



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

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

Date: Tuesday, 18 April 2023
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 18 April 2023

A handwritten signature in black ink, appearing to read 'Sarah Philpott', is positioned above the printed name and title.

Sarah Philpott
Chief Executive Officer
14 April 2023

Order Of Business

Acknowledgement of Country	5
1 Declaration of Office - Area Councillor	5
2 Request for Leave of Absence - Cr Mark Lovett – Report No. AR23/21072	6
3 Apologies	10
4 Confirmation of Council Minutes	10
5 Mayoral Report	11
5.1 Mayoral Report - April 2023 – Report No. AR23/17042	11
6 Reports from Councillors	12
7 Questions with Notice	13
7.1 Olympic Park	13
7.2 Blue Lake Welcome Centre	14
8 Questions without Notice	15
Nil	
9 Petitions	15
Nil	
10 Deputations	16
10.1 Deputation - Kerry Holmes - Mitchell Street Trees – Report No. AR23/16393	16
11 Notice of Motion to Rescind or Amend	18
Nil	
12 Elected Members Workshops	19
12.1 Elected Member Information/Briefing Sessions from 18/03/2023 to 13/04/2023 – Report No. AR23/19527	19
13 Elected Members Training and Development	28
Nil	
14 Council Action Items	29
14.1 Council Action Items - 21/03/2023 – Report No. AR23/24110.....	29
15 Junior Sports Assistance (Section 41) Committee Minutes and Recommendations	41
Nil	
16 Audit and Risk Committee Minutes and Recommendations	42
16.1 Minutes of the Audit and Risk Committee held on 27 March 2023 - Go to Attachment.....	42
16.2 Budget Review 1 and 2 2022/2023 – Report No. AR23/18140	42
16.3 Work Health Safety and Wellbeing Management – Report No. AR23/19138.....	42
16.4 Risk Management Report March 2023 – Report No. AR23/19281	42
17 Chief Executive Officer Performance Review Committee Minutes and Recommendations	43



Nil	
18 Building Fire Safety Committee Minutes	43
Nil	
19 Council Reports	44
19.1 Illumination of Assets Policy – Report No. AR23/15255	44
19.2 Employee Behavioural Standards – Report No. AR23/11629	51
19.3 Member Behavioural Support Policy – Report No. AR23/11633	55
19.4 Audit and Risk Committee - Membership – Report No. AR23/22960	73
19.5 Junior Sports Assistance Fund - Presiding Member Vacancy – Report No. AR23/23870	77
20 Motions with Notice	81
20.1 Notice of Motion - Youth Allowance Advocacy for Regional and Remote Students	81
21 Urgent Motions without Notice	83
22 Confidential Items of Committees	83
Nil	
23 New Confidential Items	84
24 Meeting Close	91
Committee Minutes and Reports / Attachments	92
Attachments Item 4 Ordinary Council Meeting - 21 March 2023	93
Attachments Item 16.1 Minutes of the Audit and Risk Committee held on 27 March 2023	109
Attachments Item 16.2 Budget Review 1 and 2 2022/2023	111
Attachments Item 16.3 Work Health Safety and Wellbeing Management	123
Attachments Item 16.4 Risk Management Report March 2023	137



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.

1 DECLARATION OF OFFICE - AREA COUNCILLOR

The Chief Executive Officer to read out the results of the Election Recount.

Following the calculation of a revised quota and distributing preferences of the elected and ineligible candidates to the next available preference for a remaining eligible candidate, Jason Virgo obtained 3051 votes, and the Returning Officer, Mick Sherry, declared Jason Virgo elected under quota to the position of area councillor.

Cr Jason Virgo to read out his Declaration of Office.



2 REQUEST FOR LEAVE OF ABSENCE - CR MARK LOVETT – REPORT NO. AR23/21072

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/21072
CM9 Reference:	AF22/378
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Sarah Philpott, Chief Executive Officer
Summary:	This report presents a request from Cr Mark Lovett for a Leave of Absence.
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. AR23/21072 titled 'Request for Leave of Absence - Cr Mark Lovett' as presented on 18 April 2023 be noted.
2. That a leave of absence for three (3) months as sought by Cr Mark Lovett be granted for the period from 27 March 2023 until 26 June 2023.
3. That, noting the prolonged period, it is suggested Cr Mark Lovett give consideration to the non-acceptance of Member allowance and any other facilities and support as provided to Members by Council during his leave of absence, and for Cr Lovett to notify the Chief Executive Officer in writing accordingly of any such decision.
4. That Cr Mark Lovett be reminded of other Member integrity requirements, such as the general duties and lodgement of a change or variation in Register of Interest information within 1 month of the change or variation, that continue to apply to a Member during a leave of absence.



TYPE OF REPORT

Legislative

BACKGROUND

Cr Mark Lovett has sought a leave of absence from Council for a period of three (3) months.

Under the provisions of the *Local Government Act 1999* (the 'Act') a leave of absence may only be granted by resolution of Council. Under section 54(1)(d) of the Act a Member who has been absent, without leave of the Council, from three or more consecutive ordinary meetings of Council may be removed from office by the Council on that ground.

Further, it should be noted that a leave of absence is not synonymous with the giving and favourable receipt by Council of an apology for a meeting, which is a courtesy only with no formal implications.

PROPOSAL

On 27 March 2023 Cr Mark Lovett requested the Chief Executive Officer advise Members and seek a leave of absence from Council for a period of 3 months due to employment and personal circumstances.

The only statutory provisions relating to leave from Council (with the exception of a deemed leave of absence to contest a state election under section 55A of the Act) are in the casual vacancy provisions in section 54(1)(d) of the Act, providing an exception to removal from office by the Council on the grounds of being absent, without leave of the Council, from three or more consecutive ordinary meetings of the Council.

