 years old, and legally permitted to volunteer in Australia (e.g., under any applicable work visa). Where appropriate to the volunteer program, Council may engage youth volunteers however this will be subject to the approval of the Chief Executive Officer and will be managed in accordance with applicable child safety legislation.

Council employees interested in volunteering will be considered to do so on a case-by-case basis by the relevant Manager. Approval is required to ensure that the employee is supported and able to carry out their regular work activity.

5. RESPONSIBILITIES

5.1. Council's Responsibilities to Volunteers

Council will regularly review this document in consultation with its Employees and Volunteers to ensure:

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- The effectiveness of this policy and supporting processes to identify opportunities for continuous improvement.
- Adherence to this policy and the supporting processes to ensure compliance with related and relevant policies and procedures.

Managers and Volunteer Coordinators are accountable for:

- Ensuring that Volunteers have the appropriate skills and/or access to relevant training to undertake the activities identified within this policy and supporting procedures.
- Ensuring a safe work environment.

The Organisational Development team is accountable for:

- Ensuring that adequate resources are identified and provided to enact this policy and supporting procedures effectively.
- Providing guidance in the resolution of any disputes which arise in connection with any of the volunteer programs.

5.2. Responsibilities of Volunteers

Volunteers are accountable for adhering to the requirements of this policy and supporting procedures and reporting any inability to do so to their Volunteer Coordinator at the earliest opportunity. Volunteers must:

- Acquaint themselves with the objectives and functions of the Council and the services they are providing.
- Understand and comply with City of Mount Gambier's policies, principles and procedures with particular reference to the City of Mount Gambier Code of Conduct.
- Participate in all relevant induction and training programs.
- Only undertake authorised duties and obey reasonable directions and instructions.
- Take reasonable care for personal health and safety as well as the health and safety of others.

7. REVIEW & EVALUATION

This Policy is scheduled for review by Council in Month 20##; however, will be reviewed as required by any legislative changes which may occur.

8. 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. 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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City of Mount Gambier	VOLUNTEER MANAGEMENT POLICY	Version No:	3
		Issued:	Month, 20##
		Next Review:	Month, 20##

File Reference:	AF1#/####
Applicable Legislation:	South Australian Work Health and Safety Act, 2012 South Australian Work Health and Safety Regulations, 2012 Local Government Act, 1999 Volunteer Protections Act 2001 Children's Protection Act 1993 Children's Protection Regulations 2010 Privacy Act 1988
Reference: Strategic Plan – Beyond 2015	Goal 1, Our People Our Commitment
Related Policies:	N/A
Related Procedures:	Code of Conduct – Behavioural Expectations of Council staff members Administrative Principle – Work Health and Safety Administrative Procedure – Grievance Resolution Administrative Procedures – Volunteer Management
Related Documents:	Volunteer Agreement

DOCUMENT DETAILS

Responsibility:	Manager Organisational Development
Version:	1.0
Last revised date:	Month, 201#
Effective date:	##th Month, 201#
Minute reference:	##th Month, 201# Operational/Corporate & Community Services, Item #
Next review date:	Month, 201#
Document History	

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City of Mount Gambier	VOLUNTEER MANAGEMENT POLICY	Version No:	3
		Issued:	Month, 20##
		Next Review:	Month, 20##

First Adopted By Council:	##th MONTH YEAR
Reviewed/Amended:	INSERT REVIEW DATE(S).

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19.8 PERIODIC REVIEW OF CONFIDENTIAL ITEMS - OCTOBER 2023 – REPORT NO. AR23/66920

Committee:	**Council**
Meeting Date:	**17 October 2023**
Report No.:	**AR23/66920**
CM9 Reference:	**AF22/378**
Author:	**Michael McCarthy, Manager Governance and Property**
Authoriser:	**Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services**
Summary:	**This report presents Confidential Orders made by Council up to March 2023 for annual review in accordance with the requirements of section 90(9) of the Local Government Act 1999.**
Strategic Plan Reference:	**Goal 1: Our People** **Goal 2: Our Location** **Goal 3: Our Diverse Economy** **Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage** **Goal 5: Our Commitment**

REPORT RECOMMENDATION

1. That Council Report No. AR23/66920 titled 'Periodic Review of Confidential Items - October 2023' as presented on 17 October 2023 be noted.
2. That the following Confidential Orders as specified in Attachment 1 to Report AR23/66920, having been reviewed by Council, be amended to alter their duration and release conditions:

   - 19/09/2023 – Item 23.2 – Contracted Cleaning Services – Report No. AR23/63952

     Duration of confidentiality order to be amended
     from:
     "until the Deed of Termination for Pickwick Group Pty Ltd has been executed and alternate service delivery option implemented."

     to read:
     "until further Order at least two (2) years after any activities associated with the subject matter described in Report No. AR23/63952 have been finalised."

3. That the following Confidential Orders as specified in Attachment 1 to Report AR23/66920, having been reviewed by Council, be released as soon as practicable following the Council meeting on 17 October 2023:

   Nil

4. That all Confidential Orders as specified in Attachment 1 to Report AR23/66920, excluding those amended or released in resolutions (2) and (3) above, having been reviewed by Council remain in operation on the grounds and release conditions specified.

TYPE OF REPORT

Legislative

BACKGROUND

Council last reviewed confidential items in December 2022 with consideration of Report AR22/34295.

PROPOSAL

This report presents for review the confidential matters contained within the attached table **(Attachment 1)** that are subject to Confidentiality Orders made previously by Council up to March 2023 that remain operational and warrant review in accordance with section 90(9) of the *Local Government Act 1999* ("Act").

In addition, Item 23.2 from 19 September 2023 is also presented for review with a recommendation to alter the duration and release conditions associated with that item.

In reviewing items, Council may consider that the confidential orders for each of these matters should remain in operation and continue to be reviewed in accordance with the *Local Government Act 1999*. No further action will be required for these existing Confidentiality Orders to continue in operation.

Alternatively, Council may determine that one or more of the Confidential Orders should be amended or cease to operate; and so Order that the confidential item be partially or fully released, or that the grounds for keeping confidential or conditions for release be amended.

As this review of confidentiality Orders is being presented to an open meeting, if Council wish to discuss any review items in detail or to have any associated documents tabled, then consideration should be given to the making of an Order to receive and discuss such items in-confidence, and to the making of a further Order to maintain the confidentiality of the tabled documents.

Alternatively, any questions regarding the content of the confidential items may be addressed to the Manager Governance and Property prior to the meeting.

Confidentiality Orders made since March 2023, and earlier Orders falling due for their periodic review will be presented in early-mid 2024.

LEGAL IMPLICATIONS

Section 90(9) of the *Local Government Act 1999* requires that any order to retain a matter 'in-confidence' that operates for a period exceeding 12 months must be reviewed at least once in every year.

Further, section 91(9) provides that:

(i) The duration of an order cannot be extended after the order has ceased to apply; and

(ii) An order extending the duration of such an order cannot be delegated by the relevant Council or Council Committee.

Upon consideration of this report Council will have fulfilled its review obligations for the confidential matters presented and the relevant Confidentiality Orders will remain in operation.

Council may also determine to release any or all of the matters from confidence, in part or full, and in doing so should specify which parts of each Order are to be released or are to remain in operation.

Council should note the validity of the use of the confidentiality provisions in the *Local Government Act 1999*, including for the purpose of protecting the commercial position of the Council (and community) and to mitigate Council (and the community) exposure to risk and liability that could arise

from the inappropriate or premature release of information that could jeopardise the commercial position or breach the trust of a 3rd party.

STRATEGIC PLAN

Nil

COUNCIL POLICY

Council Policy C410 Conduct of Meetings (currently out for consultation) contains the 'Code of Practice' provisions required under section 92 of the *Local Government Act 1999* relating to public access to meetings and documents and the application of the confidentiality provisions, which is in accordance with the Local Government Association '*Confidentiality Guidelines: How to apply section 90 of the Local Government Act 1999*'.

ECONOMIC IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

Nil

SOCIAL IMPLICATIONS

Nil

CULTURAL IMPLICATIONS

Nil

RESOURCE IMPLICATIONS

Nil

VALUE FOR MONEY

Nil

RISK IMPLICATIONS

Council must balance the ability and appropriateness of considering and retaining matters 'in-confidence' against the public interest, which may suffer a benefit and/or a loss from the (premature) public release of information protected by a confidentiality Order.

EQUALITIES AND DIVERSITY IMPLICATIONS

Nil

ENGAGEMENT AND COMMUNICATION STRATEGY

A Register of Confidential Items, including web links to released items, is published on the Council website, including the grounds, duration and release conditions for items that remain subject to the operation of a Confidentiality Order.

The Register of Confidential Items can be accessed here.

IMPLEMENTATION STRATEGY

Nil

CONCLUSION AND RECOMMENDATION

This report recommends that the Confidential Orders contained in **(Attachment 1)** remain in operation until the specified release criteria, if any, have been met and for each to be reviewed at least once in every year in accordance with section 90(9) of the *Local Government Act 1999*.

This report also recommends that the duration and release conditions associated with Item 23.2 from 19 September 2023 be altered.

Council may determine to release any or all of the presented matters from confidence, in part or full, and in doing so should specify which parts of each Order are to be released or to remain in operation.