Granting of leave under section 54(1)(d) of the Act is discretionary, and by doing so Council supports the leave and is unable to act in relation to section 54(1)(d) in relation to the leave period granted.

Unlike section 55A of the Act which prescribes that a Member granted leave under that section must not use any facility, service or other form of support (including Member allowance) provided by Council nor carry out any function or duty of the office of a Member, a Member on a discretionary leave of absence remains a Council Member during the period of leave, including for the calculation of quorum for meetings and the receipt of agendas, minutes, communications, allowances and other facilities, benefits and support.

Section 78 of the Act relating to the provision of facilities and support provides that their provision of at the discretion of the Council and must be available to all Members on a uniform basis. Accordingly, unless a Member elects not to accept their allowance or to claim reimbursement of expenses and to use facilities, services or other support during the period of a leave of absence, they remain entitled to do so.

In the absence of a formal request or intention from Cr Lovett to do so, Council may suggest that being for such a prolonged period, that Cr Lovett consider not accepting his Member allowance or any other support provided by Council for the duration of his leave of absence.

Further, it is suggested that Cr Mark Lovett be reminded of other Member integrity requirements, such as the general duties and lodgement of a change or variation in Register of Interest information within 1 month of the change or variation, that continue to apply to a Member during a leave of absence.

This report has been prepared with a recommendation to this effect.

LEGAL IMPLICATIONS

The casual vacancy (section 54) and Member allowances and benefits (Chapter 5 Part 5) provisions of the Act apply to the matters raised in this report.

STRATEGIC PLAN

N/A



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

N/A

IMPLEMENTATION STRATEGY

In the event that Cr Lovett elects not to receive his Member allowance or other facilities or support during his leave of absence, then requisite actions will be taken to give effect to such notification upon it being given to the Chief Executive Officer in writing.

CONCLUSION AND RECOMMENDATION

This report provides a recommendation to grant the three month leave of absence sought by Cr Mark Lovett, together with a proposed recommendation to suggest Cr Lovett give consideration to the non-acceptance of his Member allowance and other facilities and support provided to Members by Council during the leave period.

ATTACHMENTS

Nil



ATTACHMENTS

NIL



3 APOLOGIES

That the apologies received from Cr Kate Amoroso and Cr Mark Lovett be received.

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 21 March 2023](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 21 March 2023 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - APRIL 2023 – REPORT NO. AR23/17042

- Meeting with representatives from CMCA (Campervan and Motorhome Club of Australia)
- Australian Women Pilots Association – Annual Conference Welcome
- LCLGA Mayor’s Information Meeting
- Meeting with representatives from In Home Hospice Care
- Plaque unveiling for WWII Soldier Alf Walker at Carinya Gardens
- Day 1 of Elected Member Strategic Workshop
- Launch of 2023 Fringe
- Day 2 of Elected Member Strategic Workshop
- Radio Interview 5GTR-FM
- With CEO, Meeting with Mayor and CEO of District Council of Grant
- Audit and Risk Committee Workshop
- Audit and Risk Committee Meeting
- Yerkalalata Community Reference Group Meeting
- Elected Member Briefing – LCLGA Presentation
- Elected Member Briefing – Review of Australia Day Awards Breakfast and Ceremony
- Pioneers Basketball Media Launch
- Meeting with Resident re Disability Access
- LCLGA Dinner Meeting with Mr Michael Brown, MP
- LCLGA General Meeting – District Council of Grant
- Mount Gambier 8 Hour Pedal Prix
- Radiotherapy Working Group Meeting
- Budget Workshop 1
- Citizenship Ceremony
- Budget Workshop 2
- Ian McKay – Uni SA
- University of SA / Adelaide Uni Meeting – Creating a University for the Future
- LGA OGM in Adelaide
- Pioneers Basketball at Wulanda
- Meeting with Haydn McPherson and Peter Hopgood



6 REPORTS FROM COUNCILLORS



7 QUESTIONS WITH NOTICE

7.1 OLYMPIC PARK

Meeting: Council
CM9 Reference: AF22/378
Member: Paul Jenner, Councillor

The following question on notice was received from Councillor Paul Jenner.

Question

Does Council have a position on the future use of the old, old Olympic Swimming Pool site which in recent years was the home for the Naval Cadets then left vacant?

Due to the size of the facility both inside and out, can some Community groups utilise these premises now in the short term rather than stay idle due to a large need in the community for meeting spaces like this?

When is the Olympic Park Management Plan due to start?

Response

To be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding Olympic Park raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



7.2 BLUE LAKE WELCOME CENTRE

Meeting: Council
CM9 Reference: AF22/378
Member: Paul Jenner, Councillor

The following question on notice was received from Councillor Paul Jenner.

Question

Can Council please be provided with the current and future vision of the Blue Lake Welcome Centre?

Is there any plans to reopen the Centre further than just an Information Centre during the summer period before finishing the Community Land Management Plan for the Crater Lakes and if not, why not?

Response

Response to be provided at the meeting.

REPORT RECOMMENDATION

That the response to the question regarding the Blue Lake Welcome Centre raised by Councillor Paul Jenner be received and noted.

ATTACHMENTS

Nil



8 QUESTIONS WITHOUT NOTICE

Nil

9 PETITIONS

Nil



10 DEPUTATIONS

10.1 DEPUTATION - KERRY HOLMES - MITCHELL STREET TREES – REPORT NO. AR23/16393

Meeting: Council
CM9 Reference: AF22/378
Author: Tahlee Chant, Executive Administrator City and Community Growth

REPORT RECOMMENDATION

1. That Council Report No. AR23/16393 titled 'Deputation - Kerry Holmes - Mitchell Street Trees' as presented on 18 April 2023 be noted.



BACKGROUND

The Mayor, Mrs Lynette Martin OAM, has granted a deputation request from Kerry Holmes who would like the opportunity to present to Council.

ATTACHMENTS

Nil



11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil



12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 18/03/2023 TO 13/04/2023 – REPORT NO. AR23/19527

Meeting: Council
CM9 Reference: AF22/378
Author: Melissa Telford, Councillor Support Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/19527 titled 'Elected Member Information/Briefing Sessions from 18/03/2023 to 13/04/2023' as presented on 18 April 2023 be noted.

ATTACHMENTS

1. Confidential Information Briefing Session - Elected Members - Record of Proceedings - 21/03/2023 - Caroline Update [↓](#)
2. Information Briefing Session - Elected Members - Record of Proceedings - 28/03/2023 - LCLGA Presentation [↓](#)
3. Information Briefing Session - Elected Members - Record of Proceedings - 28/03/2023 - Review of Australia Day Breakfast and Awards Ceremony [↓](#)
4. Information Briefing Session - Elected Member - Record of Proceedings - 30/03/2023 Mount Gambier Mountain Bike Club [↓](#)
5. Impromptu Confidential Information Briefing Session - Elected Members - Record of Proceedings - 30/03/2023 - Native Landscape Plan - Historic Pine Plantation Valley Lakes Ketla Malpi Precinct [↓](#)
6. Information Briefing Session - Elected Members - Record of Proceedings - 04/04/2023 - Budget Workshop 1 [↓](#)
7. Information Briefing Session - Elected Members - Record of Proceedings - 11/04/2023 - Budget Workshop 2 [↓](#)



**CONFIDENTIAL INFORMATION / BRIEFING SESSION
CAROLINE UPDATE
7.01 pm Tuesday, 21 March 2023**

RECORD OF PROCEEDINGS
7.01 pm, Tuesday, 21 March 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 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:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Kate Amoroso
Cr Sonya Meziniec
Cr Josh Lynagh
Cr Frank Morello
Cr Paul Jenner
Cr Max Bruins

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager City and Community Growth
Acting General Manager Corporate and Regulatory Services

MEMBERS APOLOGIES:-

Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Caroline Landfill
Plant Procurement

Discussion closed at 7.24 pm.



**INFORMATION / BRIEFING SESSION
LCLGA PRESENTATION
5:00 PM, TUESDAY, 28 MARCH 2023**

Ref: AF22/549

RECORD OF PROCEEDINGS
5:00 p.m., Tuesday, 28 March 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 will be open to the public.

GUESTS:-

Tony Wright, Executive Officer, Limestone Coast Local Government Association

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Josh Lynagh
Cr Max Bruins
Cr Kate Amoroso (by phone)

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager City and Community Growth
Acting General Manager Corporate and Regulatory Services

MEMBERS APOLOGIES:-

Cr Sonya Mezinec
Cr Paul Jenner
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Presentation by Mr Tony Wright, Executive Officer, Limestone Coast Local Government Association.

Discussion closed at 5.50 p.m.



**INFORMATION / BRIEFING SESSION
REVIEW OF AUSTRALIA DAY BREAKFAST AND AWARDS CEREMONY
5:50 PM, TUESDAY, 28 MARCH 2023**

Ref: AF22/549

RECORD OF PROCEEDINGS
5:50 PM, TUESDAY, 28 MARCH 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 will be open to the public.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Frank Morello
Cr Max Bruins
Cr Josh Lynagh
Cr Kate Amoroso (by phone)

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager City and Community Growth
Acting General Manager Corporate and Regulatory Services
Manager Economy, Strategy and Engagement
Community Events Team Leader

MEMBERS APOLOGIES:-

Cr Sonya Meziniec
Cr Paul Jenner
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Review of Australia Day Event.

Discussion closed at 7.20 p.m.





**INFORMATION / BRIEFING SESSION
MOUNT GAMBIER MOUNTAIN BIKE CLUB
5:30 PM, THURSDAY, 30 MARCH 2023**

Ref: AF22/549

**RECORD OF PROCEEDINGS
5:30 PM, THURSDAY, 30 MARCH 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 will be open to the public.

GUESTS:-

Shane DeJong, President, Mount Gambier Mountain Bike Club
6 member of the Mount Gambier Mountain Bike Club

MEMBERS PRESENT:-

Cr Frank Morello
Cr Max Bruins
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager City and Community Growth
General Manager City Infrastructure
Manager Economy, Strategy and Engagement
Strategic Development and Engagement Co-ordinator
Strategic Development and Recreation Co-ordinator
Tourism Officer

MEMBERS APOLOGIES:-

Mayor Lynette Martin
Cr Paul Jenner
Cr Sonya Meziniec
Cr Mark Lovett
Cr Kate Amoroso

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Presentation by Shane DeJong, President, Mount Gambier Mountain Bike Club.

Discussion closed at 6.30 p.m.



**IMPROMPTU CONFIDENTIAL INFORMATION / BRIEFING SESSION
NATIVE LANDSCAPE PLAN – HISTORIC PINE PLANTATION
VALLEY LAKES/KETLA MALPI PRECINT
6:30 PM, THURSDAY, 30 MARCH 2023**

Ref: AF22/549

RECORD OF PROCEEDINGS
6:30 PM, THURSDAY, 30 MARCH 2023
INSERT MEETING ROOM, 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 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:

(k) tenders for the supply of goods, the provision of services or the carrying out of works.

MEMBERS PRESENT:-

STAFF PRESENT:-

Cr Frank Morello
Cr Josh Lynagh

Chief Executive Officer
General Manager City and Community Growth
General Manager City Infrastructure
Manager Economy, Strategy and Engagement
Strategic Development and Engagement Co-ordinator
Strategic Development and Recreation Co-ordinator
Tourism Officer

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

Mayor Lynette Martin
Cr Paul Jenner
Cr Sonya Meziniec
Cr Mark Lovett
Cr Kate Amoroso
Cr Max Bruins

Nil

DISCUSSION:

Trail management.