ATTACHMENTS

1. Confidential Items Review - October 2023 ⇩

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Comments
19/09/2023	Council	ITEM 23.2 CONTRACTED CLEANING SERVICES – REPORT NO. AR23/63952	(b) and (i)	report, attachments, resolution/s and minutes	until the Deed of Termination for Pickwick Group Pty Ltd has been executed and alternate service delivery option implemented.	Current	Refer to Report
21/03/2023	Council	ITEM - 23.1 LIBRARY CAFE - EXPRESSIONS OF INTEREST – REPORT NO. AR23/15719	(b)	report, attachments, resolution/s and minutes	until 6 years have elapsed, or 1 year after the expiry of an operating arrangement entered into in association with this Expression of Interest process, whichever is the later	Current	Contains commercial information that could confer advantage on a 3rd party
21/02/2023	Council	ITEM 23.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #25 - AS AT 07/02/2023 – REPORT NO. AR23/9397	(b), (d), (g) and (h)	report, attachments, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
21/02/2023	Council	ITEM 23.1 SECTION 270 INTERNAL REVIEW - MITCHELL STREET TREES - LEGAL ADVICE – REPORT NO. AR23/10258	(g) and (h)	report and attachments	be retained in confidence and reviewed annually in accordance with the Local Government Act 1999	Current	Contains legal advice and 3rd party information for which a duty of confidence exists
13/12/2022	Council	ITEM 23.3 SECTION 270 - INTERNAL REVIEW – REPORT NO. AR22/77592	(g) and (h)	legal advice (Attachment 2)	until further Order of Council to release pending further review of associated matters by Council	Current	Contains legal advice
				Internal Review Report (Attachment 1)	the Chief Executive Officer expressly authorised to release the Internal Review Report in a redacted form with only such information that is considered to not fall within the scope of the grounds in s90(3)(g) of the Local Government Act 1999	Current	Contains 3rd party information for which a duty of confidence exists
13/12/2022	Council	ITEM 23.2 AF22/295 TENDER - PROCUREMENT - TENDER FOR VALLEY LAKES AMENITIES UPGRADE – REPORT NO. AR22/83421	(k)	report, attachments, discussion, resolution/s and minutes	until 12 months after the completion of the tender works	Current	Conditions for release not yet met
13/12/2022	Council	ITEM 23.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #23 & #24 - AS AT 06/12/2022 – REPORT NO. AR22/83941	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
18/10/2022	Council	ITEM 25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #22 - AS AT 04/10/2022 – REPORT NO. AR22/68454	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
20/09/2022	Council	ITEM 25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #21 - AS AT 06/09/2022 – REPORT NO. AR22/61993	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
23/08/2022	Special Council Meeting	ITEM 4.2 WULANDA RECREATION AND CONVENTION CENTRE - CONTRACTUAL AND FINANCIAL MATTERS – REPORT NO. AR22/56817	(b) and (d)	report, attachments, discussion, resolution/s and minutes	until further order of Council, or determination by the Chief Executive Officer to release, in part or full	Current	Contains commercial information that could confer advantage on a 3rd party
23/08/2022	Special Council Meeting	ITEM 4.1 WULANDA RECREATION AND CONVENTION CENTRE - OPERATIONAL MATTERS – REPORT NO. AR22/56796	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until the provider of the information has released Council from its duty of confidence	Current	Contains commercial information that could confer advantage on a 3rd party
16/08/2022	Council	ITEM 25.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #20 - AS AT 02/08/2022 – REPORT NO. AR22/52001	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
19/07/2022	Council	ITEM 26.3 TENDER - SUPPLY CONTRACTS FOR CITY INFRASTRUCTURE WORKS – REPORT NO. AR22/46711	(b), (d) and (k)	report, attachments, discussion, resolution/s and minutes	until 12 months after the completion of the contract works	Current	Contains commercial information that could confer advantage on a 3rd party
19/07/2022	Council	ITEM 26.2 TENDER AF21/283 - DESIGN, SUPPLY & INSTALLATION OF SOLAR LIGHTING ON RAIL TRAIL – REPORT NO. AR22/45083	(b), (d) and (k)	report, attachments, discussion, resolution/s and minutes	until 12 months after the completion of the contract works	Current	Contains commercial information that could confer advantage on a 3rd party
19/07/2022	Council	ITEM 26.1 PROJECT CONTROL GROUP (PCG)PROGRESS REPORT #19 - AS AT 05/07/2022 – REPORT NO. AR22/46752	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
19/07/2022	Chief Executive Officer Performance Review Committee	ITEM 25.2 INDEPENDENT REVIEW OF CHIEF EXECUTIVE OFFICER AND REMUNERATION REVIEW – REPORT NO. AR22/43771	(a) and (g)	report, attachments, discussion, resolution/s and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period.	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
21/06/2022	Council	ITEM 26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #18 - AS AT 07/06/2022 – REPORT NO. AR22/38086	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
21/06/2022	Council	ITEM 26.1 EXECUTION OF DEED - FIRST RIGHT OF REFUSAL – REPORT NO. AR22/38437	(a), (b) and (d)	report, attachments, discussion, resolution/s and minutes	until 2 years have elapsed from the execution of arrangements or abandonment of negotiations associated with the proposal	Current	relates to personal information associated with the property of a ratepayer
17/05/2022	Council	ITEM 26.1 - PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #17 - AS AT 10/05/2022 – REPORT NO. AR22/30401	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
17/05/2022	Chief Executive Officer Performance Review Committee	ITEM 25.3 - PERFORMANCE REVIEW DOCUMENTATION PRESENTATION - REPORT NO. AR22/30546	(a)	report, attachments, discussion, resolution/s and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
17/05/2022	Chief Executive Officer Performance Review Committee	ITEM 25.2 - CHIEF EXECUTIVE OFFICER - 12 MONTH PERFORMANCE UPDATE - REPORT NO. AR22/28319	(a)	report, attachments, discussion, resolution/s and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
19/04/2022	Council	26.4 AF20/530 TENDER - PROCUREMENT - TENDER FOR RAILWAY STATION BUILDING TOILETS REFURBISHMENT – REPORT NO. AR22/24421	(k)	report, attachments, discussion, resolution/s and minutes	until 12 months after the completion of the tender works	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
19/04/2022	Council	ITEM 26.3 PROPERTY MANAGEMENT - LEASING – REPORT NO. AR22/24354	(a), (b) and (d)	report, attachments, discussion, resolution/s and minutes	until 2 years have elapsed from the execution of arrangements or abandonment of negotiations associated with the proposal	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
19/04/2022	Council	ITEM 26.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #16 - AS AT 05/04/2022 – REPORT NO. AR22/24271	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
19/04/2022	Council	ITEM 26.1 REQUEST FOR INTERNAL REVIEW OF COUNCIL DECISION – REPORT NO. AR22/21802	(h)	report	following the matter to which the internal review request relates having been settled	Current	includes confidential information and legal advice relating to actual or proposed litigation
				attachments, discussion and minutes	until further order of the Council	Current	

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Comments
15/03/2022	Council	ITEM 26.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #15 - AS AT 07/03/2022 – REPORT NO. AR22/16061	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
15/02/2022	Council	ITEM 26.4 AUDIT AND RISK COMMITTEE APPOINTMENT OF INDEPENDENT MEMBERS – REPORT NO. AR22/8463	(a)	attachments	be kept confidential and that confidentiality be reviewed annually	Current	Contains 3rd parties information of a confidential nature
15/02/2022	Council	ITEM 26.3 CRATER LAKES PROJECT PROPOSAL – REPORT NO. AR22/8597	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until two years after the expiry of an agreement entered into in relation to the matter or two years after the proposal has been abandoned and Council has been released from its duty of confidence, whichever is the later	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
15/02/2022	Council	ITEM 26.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #14 - AS AT 01/02/2022 – REPORT NO. AR22/7779	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
18/01/2022	Council	ITEM 26.4 QUEEN ELIZABETH PARK TRUST (QEPT) UPDATE – REPORT NO. AR21/83935	(a), (b) and (d)	report, attachments, discussion, resolution/s and minutes	until 24 months after the matters contained in the report have been finalised or abandoned	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
18/01/2022	Council	ITEM 26.2 PROPERTY MANAGEMENT - LEASING – REPORT NO. AR22/430	(a), (b), (d) and (e)	report, attachments, discussion, resolution/s and minutes	until 2 years have elapsed from the execution of arrangements or abandonment of negotiations associated with the proposal	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
14/12/2021	Council	ITEM 26.4 MICROMOBILITY DEVICE PROPOSAL – REPORT NO. AR21/73765	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until an agreement has been entered into in relation to the matter and Council has been released from its duty of confidence	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
14/12/2021	Council	ITEM 26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #13 - AS AT 07/12/2021 – REPORT NO. AR21/79587	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
16/11/2021	Council	ITEM 26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #12 - AS AT 02/11/2021 – REPORT NO. AR21/71837	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
16/11/2021	Audit Committee	ITEM 25.5 CITY OF MOUNT GAMBIER - IT ENTITY CONTROLS REVIEW 2020/21 - REPORT NO. AR21/71285	(b), (e) and (g)	report, attachments, discussion, resolution/s and minutes	until the matters contained in the report have been satisfactorily addressed	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
16/11/2021	Chief Executive Officer Performance Review Committee	ITEM 25.3 CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD - REPORT NO. AR21/70965	(a)	report, attachments, discussion, and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
16/11/2021	Chief Executive Officer Performance Review Committee	ITEM 25.2 CHIEF EXECUTIVE OFFICER - PERFORMANCE UPDATE - REPORT NO. AR21/71607	(a)	report, attachments, discussion, resolution/s and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
19/10/2021	Council	ITEM 26.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #11 - AS AT 05/10/2021 – REPORT NO. AR21/64848	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
19/10/2021	Chief Executive Officer Performance Review Committee	ITEM 25.4 CHIEF EXECUTIVE OFFICER KPI'S – REPORT NO. AR21/59974	(a)	report, attachments, discussion, resolution/s and minutes	until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has elapsed	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
19/10/2021	People and Place Committee	ITEM 25.2 MOUNT GAMBIER HEALTH PRESENTATION – REPORT NO. AR21/62736	(g) and (j)	report, attachments, discussion, resolution/s and minutes	until Council has been released from its duty of confidence by the provider of the information	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
21/09/2021	Council	ITEM 27.7 CHIEF EXECUTIVE OFFICER EMPLOYMENT AGREEMENT VARIATION (SUPERANNUATION) – REPORT NO. AR21/57924	(a)	report, attachments, discussion, resolution/s and minutes	until 2 years after the contract of employment of Mrs Sarah Philpott has expired and not been renewed or extended,	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
21/09/2021	Council	ITEM 27.6 WASTE AND MATERIALS RECYCLING OPTIONS – REPORT NO. AR21/59399	(a), (b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until further Order of Council or determined for release under delegation by the Chief Executive Officer	Current	relates to personal and commercial information of a confidential nature which could predjudice or benefit a 3rd party
21/09/2021	Council	ITEM 27.5 VALLEY LAKE ALGAL CONTROL – REPORT NO. AR21/47621	(k)	report, attachments, discussion, resolution/s and minutes	until 2 years after completion of the project.	Current	Contains information to tenders that have not yet been met
21/09/2021	Council	ITEM 27.4 SITE STRATEGIC LAND USE ASSESSMENT – REPORT NO. AR21/52780	(b), (d), (g) and (j)	report, attachments, discussion, resolution/s and minutes	until further order of Council or determination by the Chief Executive Officer to release in part or full	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
21/09/2021	Council	ITEM 27.1 LEGAL ADVICE – REPORT NO. AR21/58597	(g), (h), (i) and (j)	report, attachments, discussion, resolution/s and minutes	until further Order of Council, to be reviewed at least once in every year	Current	includes confidential information and legal advice relating to actual proposed litigation
21/09/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 26.7 WULANDA RECREATION AND CONVENTION CENTRE - MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB UPDATE - REPORT NO. AR21/57503	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until a further order of Council to release	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
21/09/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 26.6 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #10 - As at 07/09/2021 - REPORT NO. AR21/57494	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
21/09/2021	Economic & Environment Committee	ITEM 26.2 COMMUNITY HEALTH INFORMATION - REPORT NO. AR21/51525	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until a further Order is made by Council, to be reviewed at least once every 12 months	Current	Contains commercial information that could confer advantage on a 3rd party
17/08/2021	Wulanda Recreation and Convention Centre Committee'	Item 26.2 Project Control Group (PCG) Progress Report #9 - As at 03/08/2021	(b), (d) and (g)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project.	Current	Contains commercial information that could confer advantage on a 3rd party
20/07/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.3 Design Services - Construction and Defects Liability Period	(b), (d), (g) and (h)	report, attachments, discussion, resolution/s and minutes	until services under a contract associated with the matter have been completed	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
20/07/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.2 Project Control Group (PCG) Progress Report #8 - As at 06/07/2021	(b) and (d)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information that could confer advantage on a 3rd party
20/07/2021	Council	ITEM 28.4 TENDER AF21/209 SUPPLY AND DELIVERY OF PREMIXED CONCRETE – REPORT NO. AR21/43214	(k)	report, attachments, discussion, resolution/s and minutes	until 5 years after the expiry and non-renewal of contract.	Current	Contains information relating to tenders that have not yet been let
20/07/2021	Council	ITEM 28.3 COVID-19 TOURISM TENANCIES – REPORT NO. AR21/41157	(a), (b) and (d)	report, attachments, discussion, resolution/s and minutes	until 1 year after each listed tourism tenants current arrangements have expired or been replaced, or 1 year after the the end of the COVID19 health emergency, whichever is the later.	Current	relates to personal and commercial information of a confidential nature which could predjudice or benefit a 3rd party
20/07/2021	Council	ITEM 28.2 STRATEGIC PROPERTY MANAGEMENT - LAND VALUATIONS – REPORT NO. AR21/38766	(b) and (d)	report, attachments, discussion, resolution/s and minutes	until a contract has been settled for each of the subject properties, to be reviewed every 12 months	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
20/07/2021	Council	ITEM 28.1 LEGAL ADVICE - REPORT NO. AR21/39325	(g), (h), (i) and (j)	report, attachments, discussion, resolution/s and minutes	until further Order of Council, to be reviewed at least once in every year	Current	includes confidential information and legal advice relating to actual proposed litigation
15/06/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.4 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/06/2021 – REPORT NO. AR21/32471	(b) & (d)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
15/06/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.5 REQUEST FOR EXPRESSIONS OF INTEREST - AF20/515 MANAGEMENT AND OPERATION OF MOUNT GAMBIER COMMUNITY AND RECREATION HUB – REPORT NO. AR21/34712	(b) & (k)	Report, attachments and discussion	until a further order of Council to release.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Comments
15/06/2021	Council	ITEM 28.1 NOTICE OF MOTION - SURPLUS LAND DECLARATION – REPORT NO. AR21/34745	(b)	report, attachments, discussion, resolution/s and minutes	until settlement of a sales contract for both the subject properties, to be reviewed annually.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
18/05/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 02/05/2021 – REPORT NO. AR21/26211	(b) & (d)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project.	Current	Contains commercial information that could confer advantage on a 3rd party
20/04/2021	Council	ITEM 28.1 COUNTRY ARTS SA - SIR ROBERT HELPMANN THEATRE MASTER PLAN – REPORT NO. AR21/21895	(b), (d), (g) & (j)	report, attachments, discussion, resolution/s and minutes	until the proposal has been fully executed or 12 months after Council has abandoned any actions in relation to the proposal, whichever is the earlier.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
20/04/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.8 WULANDA RECREATION AND CONVENTION CENTRE - STAGE 3 COMMUNITY REFERENCE GROUP - MEMBERSHIP RECOMMENDATIONS – REPORT NO. AR21/16985	(a)	report, attachments, discussion, resolution/s and minutes	until a further order to be reviewed each year with the names of appointed members to be released following endorsement.	Current	relates to personal information of a confidential nature
20/04/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.7 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 05/04/2021 – REPORT NO. AR21/20559	(b) & (d)	report, attachments, discussion, resolution/s and minutes	until 12 months after completion of the project.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
23/03/2021	Council	ITEM 4.1 WULANDA RECREATION AND CONVENTION CENTRE FUNDING – REPORT NO. AR21/17395	(b), (d) & (k)	attachments	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
16/03/2021	Council	ITEM 28.2 WULANDA RECREATION AND CONVENTION CENTRE - STAGE 3 - COMMUNITY REFERENCE GROUP - MEMBER SELECTION - REPORT NO. AR21/14861	(a)	report, attachments, discussion, resolution/s and minutes	until a further order to be reviewed each year with the names of appointed members to be released following endorsement..	Current	relates to personal and commercial information of a confidential nature which could predjudice or benefit a 3rd party
16/03/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/03/2021 - REPORT NO. AR21/11450	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
11/03/2021	Special Council (adjourned to 16/03/2021)	ITEM 4.1 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT – REPORT NO. AR21/15086	(a) & (g)	report, attachments, discussion, resolution/s and minutes	until further order of Council, to be reviewed at least once in every 12 month period,	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
3/03/2021	Chief Executive Officer Selection Panel	ITEM 5.2 CHIEF EXECUTIVE OFFICER RECRUITMENT - REPORT NO. AR21/11473	(a), (b), (d) & (g)	report, attachments, discussion, resolution/s and minutes	until further order of Council, to be reviewed at least once in every 12 month period,	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
3/03/2021	Chief Executive Officer Selection Panel	ITEM 5.1 UPDATE ON THE CHIEF EXECUTIVE OFFICER SELECTION PROCESS – REPORT NO. AR21/12144	(a), (b), (d) & (g)	report, attachments, discussion, resolution/s and minutes	until further order of Council, to be reviewed at least once in every 12 month period	Current	relates to personal information associated with the employment conditions of the Chief Executive Officer
16/02/2021	Wulanda Recreation and Convention Centre Committee'	ITEM 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 01/02/2021 – REPORT NO. AR21/6521	(b), (d) & (k)	report, attachments, discussion, resolution/s and minutes	that the item be reviewed 12 months after successful completion of the Badge construction contract for the Wulanda Recreation and Convention Centre.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
20/01/2021	Chief Executive Officer Selection Panel	ITEM 5.1CHIEF EXECUTIVE OFFICER RECRUITMENT – REPORT NO. AR21/3669	(a), (b), (d) & (g)	report, attachments, discussion, resolution/s and minutes	until further order of Council, to be reviewed at least once in every 12 month period.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
19/01/2021	Council	28.2NOTICE OF MOTION - INDEPENDENT CONSULTANT MEMBER OF CHIEF EXECUTIVE OFFICER SELECTION PANEL – REPORT NO. AR21/1800	(a), (b) & (d)	report, attachments, discussion, resolution/s and minutes	until 5 years have elapsed.	Current	relates to personal and commercial information of a confidential nature which could predjudice or benefit a 3rd party
19/01/2021	Council	ITEM 28.1MOUNT GAMBIER PRIVATE HOSPITAL - FEASIBILITY STUDY STAGES 4-6 – REPORT NO. AR21/1334	(d) & (g)	report, attachments, discussion, resolution/s and minutes	until Council has been released from its duty of confidence, to be reviewed at least once in every 12 months.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
22/12/2020	Chief Executive Officer Selection Panel	ITEM 4.1REVIEW OF INFORMATION PROVIDED BY RECRUITMENT CONSULTANTS, MORTON PHILIPS – REPORT NO. AR20/85494	(a), (b), (d) & (g)	report, attachments, discussion, resolution/s and minutes	until further order of Council, to be reviewed at least once in every 12 month period.	Current	Contains personal and commercial information of a confidential nature which could prejudice or benefit a 3rd party
15/12/2020	Council	Item 28.1 NOTICE OF MOTION - REQUEST FOR INFORMATION - COMMUNITY AND RECREATION HUB – REPORT NO. AR20/82569	(h)	report, attachments, discussion, resolution/s and minutes	until further ordered by Council, to be reviewed at least once in every year.	Current	relates to legal advice
15/12/2020	Regional Sport and Recreation Centre Commitee	Item 27.2 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 29/11/2020 – REPORT NO. AR20/80910	(b), (d), (k)	report, attachments, discussion, resolution/s and minutes	be reviewed 12 months after successful completion of the contract.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
17/11/2020	Regional Sport and Recreation Centre Commitee	Item 27.4 MOUNT GAMBIER COMMUNITY AND RECREATION HUB PROJECT BUDGET – REPORT NO. AR20/73063	(b) & (d)	report, attachments, discussion and minutes	item be reviewed 12 months after successful completion of the contract	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
17/11/2020	Regional Sport and Recreation Centre Commitee	Item 27.5 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT - AS AT 02/11/2020 – REPORT NO. AR20/73679	(b) & (d)	report, attachments, discussion, resolution/s and minutes	item be reviewed 12 months after successful completion of the contract.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
15/09/2020	Economic & Environment Committee	Item 26.3 VIABILITY OF ESTABLISHING MATERIAL RECOVERY FACILITIES IN THE LIMESTONE COAST REGION – REPORT NO. AR20/57874	(a), (b), (d), (g) & (j)	report, attachments, discussion, resolution/s and minutes	until two years have elapsed since the enactment of the proposal(s) contained within the report and attachments, or a further order has been made by Council to release, to be reviewed at least once in every year.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party, including information provided on a confidential basis by a public authority or official creating a duty of confidence
15/09/2020	Economic & Environment Committee	Item 26.2 MOUNT GAMBIER PRIVATE HOSPITAL FEASIBILITY STUDY – REPORT NO. AR20/56996	(b), (d), & (g)	report, attachments, discussion, resolution/s and minutes	until a further order is made by Council, to be reviewed at least once every 12 months	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party, provided on a confidential basis creating a duty of confidence
21/07/2020	Council	Item 27.1 PROPERTY MANAGEMENT - EXPIRY OF AGREEMENT – REPORT NO. AR20/44292	(a), (b), (d) & (i)	Report, attachments, discussion and minutes	until 5 years after the expiry and non-renewal of arrangements with the current tenant	Current	relates to personal and commercial information of a confidential nature which could predjudice or benefit a 3rd party
21/07/2020	Council	Item 26.2 COMMERCIAL LEASE - REQUEST FOR EXTENDED LEASE – REPORT NO. AR20/38059	(a), (b) & (d)	Report, attachments, discussion, resolution/s and minutes	until 12 months have elapsed or an new arrangement has been entered into for the subject property, whichever is the later	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
1/07/2020	Special Council	Item 4.1 COMMUNITY AND RECREATION HUB PROCUREMENT – REPORT NO. AR20/39192	(b) & (k)	Report, attachments and discussion	until further order and will be reviewed at least annually in accordance with the Local Government Act 1999.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
19/05/2020	Council	Item 27.1 PROPOSAL FROM MOUNT GAMBIER PRIVATE HOSPITAL – REPORT NO. AR20/30776	(d)	Report, atachments, discusssion and resolution/s and minutes	until Council has been released from its duty of confidence by the party who provided the information	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party
5/05/2020	Special Council	Our City. Our Economy - Business Survey – Report No. AR20/26987	(d) & (g)	Report, atachments, discussion and resolution/s and minutes	until 24 months have passed since the end of the COVID-19 health state of emergency has been lifted, to be reviewed every 12 months including for the potential extension of the duration of the confidentiality order if the financial and economic impacts of the COVID-19 state of emergency remain prevalent for the survey respondents at the end of the 24 month period	Current	Contains information that could prejudice the person who supplied the information or confer advantage on a 3rd party
17/03/2020	Deputation	Item 26.2 PRESENTATION BY BEACH ENERGY – REPORT NO. AR20/8188	(d)	Report, atachments, discussion and resolution/s and minutes	until After operational plans are released by Beach Energy.	Current	Contains commercial information that could prejudice the person who supplied it or confer advantage on a 3rd party
18/02/2020	Council	Item 26.2 RIDDOCH ART GALLERY CRATE LOADER - REPORT NO. AR19/62327	(d) & (g)	Report Attachment (only)	be retained in confidence, to be released only where permission has been granted by the intellectual property holder.	Current	Contains commercial information that could confer advantage on a 3rd party
18/02/2020	Council	Item 26.1 BOOKMARK CAFÉ - EXPRESSION OF INTEREST - REPORT NO. AR20/3205	(a), (b), (d) & (g)	Report, atachments, discussion and resolution/s and minutes	until 6 years have elapsed, or 1 year after the expiry of an operating arrangement entered into in asociation with this Expression of interest process, whichever is the later. To be reviewed once in every year in accordance with s91(9).	Current	Contains commercial information that could confer advantage on a 3rd party
19/11/2019	Council	Item 26.3 BOOKMARK CAFE - EXPRESSIONS OF INTEREST AND REQUEST – REPORT NO. AR19/58946	(b) & (d)	Report, atachments, discussion, resolutions and minutes	Until Council has entered into a formal arrangements with regard to the subject matter and the Chief Executive has determined to publicly release details of such arrangements in anticipation of a proposed commencement date. All other details to be retained in-confidence until a period of 12 months has elapsed from the date of this report or any subsequent agreements arising from the subject matter, whichever is the later.	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party or Council
19/11/2019	REGIONAL SPORT AND RECREATION CENTRE COMMITTEE	Item 25.8 OPERATING MODEL SCENARIOS – REPORT NO. AR19/60159	(d)	Report, atachments, discussion, resolutions and minutes	until 1 year after the opening of the Wulanda Recreation and Convention Centre	Current	Contains commercial information of a confidential nature which could predjudice or benefit a 3rd party