Discussion closed at 7.00 p.m.



**INFORMATION / BRIEFING SESSION
BUDGET WORKSHOP 1
5:00 PM TUESDAY 4 APRIL 2023**

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 4 April 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.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruins
Cr Sonya Mezinac
Cr Frank Morello
Cr Paul Jenner
Cr Josh Lynagh

STAFF PRESENT:-

Chief Executive Officer
General Manager City Infrastructure
General Manager Corporate and Regulatory Services
General Manager City and Community Growth
Finance Manager

MEMBERS APOLOGIES:-

Cr Kate Amoroso
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Elected Members given an overview of the budget process and key assumptions for the 2023/2023 Budget.

Discussion closed at 6.44 p.m.



**INFORMATION / BRIEFING SESSION
BUDGET WORKSHOP 3
5:00 PM TUESDAY 11 APRIL 2023**

RECORD OF PROCEEDINGS
5:00 pm, Tuesday 11 April 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.

MEMBERS PRESENT:-

Mayor Lynette Martin
Cr Max Bruins
Cr Sonya Mezinec
Cr Frank Morello
Cr Jason Virgo
Cr Josh Lynagh
Cr Paul Jenner

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
General Manager City and Community Growth
Finance Manager (virtual)

MEMBERS APOLOGIES:-

Cr Kate Amoroso
Cr Mark Lovett

LEAVE OF ABSENCE:-

Nil

DISCUSSION:

Elected Members were briefed on the draft 2023/2024 Budget, including Strategic Priorities, Capital Works Plan and overview of new projects.

Meeting went into confidence at 6.48 p.m. on the following grounds:

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:

- (b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest.
- (k) tenders for the supply of goods, the provision of services or the carrying out of works.

Discussion closed at 7.04 p.m.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 21/03/2023 – REPORT NO. AR23/24110

Meeting: Council
CM9 Reference: AF22/378
Author: Melissa Telford, Councillor Support Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR23/24110 titled 'Council Action Items - 21/03/2023' as presented on 18 April 2023 be noted.

ATTACHMENTS

1. Action Items from Council Meeting 21/03/2023 [↓](#)



Division:	Council	Date From:	21/03/2023
Meeting:	Council	Date To:	21/03/2023
Officer:		Printed:	14 April 2023 10:54 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Chant, Tahlee La Greca, Sue	Elected Members Workshops	Elected Member Information/Briefing Sessions from 17/02/2023 to 17/03/2023
RESOLUTION 2023/46			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
1. That Council Report No. AR23/13457 titled 'Elected Member Information/Briefing Sessions from 17/02/2023 to 17/03/2023' as presented on 21 March 2023 be noted.			
CARRIED			
24 Mar 2023 9:50am Chant, Tahlee - Completion			
Action completed by Chant, Tahlee			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Chant, Tahlee La Greca, Sue	Council Action Items	Council Action Items - 24/01/2023
RESOLUTION 2023/47			
Moved: Cr Paul Jenner			
Seconded: Cr Josh Lynagh			
1. That Council Report No. AR23/17017 titled 'Council Action Items - 24/01/2023' as presented on 21 March 2023 be noted.			
CARRIED			
24 Mar 2023 9:50am Chant, Tahlee - Completion			
Action completed by Chant, Tahlee			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Telford, Melissa Philpott, Sarah	Junior Sports Assistance (Section 41) Committee MI	Minutes of the Junior Sports Assistance Fund held on 1 March 2023
RESOLUTION 2023/48			
Moved: Cr Max Bruins			
Seconded: Cr Sonya Meziniec			



Division: Council	Date From: 21/03/2023
Meeting: Council	Date To: 21/03/2023
Officer:	
Action Sheets Report	Printed: 14 April 2023 10:54 AM

That the Minutes of the Junior Sports Assistance Fund meeting held on 1 March 2023 as attached be noted.

CARRIED

28 Mar 2023 8:26am Telford, Melissa - Completion
 Action completed by Telford, Melissa

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Telford, Melissa Philpott, Sarah	Reports	Correspondence Received
RESOLUTION 2023/49			
Moved: Cr Sonya Meziniec			
Seconded: Cr Frank Morello			
1. That Junior Sports Assistance Fund Report No. AR23/11963 titled 'Correspondence Received' as presented on 01 March 2023 be noted.			
CARRIED			
28 Mar 2023 8:26am Telford, Melissa - Completion			
Action completed by Telford, Melissa			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Telford, Melissa Philpott, Sarah	Reports	Statement of Revenue and Expenses - as at 21 February 2023
RESOLUTION 2023/50			
Moved: Cr Max Bruins			
Seconded: Cr Josh Lynagh			
1. That Junior Sports Assistance Fund Report No. AR23/12012 titled 'Statement of Revenue and Expenses - as at 21 February 2023' as presented on 01 March 2023 be noted.			
2. The financial statement of the Fund as at 21 February 2023 be received, noting a cash balance of \$136,493.90			
CARRIED			
28 Mar 2023 8:27am Telford, Melissa - Completion			
Action completed by Telford, Melissa			



Division: Meeting: Council Officer: Action Sheets Report	Date From: 21/03/2023 Date To: 21/03/2023 Printed: 14 April 2023 10:54 AM
---	---