Council Meeting Date	Source Meeting	Subject	S90(3) Reference	Element to be kept Confidential	Duration, Circumstances or Review	Current / Expired	Comments
15/10/2019	People & Place Committee	Item 25.2 PROPERTY - 9 PENOLA ROAD, 1-3 LAWRENCE STREET – REPORT NO. AR19/48305	(b)	Report	until the Council has settled sales transaction(s) in relation to the subject properties, being land excluded from classification as community land.	Current	includes information on the value of land, which could predjudice Council's commercial position in a subsequent sale
7-Mar-19	Special Council Meeting	Item 2.1 'Discussion with QEPT on the WellPlayed Report, the QEPT's response to that report and their proposed sub-leasing arrangements-	(b), (c) & (g)	Discussion and resolution (b)	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information.	Current	Contains 3rd parties confidential information
7-Mar-19	Special Council Meeting	Item 2.2 'QEPT WellPlayed Report and Documentation'- Report No. AR19/10346	(b), (c) & (g)	Discussion, and Attachments	Until: arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information	Current	Contains 3rd parties confidential information
7-Mar-19	Special Council Meeting	Item 2.3 Documents Relating to the Management of the Crater Lakes Area - Report No. AR19/10304	(b), (c) & (g)	Discussion and Attachments 1, 2 & 8	Until: the matter of lease arrangements for the golf course has been resolved to the satisfaction of all current and potential future parties; and, Council has been released from its duty of confidence by the party that provided the information (Attachments 1, 2 & 8)	Current	Contains 3rd parties confidential information
21-Aug-18	Operational Standing Committee	Item 17.2 Mount Gambier Aquatic Centre 2018-19 Business Plan - Report No. AR18/30233	(g)	All details	Until permission is obtained from Innovative Leisure Management as per 18.2 of the Management Agreement.	Current	Contains operators commercial in-confidence information
17-Apr-18	Strategic Standing Committee	Item 17.2 Surplus Government Property Notice - Report No. AR18/12667	(j)	All Details	Until: A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.	Current	Contains information provided in-confidence by a government agency
21-Nov-17	Council	Item 17.5 Report No. AR17/47214 – Surplus Government Property Notice	(b)	All details	Until: A public announcement has been made by the State Government on the intended manner in which the property matter is to be dealt.	Current	Contains information provided in-confidence by a government agency
18-Apr-17	Council	COUNCIL ITEM 1 - CEO REPORT ON CONFIDENTIAL MATTERS - Ref. AF11/1894	(g)	All details (including report, tabled attachment, discussion and resolution)	Ongoing; To be reviewed at least once in every year	Current	Relates to a matter the disclosure of which would breach state legislation
31-Jan-17	Council (Special)	ALLEGATIONS REGARDING MAYOR ANDREW LEE TO BE REFERRED TO ICAC – Ref. AF13/275	(g)	All	Ongoing – to be reviewed annually	Current	Relates to a matter the disclosure of which would breach state legislation
18-Aug-15	Operational Services Committee	PROPERTY MANAGEMENT - Railway Lands - Expression of Interest - Management of Communtiy Markets	(b)	All details	Until a contractual arrangement has been entered into with a respondent(s), to be reviewed in 12 months in accordance with 991(9)	Current	Contains 3rd party business proposal
15/04/2014	City of Mount Gambier Junior Sports Fund Assistance Committee	11.GOVERNANCE – Committees – City of Mount Gambier Junior Sports Assistance Fund (Section 41) - Minutes of Meeting held 2nd April, 2014 – Ref. AF11/725	(a)	All information, details concerning the personal, financial circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	current	The name of the Member Organisation(s) of the successful recipient(s) and the amount allocatied to each Member organisation only be released Redacted Agenda and Minutes released
17/12/2013	City of Mount Gambier Junior Sports Fund Assistance Committee	COMMERCIAL CLUB INC. - Donation to exceptional junior sportsperson	(a)	All information, details concerning the personal circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	Current	The name of successful awardee, that persons Member Organisation and the essential achievement(s) of the awardee only be released. Redacted Agenda and Minutes released
17/12/2013	City of Mount Gambier Junior Sports Fund Assistance Committee	ROTARY CLUB OF MOUNT GAMBIER LAKES - Donations to Financially Disadvantaged Junior Sportspersons	(a)	All information, details concerning the personal, financial circumstances and identity of each nominee	On-going, to be reviewed annually in accordance with the provisions of the Local Government Act	Current	The name of the Member Organisation(s) and the amount allocated to each Member Organisation only to be released. Redacted Agenda and Minutes Released
18/06/2013	Corporate and Community Services	SOCIAL, CULTURAL AND COMMUNITY SERVICES - Committees - City of Mount Gambier Junior Sports Assistance Fund (Section 41) Committee - Minutes of Meeting held 22nd May, 2013 – Ref. AF11/725	(a)	Retain all information concerning the personal and financial affairs and identify of donation recipients. All other information to be released.	On-going	Current	All information concerning the personal and financial affairs and identity of donation recipients kept confidential All other information released

20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - CENTRELINK RESOURCING

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Member:	**Max Bruins, Councillor**

I, Councillor Max Bruins, give notice that at the next Ordinary Meeting of Council to be held on 17 October 2023, I intend to move the following motion:

MOTION

1. That Council Report No. AR23/68264 titled 'Notice of Motion - Centrelink Resourcing ' as presented on 17 October 2023 be noted.
2. That council write to The Federal Social Services Minister – The Hon. Amanda Rishworth MP and the Federal Member for Barker – The Hon. Tony Pasin MP seeking an urgent review of resourcing in relation to the processing of Age Pension applications to prevent further social disadvantage to certain members of our community.

RATIONALE

In recent times the application processing times for members of our community seeking social services support by way of the Age Pension has blown out considerably. I have had first hand experience in recent times with members of our community who have been waiting in excess of 5 months for Age Pension applications to be processed by Centrelink due to a severe lack of adequate staffing resources.

This is putting undue strain and pressure on the financial situation of a significant number of elderly residents in our community and needs to be urgently addressed.

I commend this Notice of Motion to Council.

ATTACHMENTS

Nil

20.2 NOTICE OF MOTION - EMERGENCY SERVICES DEDICATED PARKING

Meeting:	**Council**
CM9 Reference:	**AF22/378**
Member:	**Max Bruins, Councillor**

I, Councillor Max Bruins, give notice that at the next Ordinary Meeting of Council to be held on 17 October 2023, I intend to move the following motion:

MOTION

1. That Council Report No. AR23/68689 titled 'Notice of Motion - Emergency Services Dedicated Parking ' as presented on 17 October 2023 be noted.
2. That Council liaise with Kym Franklin from the RSL & District Bowling Club and management of the Mt Gambier station of the South Australian Ambulance Service (SAAS) to discuss potential access issues to the bowling greens situated along Jubilee Highway East in the event of a medical emergency when there are a large number of vehicles parked along the highway.
3. Following discussions with the parties mentioned in (2) above, if SAAS are in agreeance that a dedicated emergency services parking space is warranted, that Council write to the Department of Infrastructure and Transport seeking that such a parking space be installed.

RATIONALE

I was approached recently by several members of the RSL & District Bowling Club who raised concerns about emergency services having easy access to people on their bowling greens in the even of a medical emergency. There have been a number of medical emergencies in the past where access by the SAAS has been somewhat difficult due to the number of vehicles parked along the Southern side of Jubilee Highway East, particularly on weekends. In some cases, Ambulance staff have had to park behind the clubrooms (which are accessed via Hedley Street) which is a significant distance from a patient which may be on the bowling green.

The club would like council support in investigating the appropriateness of a dedicated emergency services parking space along Jubilee Highway East to make access by ambulance services a faster and less onerous process.

I commend this Notice of Motion to Council.

ADMINISTRATIVE COMMENT

The RSL & District Bowling Club have previously requested a parking space for emergency services, that was considered by Council in March 2017.

At the time, Council resolved to:

"respectfully decline the request to provide a space for ambulances on Jubilee Highway East, adjacent to the RSL Bowling Club, on the basis that it is not possible to predict either the frequency or the best location for parking to meet the needs of an unknown emergency."

It is noted that emergency vehicles have the authority to make parking decisions that best meet the circumstances.

ATTACHMENTS

Nil

21 URGENT MOTIONS WITHOUT NOTICE

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 UPDATE ON LEGAL MATTER – REPORT NO. AR23/68588

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/68588 Update on Legal Matter.

The Council is satisfied that, pursuant to section 90(3) (f), (g), (h) and (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the:
  - prevention, detection, or investigation of a criminal offence, or
  - the right to a fair trial
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
  - breach any law, order or direction of a court or tribunal constituted by law,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty
- legal advice
- information relating to:
  - actual litigation, or
  - litigation that the Council or Council committee believes on reasonable grounds will take place,
  - involving the Council or an employee of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to litigation that has commenced and has been provided to Council on a strictly confidential basis.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/68588 Update on Legal Matter and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (f), (g), (h) and (i) be kept confidential and not available for public inspection until further ordered by Council or released in part or full by the Chief Executive Officer under delegation, to be reviewed annually.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999.*

23.2 UNSOLICITED PROPOSAL - PROPERTY THIRD PARTY PROPOSAL – REPORT NO. AR23/68865

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/68865 Unsolicited Proposal - Property Third Party Proposal.

The Council is satisfied that, pursuant to section 90(3) (a), (b) and (d) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be received and discussed includes the client details of the unsolicited proposal applicant, and the disclosure of Council's deliberations on the proposal would confer an advantage on the applicant and their client and prejudice the Council's commercial position in obtaining best value for the community from Council assets.

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/68865 Unsolicited Proposal - Property Third Party Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until further order of Council after the proposal contained in the report has been settled or abandoned, with the exception of any information that is prohibited from being witheld under s91(8) being disclosed being released upon the matter being settled, or any part of the information determined by the Chief Executive Officer to be released under delegation.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999.*

24 MEETING CLOSE

COMMITTEE MINUTES

AND

REPORTS / ATTACHMENTS

MINUTES OF CITY OF MOUNT GAMBIER
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT GAMBIER
ON TUESDAY, 19 SEPTEMBER 2023 AT 6.00 P.M.

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Mezinec, Cr Jason Virgo

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mrs J Fetherstonhaugh
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Manager Operations Infrastructure	- Mr K Manarangi
	Media and Communications Coordinator	- Ms S McLean
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Ms T Chant

1 ACKNOWLEDGEMENT OF COUNTRY

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 FIRST NATIONS PEOPLES HAVE WITH THE LAND.