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Telford, Melissa Philpott, Sarah	Reports	Applications for Financial Assistance for Junior and Payments from the Fund - 01/02/2022 - 31/01/2023
RESOLUTION 2023/51			
Moved: Cr Sonya Meziniec			
Seconded: Cr Frank Morello			
1. That Junior Sports Assistance Fund Report No. AR23/12088 titled 'Applications for Financial Assistance for Junior and Payments from the Fund - 01/02/2022 - 31/01/2023 ' as presented on 01 March 2023 be noted.			
CARRIED			
28 Mar 2023 8:27am Telford, Melissa - Completion			
Action completed by Telford, Melissa			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Telford, Melissa Philpott, Sarah	Reports	Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2022
RESOLUTION 2023/52			
Moved: Cr Paul Jenner			
Seconded: Cr Josh Lynagh			
1. That Junior Sports Assistance Fund Report No. AR23/9809 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2022' as presented on 01 March 2023 be noted.			
2. The following junior received the 2022 Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential: <u>Awardee:</u> Vaughn Stratford - Mount Gambier Swimming Club Inc.			
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.			
4. The media be invited to attend the presentation.			
CARRIED			
28 Mar 2023 8:27am Telford, Melissa - Completion			
Action completed by Telford, Melissa			



Division:	Date From: 21/03/2023
Meeting: Council	Date To: 21/03/2023
Officer:	Printed: 14 April 2023 10:54 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Re-Instatement of Mark Lovett as Area Councillor
RESOLUTION 2023/54			
Moved: Cr Josh Lynagh Seconded: Cr Kate Amoroso			
1. That Council Report No. AR23/15598 titled 'Re-Instatement of Mark Lovett as Area Councillor' as presented on 21 March 2023 be noted.			
2. That the re-instatement of Mark Lovett in the office of Area Councillor for the City of Mount Gambier, be noted.			
3. That, in accordance with the recommendation of the Chief Executive Officer under Regulation 21 of the <i>Local Government (Procedures at Meetings) Regulations 2013</i> , Part 3 of Resolution 2023/27 dated 21 February 2023:			
<i>That the Member Allowance overpaid to Mark Lovett be pursued, as a debt owed to Council, with recovery action deferred until any appeal processes have been exhausted, with recovery if Mark Lovett is not returned to office on a pro-rata basis from 24 January 2023.</i>			
be revoked.			
4. That Council note:			
(a) the backpayment of Member Allowance to Cr Mark Lovett as if a casual vacancy had not arisen; and			
(b) Cr Mark Lovett's resumption of his committee position of Presiding Member of the Junior Sports Assistance Fund.			
			CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Casual Vacancy in Office of Councillor
RESOLUTION 2023/55			
Moved: Cr Kate Amoroso Seconded: Cr Frank Morello			
1. That Council Report No. AR23/13173 titled 'Casual Vacancy in Office of Councillor' as presented on 21 March 2023 be noted.			



Division: Meeting: Council Officer:	Date From: 21/03/2023 Date To: 21/03/2023
Action Sheets Report	Printed: 14 April 2023 10:54 AM

2. That the casual vacancy arising from 24 February 2023 in the position of City of Mount Gambier area councillor formerly occupied by Ben Hood, be noted.
 3. That requisite actions be progressed with the Electoral Commissioner to fill the casual vacancy in the office of area councillor.
- CARRIED**

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Selection of Deputy Mayor
RESOLUTION 2023/56			
Moved: Cr Max Bruins			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Council Report No. AR23/13485 titled 'Selection of Deputy Mayor' as presented on 21 March 2023 be noted. 2. That Council accepts the nominations for the position of Deputy Mayor from Crs Max Bruins and Josh Lynagh. 3. That a secret ballot process be held forthwith for the vacant position of Deputy Mayor for a term of 20 months, to be conducted in the following manner in accordance with the provisions of clause 12.5 of Council's Conduct of Meetings Policy and : <ol style="list-style-type: none"> a) The Chief Executive Officer be appointed Returning Officer for the election process. b) That any further nominations for the vacant position of Deputy Mayor be sought forthwith from Members present at the meeting. c) The Mayor and a Member not in their seat at the meeting does not vote. d) The successful candidate will be the candidate with the highest number of votes. e) Where two or more candidates have an equal number of votes, candidates will be selected by a drawing of lots by the Returning Officer to determine which candidate will be excluded. f) Upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the vacant positions. g) Upon the declaration of the Returning Officer the declared candidate is appointed to the vacant position for the term of office specified in this resolution. 			



Division: Meeting: Council Officer:	Date From: 21/03/2023 Date To: 21/03/2023 Printed: 14 April 2023 10:54 AM
--	--

Action Sheets Report

h) A division cannot be called on the declared result for filling a vacant position.

i) The Mayor may (but is not required to) accept a motion endorsing the filling of the vacant position however any failure or motion specifying a different result shall be of no effect on the declared result of the secret ballot.

Notes:

Point (d) reflects the application of section 51(8) of the *Local Government Act 1999*.

Point (h) reflects the application of subregulation 12(3) of the *Local Government (Procedures at Meetings) Regulations 2013* that a motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council, must be brought by written notice of motion.

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Chief Executive Officer Performance Review Committee - Terms of Reference
RESOLUTION 2023/57			
Moved: Cr Paul Jenner			
Seconded: Cr Sonya Meziniec			
1. That Council Report No. AR23/15758 titled 'Chief Executive Officer Performance Review Committee - Terms of Reference' as presented on 21 March 2023 be noted.			
2. That the updated Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Report No. AR23/15758.			
3. That the membership of the Chief Executive Officer Performance Review Committee, in addition to the Mayor and Deputy Mayor, comprise:			
(i) Cr Meziniec			
(ii) Cr Morello			
(iii) Cr Lynagh			
for a term ending at the commencement of the caretaker period for the November 2026 local government elections, the earlier cessation of the members office as a Councillor, or as otherwise replaced by resolution of Council, whichever is the earlier.			
CARRIED			



Division: Council	Date From: 21/03/2023
Meeting: Council	Date To: 21/03/2023
Officer:	
Action Sheets Report	Printed: 14 April 2023 10:54 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McPherson, Tegan Fetherstonhaugh, Jane	Council Reports	Nomination for the Dog and Cat Management Board
RESOLUTION 2023/58			
Moved: Cr Frank Morello			
Seconded: Cr Sonya Mezinec			
<ol style="list-style-type: none"> That Council Report No. AR23/9443 titled 'Nomination for the Dog and Cat Management Board' as presented on 21 March 2023 be noted. That City of Mount Gambier employee, Tegan McPherson, Project Manager, be nominated for the LGA-nominated positions on the Dog and Cat Management Board. 			
CARRIED			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	McCarthy, Michael Fetherstonhaugh, Jane	Council Reports	Nominations for Limestone Coast Local Government Association Committee Appointments
RESOLUTION 2023/59			
Moved: Cr Max Bruins			
Seconded: Cr Sonya Mezinec			
<ol style="list-style-type: none"> That Council Report No. AR23/15868 titled 'Nominations for Limestone Coast Local Government Association Committee Appointments' as presented on 21 March 2023 be noted. Council notes that the Chief Executive Officer will make appropriate officer appointments to LCLGA advisory/operational committees. That the Chief Executive Officer, Sarah Philpott be nominated for both the LCLGA Audit and Risk Committee and the Executive Officer Remuneration Committee. That Council nominates Cr Paul Jenner for the Group Training Employment Board position, and no other nominations to external LCLGA committees, noting that in the absence of a political nomination the Chief Executive Officer may determine to make a technical nomination to the Green Triangle Freight Action Plan Committee. Given that the LCLGA is only nominating a representative for one further term for the GTE Board, that the City of Mount Gambier makes enquiries of the Board of GTE about options for continuing a Board position for a City of Mount Gambier representative. 			



Division: Council	Date From: 21/03/2023
Meeting: Council	Date To: 21/03/2023
Officer:	
Action Sheets Report	Printed: 14 April 2023 10:54 AM

CARRIED

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Cemovskis, Barbara Phipott, Sarah	Council Reports	ALGA June 2023 National General Assembly - Call for Motions
RESOLUTION 2023/60			
Moved: Cr Paul Jenner			
Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> 1. That Council Report No. AR23/14819 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 21 March 2023 be noted. 2. That the following motion (as attached to this report) be endorsed for submission as an agenda item to the ALGA National General Assembly in June 2023: <ol style="list-style-type: none"> (a) Bipartisan agreement to commit to sustain the current provision of Roads to Recovery (R2R) and retain the Local Roads and Community Infrastructure (LRCI) funding programs to Local Government. 			
CARRIED			

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Ferguson, Derek Fetherstonhaugh, Jane	Council Reports	Installation of a Disabled Permit Parking Only Zone on Percy Street, Mount Gambier
RESOLUTION 2023/61			
Moved: Cr Paul Jenner			
Seconded: Cr Josh Lynagh			
<ol style="list-style-type: none"> 1. That Council Report No. AR23/14450 titled Installation of a Disabled Permit Parking Only Zone as presented on 21 March 2023 be noted. 2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450. 3. 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: 			



Action Sheets Report	Division: Council Meeting: Council Officer:	Date From: 21/03/2023 Date To: 21/03/2023 Printed: 14 April 2023 10:54 AM
--------------------------------------	---	---

<p>Prohibited Area Ref No. 2.3.106</p> <p>PERCY STREET (SOUTHERN HALF) - from 10 metres to 18 metres east of the intersection with Penola Road</p> <p>To apply at all times</p>	<p>Disabled Permit Parking Only</p> <p>CARRIED</p>
---	--

Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Ferguson, Derek Fetherstonhaugh, Jane	Council Reports	Install No Stopping Zones on Bay Road (Eastern and Western sides)
<p>RESOLUTION 2023/62</p> <p>Moved: Cr Sonya Meziniec Seconded: Cr Kate Amoroso</p> <p>1. That Council Report No. AR23/14538 titled 'Install No Stopping Zones on Bay Road (Eastern and Western sides)' as presented on 21 March 2023 be noted.</p> <p>2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14538.</p> <p>3. 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:</p>			
<p>Prohibited Area Ref No. 1.1.514</p>		<p>No Stopping</p>	
<p>BAY ROAD (EASTERN SIDE) - from 10 metres to 53 metres south of the intersection with Herriot Street</p> <p>BAY ROAD (WESTERN SIDE) - from 10 metres to 64 metres south of the intersection with Railway Terrace</p> <p>To apply at all times</p>			
			<p>CARRIED</p>



Division:		Date From: 21/03/2023	
Meeting: Council		Date To: 21/03/2023	
Officer:		Printed: 14 April 2023 10:54 AM	
Action Sheets Report			
Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Ferguson, Derek Fetherstonhaugh, Jane	Council Reports	Wulanda Recreation and Convention Centre Carpark - Parking Restrictions
RESOLUTION 2023/63			
Moved: Cr Sonya Meziniec			
Seconded: Cr Max Bruins			
1. That Council Report No. AR23/14621 titled 'Wulanda Recreation and Convention Centre Carpark - Parking Restrictions' as presented on 21 March 2023 be noted.			
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/14621.			
3. 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	
Ref No. 2.3.106			
Wulanda Recreation and Convention Centre Car Park			
To apply at all times			
Prohibited Area		Bus Zone	
Ref No. 2.1.086			
Wulanda Recreation and Convention Centre Car Park			
To apply at all times			
Prohibited Area		15 Minute Parking	
Ref No. 3.5.100			
Wulanda Recreation and Convention Centre Car Park			
To apply at all times			
			CARRIED