2 APOLOGIES

RESOLUTION 2023/187

Moved: Cr Kate Amoroso
Seconded: Cr Max Bruins

That the apology(ies) from Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/188

Moved: Cr Sonya Mezinec
Seconded: Cr Jason Virgo

That the minutes of the Ordinary Council meeting held on 15 August 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - SEPTEMBER 2023

- Meeting with Senator Kerrynne Liddle
- Radiation Therapy Working Group Meeting
- Attend 2023 Mount Gambier Science and Engineering Challenge
- Interview – ABC Radio re CBD Parklets
- With CEO and Cr Jenner, meeting with representatives from MFS
- Vietnam Veterans Day Ceremony and Wreath Laying
- 2023 Business Awards
- Virtual Meeting re RDALC Regional Growth Strategy
- UniSA Leaders in Industry Luncheon
- Elected Member Briefing – Discussion on Government Relationships/Political Neutrality Policy
- Elected Member Briefing – Cost Benefit Analysis/Business Case – PLEC and LED Lighting
- Book Week – Reading at McDonald Park School
- With Deputy Mayor, Meeting with Hon Connie Bonaros MLC
- Fortnightly Virtual LCLGA Mayors Meeting
- Elected Member Briefing – Member Behavioural Standards / Support Policy
- Mount Gambier Netball Association – Junior & Senior Presentation evening
- Welcome Speech at Mount Gambier Science Fair
- Radio Interview 5GTR-FM
- Memorial Service for Robyn Campbell
- Dog and Cat Management Plan Consultation
- Morning Tea at Eureka Village
- Elected Member Briefing – Local Affordable Housing Plan Toolkit and Affordable Housing Strategy
- With CEO Meeting with Representatives from Flinders University – Launch of Allied Health Degree Programs in Mount Gambier 2024
- Visit to Council by Year 4 Students – McDonald Park School
- Recognition of International Overdose Awareness Day at Rail Lands
- Pioneers Basketball Club Presidents Lunch
- NBL Pre Season Game
- LGA Principal Member Mandatory Training
- Radiation Therapy Working Group Meeting
- Regional Growth Strategy Meeting – RDALC - Virtual
- Elected Member Briefing – Landscape SA – Karst Springs Presentation
- Elected Member Briefing – SA Council of Social Service (SACOSS) Presentation
- Elected Member Briefing – Operational Matters – Australia Day Breakfast and Awards Ceremony / Contractual Matters

- Mount Gambier Migrant Resource Centre – Connecting Settlement and Community Services Stakeholders Forum
- Introductory meeting with acCare and Melissa Clarke – re Mount Gambier Indigenous Voice to Parliament Forum
- With CEO Meeting with Hon Zoe Bettison MP
- Fifth Birthday Celebrations – Nourish Nook
- Presentations at Grand Final Day – Mount Gambier Netball Association
- With CEO Meeting with representatives from SEAWL
- Special Audit and Risk Committee Meeting
- LCLGA Team Meeting
- Mandatory Elected Member Training Session
- Virtual LGA Principal Member Mandatory Training Session – Behaviour – Public Speaking
- Introductory Meeting with Kate Thomas from Scouts
- LCLGA Mayors Meeting - Virtual
- Rapid Relief Team / Stand Like Stone – Handover New Cool Room Trailer
- LCLGA Audit and Risk Committee Meeting – Virtual
- Open Day Mount Gambier Gem Club
- Business Network Roundtable

RESOLUTION 2023/189

Moved: Mayor Lynette Martin
Seconded: Cr Max Bruins

That the Mayoral report made on 19 September 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Frank Morello	Business Network Roundtable, UniSA Leaders Industry Luncheon, LGA Principal Member Mandatory Training
Cr Paul Jenner	Public Lighting Working Group meeting, DIT – Jubilee Highway Roundabout Upgrade forum, meeting with Mayor, CEO, Mr Woods and Adrian Puust (MFS), Chamber of Commerce and Women in Business Awards night, Pioneers Presidents Luncheon 2023 with Grant Kelley from 36ers, NBL Pre-season at Wulanda/Adelaide 36ers V SEM Phoenix, Public forum – Dog and Cat Management Plan at the Public Library, special board meeting of Group Training Employment, Purple Orange Limestone Coast Disability Inclusion Training.
Cr Max Bruins	Meeting with Connie Bonaros, Business Network Roundtable with Ben Hood MLC, Pioneers season launch lunch, Chamber of Commerce business awards.
Cr Sonya Mezinec	2023 Business Awards, LCLHN Annual HAC Conference Working Group meeting, Memorial Service for Robyn Campbell, Out of the Shadows Breakfast World Suicide Prevention Day, Exhibition Opening Margaret Worth

and Barbara Hanrahan, Christmas Parade Advisory meeting, Recycled Runway – Come Fly Away With Me.

RESOLUTION 2023/190

Moved: Cr Frank Morello
Seconded: Cr Josh Lynagh

That the reports made by Councillors on 19 September 2023 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - CRATER LAKES FIRE MANAGEMENT

Question:

The following question was received from Councillor Paul Jenner.

Can Council please be provided with an update on the Crater Lakes Bushfire Management and strategy for the remediation work required to be undertaken?

Response:

At a Strategic Planning and Prevention Level

The following is being/ been undertaken:

- Council's Manager Operations Infrastructure has a background in emergency management and has been a member of the Local Government Functional Support Group (LGFSG) attending major disaster events as an LG Incident Leader, LG Coordinator and Liaison Officer, and is helping to review current response processes and protocols.
- Bushfire Management Committee – this area has been submitted as a Council asset under environment, this takes into account current treatment options for the area and if other mitigation strategies could be deployed.
- Operations staff have been working through the iResponda process and procedure.
- Council staff continue to develop and foster close relationships with both the MFS and the CFS.
- CFS are to run some bushfire education and information sessions targeted at locals but also tourists.
- Council staff to check in with neighbouring businesses and schools to ensure bushfire plans are in place.
- Rehabilitation project is still in the planning and development phase, however it will have a focus on sustainable mitigation solutions and strategies as part of the project.

At a Practical Level – Works on Ground

The following is being/been undertaken:

- 105F notices are to be sent out prior to the fire season.
- The vehicular access tracks are being well maintained throughout the whole lakes precinct.
- These tracks also act as strategic fire breaks in the event of a bushfire.
- Council's water trucks have the attachments so they can connect to both MFS, CFS and CFA trucks.
- Staff and contractors will ensure fire breaks are well maintained throughout the season.
- Parks and Gardens staff will be undertaking regular mowing of the Valley Lake areas and the surrounds.

- The removal of pest trees has also helped reduce the fuel load in some areas of the precinct.
- Council has engaged a contractor to slash grass at the top of Tenison Drive.
- Parks and Gardens staff are looking at alternate methods to help with fuel reduction along the Tenison Drive interface, however this may need to be addressed as part of the rehabilitation process for the south western face.

8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS INFORMATION BRIEFING SESSIONS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 12/08/2023 TO 15/09/2023

RESOLUTION 2023/191

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/44820 titled 'Elected Member Information/Briefing Sessions from 12/08/2023 to 15/09/2023' as presented on 19 September 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 15/08/2023

RESOLUTION 2023/192

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/44830 titled 'Council Action Items - 15/08/2023' as presented on 19 September 2023 be noted.

CARRIED

15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE HELD ON 11 SEPTEMBER 2023

RESOLUTION 2023/193

Moved: Cr Paul Jenner
Seconded: Cr Frank Morello

That the Minutes of the Special Audit and Risk Committee meeting held on 11 September 2023 as attached be noted.

CARRIED

16.2 REVIEW OF COUNCIL POLICIES - UPDATE – REPORT NO. AR23/59098

RESOLUTION 2023/194

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Audit and Risk Committee Report No. AR23/59098 titled 'Review of Council Policies - Update' as presented on 11 September 2023 be noted.
2. That Council note the recommendation of the Audit and Risk Committee as contained in their meeting minutes dated 11 September 2023, and reproduced in the Council agenda for this meeting.
3. That Council note the policies amended in accordance with the Audit and Risk Committee feedback are presented for adoption at item 19.15 in the Council agenda for this meeting.

CARRIED

16.3 INFRASTRUCTURE VALUATION – REPORT NO. AR23/60163

RESOLUTION 2023/195

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Audit and Risk Committee Report No. AR23/60163 titled 'Infrastructure Valuation' as presented on 11 September 2023 be noted.

CARRIED

17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

18.1 MINUTES OF THE BUILDING FIRE SAFETY COMMITTEE HELD ON 11 AUGUST 2023

RESOLUTION 2023/196

Moved: Cr Paul Jenner
Seconded: Cr Sonya Mezinec

That the Minutes of the Building Fire Safety Committee meeting held on 11 August 2023 as previously circulated be noted.

CARRIED

19 COUNCIL REPORTS

19.1 CBD ACTIVATION

RESOLUTION 2023/197

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/61998 titled ‘CBD Activation’ as presented on 19 September 2023 be noted.
2. That Council endorse the CBD Activation (Watson Terrace) guidelines and a budget allocation of up to $20k to enable activation activities during the 24 November 2023 – 28 January 2024 period.
3. That Council be provided with a monthly activity report including budget update.

CARRIED

19.2 CRATER LAKES ACTIVATION PLAN

RESOLUTION 2023/198

Moved: Cr Sonya Mezinec
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/62025 titled ‘Crater Lakes Activation Plan’ as presented on 19 September 2023 be noted.
2. That the Crater Lakes Activation Plan Vision, Guiding Principles & Engagement Framework be endorsed.

CARRIED

19.3 EVENT SPONSORSHIP ROTARY DISTRICT 9780 CONFERENCE

RESOLUTION 2023/199

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/61191 titled 'Event Sponsorship Rotary District 9780 Conference' as presented on 19 September 2023 be noted.
2. That provision of funding support for this unbudgeted proposal will deplete the contingency budget allocation for the financial year 2023.2024 inhibiting Councils capacity to consider future applications.
3. That Council endorse the following funding option to retain events contingency capacity for the remainder of the 2023.24 financial year:

   $14,820 + in-kind of $180 additional budget allocation requested as part of Budget Review.

CARRIED

19.4 EVENT SPONSORSHIP CMCA 37TH NATIONAL RALLY

RESOLUTION 2023/200

Moved: Cr Kate Amoroso
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/61405 titled 'Event Sponsorship CMCA 37th National Rally' as presented on 19 September 2023 be noted.
2. That Council decline the invitation to attend the 36th National Rally in Dalby in October 2023, however, provide pre-promotional material to the value of $300, from within existing budget, to the Campervan & Motorhome Club of Australia towards the 37th National Rally announcement in October 2023.
3. That Council support the application as follows:

   FY 2023.24 - $300 to be absorbed within the current budget, and

   FY 2024.25 - $20, 000 Cash + $2,500 in-kind to be included in the budget.

CARRIED

19.5 26 JANUARY EVENT AND AWARDS CEREMONY

RESOLUTION 2023/201

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/62557 titled '26 January Event and Awards Ceremony ' as presented on 19 September 2023 be noted.
2. That Council continue to hold an Australia Day event in 2024, and explores modified programming for 2024 and ensures more inclusive programming that celebrates our intergenerational and diverse community, including our multicultural and First Nations peoples.

3. That Council hold its Citizenship Ceremony on Wednesday 24th January 2024 at 2pm in City Hall, prior to Australia Day to enable those who are becoming citizens to undertake this process prior to the Australia Day breakfast and associated activities.
4. That Council continue to facilitate the Citizen of Year Awards on Australia Day for 2024.
5. That a review be conducted post Australia Day 2024 to determine if it is more appropriate to continue to hold the Citizen of the Year Award Ceremony on Australia day or if it moves the Award Ceremony in conjunction with Volunteer Week 2025.

CARRIED

19.6 2023 MOUNT GAMBIER CHRISTMAS PARADE TEMPORARY ROAD CLOSURES

RESOLUTION 2023/202

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/61632 titled '2023 Mount Gambier Christmas Parade temporary road closures' as presented on 19 September 2023 be noted.
2. That Council be notified that, pursuant to Section 33 of the Road Traffic Act 1961 and Instrument of Delegation, the Minister of Transport has made the order to close the following roads on Saturday, 18 November 2023:

STREET CLOSURES	
COMMERCIAL STREET EAST	- Davison Street to Crouch Street closed 8:00am to 12:30pm - N/S (North/South) Anthony Street closed 10:00am to 12:30pm - N/S Crouch Street closed 10:45am to 12:30pm
COMMERCIAL STREET EAST	- Crouch Street to Bay Road closed 8:30am – 2:00pm - N/S Crouch Street closed 10:45am – 12:30pm - N/S Krummel Street closed 10:00am – 12:30pm - N/S Compton Street closed 10:00am – 2:00pm - N/S Ferrers Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm
WATSON TERRACE	- N/S Watson Terrace closed 6:30am – 5:00pm - E/W Watson Terrace Bay Road closed 8:00am – 12:30pm
COMMERCIAL STREET WEST	- Bay Road to Wehl Street closed 8:30am – 2:00pm - N/S Bay Road closed 10:55am – 12:30pm - N/S Gray closed 10:55am – 2:00pm - N/S Elizabeth closed 10:55am – 2:00pm - N/S Wehl closed 10:30am – 2:00pm
COMMERCIAL STREET WEST	- Wehl Street to Bertha Street closed 10:00am – 2:00pm
VICTORIA TERRACE	- Ellis Street to Jubilee Highway West 10:00am – 2:00pm

3. That Council be notified that, SAPOL has granted exemption for persons taking part in the Parade from the following Australian Road Rules and Conditions:

ROAD RULES & CONDITIONS ON EXEMPTIONS FROM AUSTRALIAN ROAD RULES	
*Persons taking part in the Parade are **exempt** from the following Road Rules when on closed roads:*	
Rule 221	Using hazard warning lights
Rule 230	Crossing a road – general
Rule 231	Crossing a road at pedestrian lights
Rule 232	Crossing a road at traffic lights
Rule 234	Crossing a road on or near a crossing for pedestrians
Rule 238	Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)
Rule 264 *Condition on Exemption:*	Wearing of seat belts by drivers *provided the speed of the vehicle does NOT exceed 25km/h*
Rule 265 *Condition on Exemption:*	Wearing of seat belts by passengers 16 years old or older *provided the speed of the vehicle does NOT exceed 25km/h*
Rule 266 *Condition on Exemption:*	Wearing of seat belts by passengers under 16 years old *provided the speed of the vehicle does NOT exceed 25km/h*
Rule 268 *Condition on Exemption:*	How persons must travel in or on a motor vehicle *provided the speed of the vehicle does NOT exceed 25km/h*
Rule 269 *Condition on Exemption:*	Opening doors and getting out of a vehicle etc. *provided the speed of the vehicle does NOT exceed 5km/h*
Rule 298 *Condition on Exemption*:	Driving with a person in a trailer *provided the speed of the vehicle does NOT exceed 25km/h*

CARRIED

19.7 SPORT AND RECREATION CAPITAL WORKS PROGRAM 2023/2024 - APPLICATIONS

RESOLUTION 2023/203

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/55209 titled 'Sport and Recreation Capital Works Program 2023/2024 - Applications' as presented on 19 September 2023 be noted.

2. That $100,000 be endorsed for distribution for the 2023/2024 Sport and Recreation Capital Works Program as follows:

Applicant	Priority	Requested	Approved

	(Score)		
North Gambier Football/Netball Club	12	$ 15,000	$ 14,500
Mount Gambier RSL & District Bowling Club	17	$ 26,000	$ 25,000
South Gambier Football Netball Club	14	$ 13,000	$ 12,500
The Trustee for the Old Y Complex Trust	12	$ 26,633	-
Apollo Football Club	13	$ 50,000	$ 48,000
		$ 130,633	$ 100,000

3. All applicants be notified accordingly, advising that the provision and acquittal of these grant funds will always be subject to:
   - all necessary land holder and development approvals being obtained; and
   - all works being completed in accordance with all relevant legislative and compliance standards.
4. That a workshop be held to discuss and review the criteria for the Sport and Recreation Capital Works Program.

CARRIED

19.8 CARRY FORWARD 2022/2023 CAPITAL WORK IN PROGRESS, OPERATING PROJECTS AND GRANTS/SPONSORSHIPS BUDGETS

RESOLUTION 2023/204

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

1. That Council Report No. AR23/36346 titled 'Carry Forward 2022/2023 Capital Work In Progress, Operating Projects and Grants/Sponsorships Budgets' as presented on 19 September 2023 be noted.
2. That Council approves the proposed total operating project and grants/sponsorship program carry forwards of $320.7k and $4.3m for capital works as at 30 June 2023 and revised annual net impact to financing activities of ($6.4m).
3. That Council adopts the revised operating and capital expenditure budgets for the year ending 30 June 2024.

CARRIED

19.9 EMPLOYEE BEHAVIOURAL STANDARDS - UPDATE

RESOLUTION 2023/205

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR23/62861 titled 'Employee Behavioural Standards - Update' as presented on 19 September 2023 be noted.
2. That Council note the delegation granted to the Chief Executive Officer to prepare and adopt '*employee behavioural standards*' in compliance with section 120A of the *Local Government Act 1999*, and the Chief Executive Officers responsibilities (including under sections 103, 104 or 107 of the *Local Government Act 1999*) to manage council employees in the workplace such as under a separate and existing '*Code of Conduct*'.

CARRIED

Pursuant to Section 75 of the Local Government Act 1999, Cr Virgo disclosed a material conflict of interest in Item 19.10.

In accordance with Section 75B Cr Virgo informed the meeting:

Nature of Interest:

I own property adjacent Council land and desire to build fence in future.

In accordance with Section 75C(1)(b) of the Local Government Act 1999 Cr Virgo left the meeting at 06:46 PM.

19.10 POLICY REVIEWS

RESOLUTION 2023/206

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/59956 titled 'Policy Reviews' as presented on 19 September 2023 be noted.
2. The updated policies as attached to Council Report No. AR23/59956 be endorsed:
   - C120 Cemeteries - Carinya Gardens and Lake Terrace Cemetery
   - C355 Council Land - Irrigation Policy
   - E135 Encroachments - Protection of Public During Building and Maintenance Works
   - F110 Fencing Costs - Contributions by Council
   - F175 Footways and Crossovers
   - F190 Footways - Paving in City Centre Zone
   - R270 Road Pavement - Excavation and Reinstatement Of
   - S115 Fencing of Stormwater Retention Basins
   - S120 Street Signs - Directional, Tourist and Other Scenic Facility Signs
3. That the Chief Executive Officer or Delegate be authorised to make any necessary changes to the policies arising from this meeting, together with any typographical corrections, amendments to position or organisation titles, and finalisation of the document's formatting that do not materially alter the integrity of the document.

CARRIED

Cr Virgo returned to the meeting at 06:49 PM.

19.11 LOCAL GOVERNMENT ASSOCIATION - 2023 CONFERENCE AND ANNUAL GENERAL MEETING

RESOLUTION 2023/207

Moved: Cr Sonya Mezinec
Seconded: Cr Max Bruins

1. That Council Report No. AR23/61008 titled 'Local Government Association - 2023 Conference and Annual General Meeting' as presented on 19 September 2023 be noted.
2. That the Mayor be noted as Council's authorised delegate to represent Council at the 2023 LGA Conference and Annual General Meeting to be held in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 accompanied by the CEO, with all associated costs to be met by Council.
3. That the Deputy Mayor be confirmed as proxy delegate to represent Council, should the Mayor not be able to attend.
4. Subject to the final meeting agenda being released and a determination being made by the Presiding Member and CEO that the content is relevant to the attendance of a non-voting delegate, that Cr Sonya Mezinec be registered to attend the 2023 LGA Conference and Annual General Meeting in Adelaide on the evening of Wednesday 25 October 2023 and Thursday 26 October 2023 with all associated costs to be met by Council.
5. That SAROC's receipt of Council's proposed item of business relating to Youth Allowance Eligibility be noted, and the Local Government Association be advised Council does not wish to submit any further notice of motion.