Action Sheets Report		Division: Meeting: Council Officer:	Date From: 21/03/2023 Date To: 21/03/2023 Printed: 14 April 2023 10:54 AM
Meeting	Officer/Authoriser	Section	Subject
Council 21/03/2023	Philpott, Sarah Philpott, Sarah	Motions with Notice	Notice of Motion - Essential Services Commission of SA (ESCOSA) Scheme
<p>RESOLUTION 2023/64</p> <p>Moved: Cr Max Bruins Seconded: Cr Sonya Meziniec</p> <ol style="list-style-type: none"> 1. That Council Report No. AR23/13463 titled 'Notice of Motion - Essential Services Commission of SA (ESCOSA) Scheme' as presented on 21 March 2023 be noted. 2. That the Mayor write to the Premier Peter Malinauskas, South Australian Minister for Local Government Geoff Brock and the LGA and: <ol style="list-style-type: none"> a) Express our extreme displeasure and frustration that ratepayers are expected to wear the cost and incur the added budget pressures of the recently introduced ESCOSA "Advisory Scheme" among other cost of living increases in the current economic environment. b) Request that an immediate review be undertaken of the scheme to determine is necessity and effectiveness and its funding model. c) Request that ESCOSA does not seek reimbursement of costs from any council until such a review has been undertaken. <p style="text-align: right;">CARRIED</p> <p>28 Mar 2023 10:32am Philpott, Sarah - Completion Action completed by Wilson, Sally</p>			



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

Nil



16 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

16.1 [MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 27 MARCH 2023 - Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Audit and Risk Committee meeting held on 27 March 2023 as attached be noted.

16.2 [Budget Review 1 and 2 2022/2023](#) – Report No. AR23/18140

RECOMMENDATION

1. That Audit and Risk Committee Report No. AR23/18140 titled 'Budget Review 1 and 2 2022/2023' as presented on 27 March 2023 be noted.

16.3 [Work Health Safety and Wellbeing Management](#) – Report No. AR23/19138

RECOMMENDATION

1. That Audit and Risk Committee Report No. AR23/19138 titled 'Work Health Safety and Wellbeing Management' as presented on 27 March 2023 be noted.

16.4 [Risk Management Report March 2023](#) – Report No. AR23/19281

RECOMMENDATION

1. That Audit and Risk Committee Report No. AR23/19281 titled 'Risk Management Report March 2023' as presented on 27 March 2023 be noted.



**17 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES
AND RECOMMENDATIONS**

Nil

18 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



19 COUNCIL REPORTS

19.1 ILLUMINATION OF ASSETS POLICY – REPORT NO. AR23/15255

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/15255
CM9 Reference:	AF22/378
Author:	Sue La Greca, General Manager City and Community Growth
Authoriser:	Sarah Philpott, Chief Executive Officer
Summary:	This policy addresses requests to illuminate City of Mount Gambier assets.
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. AR23/15255 titled 'Illumination of Assets Policy' as presented on 18 April 2023 be noted.
2. That the attached report no. AR22/43402 be endorsed.



TYPE OF REPORT

Corporate

BACKGROUND

The City of Mount Gambier ("Council") frequently receives requests from not-for-profit and commercial organisations to illuminate or project colours onto various assets (including, but not limited to, the Riddoch Arts & Cultural Centre, the Visitor Information Centre - Lady Nelson Brig and Centenary Tower) for the purpose of promoting a community message, cause, product or service. Council is committed to effectively managing these requests to meet community expectations while preserving the integrity of the assets and the City of Mount Gambier brand. (It should be noted that Centenary Tower is currently not suitable for illumination due to associated work, health and safety issues.)

PROPOSAL

This policy determines the criteria by which the assets of the City of Mount Gambier may be assessed for illumination. It also ensures the preservation of the assets from exploitation and managing illumination of the assets where it has been permitted.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

Goal 1: Our People

1.1.1 - Fostering and supporting community-based organisations

1.3.1 - Supporting community events and programs that bring people together, encourage interaction and promote a sense of community.

Goal 2: Our Location

2.1.1 - Working with the community to ensure our CBD, health and education precincts, our street and our public spaces are safe, inviting and support a positive image of the City of Mount Gambier.

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

4.4.5 - Celebrating our cultural diversity

COUNCIL POLICY

Illumination of assets.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The illumination of Council assets provides a public demonstration of Council values and reaffirms its relationship to the social fabric of the City of the Mount Gambier.

CULTURAL IMPLICATIONS

The illumination of Council assets can have symbolic importance for identity and connection to a City.

RESOURCE IMPLICATIONS

There are minor costs associated with the use and maintenance of lights.



VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

This report recommends that the attached policy – Illumination of Assets – be endorsed.

ATTACHMENTS

1. Draft Council Policy - Illumination of Assets [↓](#)



 City of Mount Gambier	COUNCIL POLICY ILLUMINATION OF ASSETS		Version No:	1
			Issued:	Month, 2022
			Next Review:	Month, 20##

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for consideration of requests to illuminate City of Mount Gambier assets.

Scope

- 1.1 This policy applies to applications by third party organisations to light City of Mount Gambier assets.
- 1.2 The assets referred to include, but are not limited to, The Riddoch Arts & Cultural Centre and the Visitor Information Centre Lady Nelson Brig.
- 1.3 The delivery of any illumination is subject to the conditions of the relevant technology and may not be possible due to maintenance requirements at any given time.

Purpose

- 1.4 The purpose of this policy is to:
 - Determine the criteria by which the assets of the City of Mount Gambier may be illuminated; and
 - Ensure the preservation of the assets by protecting the assets from exploitation and managing illumination of the assets where it has been permitted.

2. PRINCIPLES

- 2.1 As iconic structures of architectural, heritage and cultural significance, the community expects City of Mount Gambier assets will take a high profile position in events of state, national and international significance.
- 2.2 City of Mount Gambier frequently receives requests from not-for-profit and commercial organisations to illuminate or project colours onto various assets for the purpose of promoting a community message, cause, product or service. City of Mount Gambier is committed to effectively managing these requests to meet community expectations while preserving the integrity of the assets and the City of Mount Gambier brand.
- 2.3 Lighting of the assets by third party organisations will be permitted no more than twelve times per year and is limited to static single colour illumination. This limit does not apply to lighting or projections onto the assets conducted in association with major City of Mount Gambier events or campaigns.
- 2.4 All requests to light the assets are subject to the approval of the General Manager City and Community Growth, acting on authority of the City of Mount Gambier, and in accordance with the criteria outlined in section 2 of this policy and the procedures outlined in section 3.
- 2.5 City of Mount Gambier reserves the right to consider, approve and/or refuse any proposal to illuminate the assets at its absolute discretion.