CARRIED

Pursuant to Section 74 of the Local Government Act 1999, Cr Lynagh disclosed a general conflict of interest in Item 19.12.

In accordance with Section 75B Cr Lynagh informed the meeting:

Nature of Interest:

I work for Clare Scriven MLC who is a local member of Parliament.

Intention to Participate:

I intend on voting on the motion but not participate in discussion..

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately by not moving or seconding the motion or speaking to it I intend to vote and represent the community with my vote as I feel that is important..

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 19.12.

19.12 POLITICAL NEUTRALITY AND GOVERNMENT RELATIONS POLICY

RESOLUTION 2023/208

Moved: Cr Max Bruins
Seconded: Cr Sonya Mezinec

1. That Council Report No. AR23/58117 titled 'Political Neutrality and Government Relations Policy ' as presented on 19 September 2023 be noted.
2. That Council Policy - Political Neutrality and Government Relations as attached to Report No. AR23/58117 be adopted.
3. Council notes that the Policy section 4.1 final paragraph will be amended to reflect section 90A rather than section 91A of the Local Government Act, 1999.

CARRIED

Having participated in the meeting for 19.12 Cr Lynagh voted in favour of the motion.

19.13 CROWN LAND DEDICATION - PORTION OF LAKE TERRACE CEMETERY

RESOLUTION 2023/209

Moved: Cr Paul Jenner
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/49678 titled 'Crown Land Dedication - Portion of Lake Terrace Cemetery' as presented on 19 September 2023 be noted.
2. That the historical anomaly associated with the non-dedication of a portion of the Lake Terrace Cemetery (Section 412 – Hundred of Blanche) to the City of Mount Gambier be noted.
3. That the proposed conditions of dedication of Section 412, Hundred of Blanche to the City of Mount Gambier for cemetery purposes be accepted.
4. That the Chief Executive Officer and Mayor be authorised to execute any documentation necessary documentation to accept and give effect to a dedication of Section 412 – Hundred of Blanche to the City of Mount Gambier for cemetery purposes.

CARRIED

19.14 MEMBER BEHAVIOURAL MANAGEMENT - REVIEW

RESOLUTION 2023/210

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR23/63046 titled 'Member Behavioural Management - Review' as presented on 19 September 2023 be noted.
2. That, having met the requirement of section 262B of the *Local Government Act 1999* to review the operation of it's Member Behavioural Management Policy, no amendments to Council's Member Behavioural Management Policy are proposed at this time;
3. That Council confirms its April 2023 decision not to prepare and adopt a Member Behavioural Support Policy (or policies) at this time;
4. That a further report (or reports) be presented if any substantial changes are made to the Local Government Association model policies to enable consideration of any amendments to Council's Member Behavioural Support Policy and/or the preparation and adoption of a Member Behavioural Support Policy (or policies).
5. That Council notes it will be required to further consider the operation of it's Member Behavioural Management Policy, and whether (or not) to prepare and adopt a Member Behavioural Support Policy (or policies), following the November 2026 local government elections.

CARRIED

19.15 ACCOUNTING POLICIES

RESOLUTION 2023/211

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/63869 titled 'Accounting Policies' as presented on 19 September 2023 be noted.
2. The updated policies as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
   (a) P415 - Prudential Management Policy;
   (b) Asset Accounting Policy; and
   (c) Internal Controls Policy.
3. The new draft policy as referenced below and as attached to Report No. AR23/63869 having been reviewed by the Audit and Risk Committee on 11 September 2023 be adopted:
   (a) External Grant Funding Policy.

CARRIED

19.16 NOTICE OF RESCISSION - INSTALLATION OF A DISABLED PERMIT PARKING ONLY ZONE - PERCY STREET, MOUNT GAMBIER

RESOLUTION 2023/212

Moved: Cr Max Bruins
Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/63887 titled 'Notice of Rescission - Installation of a Disabled Permit Parking Only Zone - Percy Street, Mount Gambier' as presented on 19 September 2023 be noted.
2. The below resolution 2023/61 titled Installation of a Disabled Permit Parking Only Zone on Percy Street, Mount Gambier that was passed on 21 March 2023 be rescinded:

   "1. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450.

   2. That Council, in accordance with the power delegated by the Minister under Section 17(1) and (2) of the Road Traffic Act (Instrument of Delegation dated 22 August 2013), resolves the following:

   Prohibited Area Disabled Permit Parking Only

   Ref No. 2.3.106

   PERCY STREET (SOUTHERN HALF) - from 10 metres to 18 metres east of the intersection with Penola Road

   To apply at all times."

3. That Council note installation of Seniors Only Parking signage is a viable alternate carpark solution at this location that allows both elderly and disabled customers access to parking at Westpac Bank.

CARRIED

20 MOTIONS WITH NOTICE

Pursuant to Section 74 of the Local Government Act 1999, Cr Lynagh disclosed a general conflict of interest in Item 20.1.

In accordance with Section 75B Cr Lynagh informed the meeting:

Nature of Interest:

I work for Clare Scriven with the recommendation being that the letter be sent to her.

Intention to Participate:

I intend on voting on the motion but not participate in discussion.

Reason for Participating:

The action that I am taking is sufficient to address and deal with my conflict adequately by not moving, seconding or speaking to the motion. I intend to vote and represent the community with me vote as I feel that is important.

In accordance with Section 75B of the Local Government Act 1999 Cr Lynagh remained in the meeting for Item 20.1.

20.1 NOTICE OF MOTION - MINISTER FOR TRANSPORT

RESOLUTION 2023/213

Moved: Cr Paul Jenner
Seconded: Cr Max Bruins

1. That Council Report No. AR23/64087 titled 'Notice of Motion - Minister for Transport' as presented on 19 September 2023 be noted.
2. That Council again write to the Honourable Tom Koutsantonis, Minister for Infrastructure and Transport insisting that he visit Mount Gambier and the Limestone Coast to inspect firsthand the deterioration of the roads and drainage assets in our region.
3. That Council requests that the Department of Infrastructure and Transport provide an update to Council on the progress of actions taken from meetings between the Department, Members of Parliament and the CEOs of the Limestone Coast Local Government Association member councils, and further advises when these important meetings will recommence.
4. That Council request that appropriate State Government resources be committed to the renewal and maintenance of roads and associated assets in Mount Gambier and the Limestone Coast.
5. That a copy be sent to Premier Peter Malinauskas MP, Minister Geoff Brock – Minister for Regional Roads, The Hon Clare Scriven MLC – Minister for Primary Industries, Regional Development, Forestry, Troy Bell MP – Member for Mount Gambier, Nick McBride MP – Member for MacKillop, and the Executive Officer - Limestone Coast Local Government Association.

CARRIED

Having participated in the meeting for 20.1 Cr Lynagh voted in favour of the motion.

21 MOTIONS WITHOUT NOTICE

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS

23.1 CRATER LAKES UNSOLICITED PROPOSAL – REPORT NO. AR23/61873

RESOLUTION 2023/214

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, K Manarangi, S McLean, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/61873 Crater Lakes Unsolicited Proposal.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
  - to prejudice the commercial position of the person who supplied the information, or
  - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
  - breach any law, order or direction of a court or tribunal constituted by law,
  - breach any duty of confidence, or
  - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the attachment and information regarding Crater Lakes Project Proposal contain commercial information of a confidential nature provided to Council in-confidence, and the consideration of which if conducted in open could prejudice the position of Council or the party that provided the information or confer a commercial advantage on a third party. The public interest in the matter being considered in open is considered to be outweighed by the public interest in ensuring the best possible outcome for the community, which may be prejudiced if the matter were considered in open.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss the recommendation.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 07:20 PM until 07:30 PM

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 07:30 PM

RESOLUTION 2023/215

Moved: Cr Max Bruins
Seconded: Cr Kate Amoroso

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR23/61873 Crater Lakes Unsolicited Proposal and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until two years after the expiry of an agreement entered into in relation to the matter or two years after the proposal has been abandoned and Council has been released from its duty of confidence, whichever is the later.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999.*

CARRIED

23.2 CONTRACTED CLEANING SERVICES – REPORT NO. AR23/63952

RESOLUTION 2023/216

Moved: Cr Frank Morello
Seconded: Cr Sonya Mezinec

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, J Fetherstonhaugh, M McCarthy, J Scoggins, K Manarangi, S McLean, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/63952 Contracted Cleaning Services.

The Council is satisfied that, pursuant to section 90(3) (b) and (i) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
  - conducting business; or
  - proposing to conduct business; or
  - to prejudice the commercial position of the Council

- information relating to:
  - actual litigation, or
  - litigation that the Council or Council committee believes on reasonable grounds will take place,
  - involving the Council or an employee of the Council

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed in this item relates to a contract between Council and the third-party. The disclosure of information in association with this item could reasonably be expected to prejudice the commercial position of Council or confer advantage on third parties and is considered on balance to be contrary to the public interest as it could prejudice the Councils position in obtaining best value on behalf of the community.

CARRIED

RESOLUTION 2023/217

Moved: Cr Frank Morello
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.2 AR23/63952 Contracted Cleaning Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b) and (i) be kept confidential and not available for public inspection until the Deed of Termination for Pickwick Group Pty Ltd has been executed and alternate service delivery option implemented.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999.*

CARRIED

24 MEETING CLOSE

The Meeting closed at 7:32pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 October 2023.

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PRESIDING MEMBER