Electronic version on TRIM is the controlled version.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 1 of 4



 City of Mount Gambier	COUNCIL POLICY ILLUMINATION OF ASSETS		Version No:	1
			Issued:	Month, 2022
			Next Review:	Month, 20##

Criteria and Conditions for Lighting of the assets

- 2.6 Approval for Lighting of the assets is subject to the following criteria being met:
- (i) the lighting of the assets is related to a major cultural event or community project; and
 - (ii) is not detrimental to the heritage values of the building; and
 - (iii) the execution does not adversely impact on other events taking place at or in the vicinity of the assets, or otherwise unduly interrupt normal operations; and
 - (v) does not adversely intrude on the public environs of the site; and
 - (vi) the result is consistent with the City of Mount Gambier brand, image and role in the community; and
 - (vii) there is appropriate acknowledgement of City of Mount Gambier as part of the promotion of the event/campaign; and
 - (viii) the visual impact of the event is assessed by City of Mount Gambier to have significant artistic/aesthetic merit; and
 - (ix) costs if required are met by the requesting organisation; and
 - (x) requests are to be apolitical in nature and this is determined at the discretion of City of Mount Gambier.
- 2.7 No logo or corporate identity shall be permitted to be projected onto the assets.
- 2.8 All designs and methods for illuminating the assets must be approved by the City of Mount Gambier through the proposal process outlined in section 3.
- 2.9 All colours and designs are subject to the colour available within each asset. If further gels etc are required this will be at the third party's cost for equipment and installation
- 2.10 Requests for illumination of the assets may come from time to time from State Government to promote special events or encourage tourism. These requests will be responded to positively while maintaining the City of Mount Gambier's policy of non-exploitation of the assets.

3. PRACTICES AND PROCEDURES

- 3.1 Proposals from organisations to light the assets must be submitted to the City of Mount Gambier in writing at least two (2) months before a decision is required. All proposals should be addressed to the Executive Administrator, Community & City Growth.
- 3.2 Proposals must:
- Address the criteria listed in section 2.6 above.
 - Provide information and concepts for proposed colours washes and designs in accordance with this policy.

Electronic version on TRIM is the controlled version.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.

Page 2 of 4



 City of Mount Gambier	COUNCIL POLICY ILLUMINATION OF ASSETS	Version No:	1
		Issued:	Month, 2022
		Next Review:	Month, 20##

- Provide information on technical specifications and marketing or awareness campaigns.
- Include the acceptance of the cost if City of Mount Gambier is unable to provide the required colour for the event/campaign

3.3 All proposals will be considered by City of Mount Gambier Management in accordance with this policy. Recommendations, noting relevant issues, will be sent to the General Manager City and Community Growth to be considered for approval.

5. 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.



 City of Mount Gambier	COUNCIL POLICY ILLUMINATION OF ASSETS		Version No:	1
			Issued:	Month, 2022
			Next Review:	Month, 20##

File Reference:	AF1#####
Applicable Legislation:	INSERT APPLICABLE LEGISLATION
Reference: Strategic Plan – Beyond 2015	Goal #, Strategic Objective #
Related Policies:	INSERT RELATED (Council) POLICIES
Related Procedures:	INSERT RELATED PROCEDURES (Council/Other)
Related Documents:	INSERT RELATED DOCUMENTS (Council/Other)

DOCUMENT DETAILS

Responsibility:	GENERAL MANAGER CITY AND COMMUNITY GROWTH
Version:	1.0
Last revised date:	Month, 2022
Effective date:	## th Month, 2022
Minute reference:	## th Month, 2012 Council Meeting, Item ## - Resolution 2022/##
Next review date:	Month, 202#
<u>Document History</u>	
First Adopted By Council:	## th MONTH YEAR
Reviewed/Amended:	INSERT REVIEW DATE(S).

*Electronic version on TRIM is the controlled version.
Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

Page 4 of 4



19.2 EMPLOYEE BEHAVIOURAL STANDARDS – REPORT NO. AR23/11629

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/11629
CM9 Reference:	AF22/378
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report is presented for Council to consider in accordance with section 120A(6)(b) whether it should adopt employee behavioural standards.
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. AR23/11629 titled 'Employee Behavioural Standards' as presented on 18 April 2023 be noted.
2. That the Chief Executive Officer be authorised to implement a 'code of conduct' or similar 'employee behavioural standards' that is compliant with section 120A of the Act.
3. That a further report be presented to Council to consider the positions of the Local Government Association or Office of Local Government if such positions are inconsistent with recommendation (2).



TYPE OF REPORT

Legislative

BACKGROUND

Following the recent Local Government Reform changes section 120A of the *Local Government Act 1999* (the Act) provides that a Council may prepare and adopt standards (employee behavioural standards) specifying the standards of behaviour to be observed by employees of Councils and providing for any other matter relating to behaviour of employees of Councils.

Before a Council may adopt, alter or substitute employee behavioural standards it must consult with any registered industrial association that represents the interests of employees on the employee behavioural standards.

The purpose of this report is for Council to consider whether it should adopt employee behavioural standards, as it is required to do within six (6) months of a periodic election.

It should be noted at the time of writing this report the Local Government Association (LGA) and Office of Local Government (OLG) are yet to provide clarity on their respective positions in relation to the full scope and effect of section 120A, given that it also relates to human resource management (section 107) and management (section 103) which are each specifically the responsibility of the Chief Executive Officer, whom is the only direct employee of the Council.

Accordingly, whilst the LGA is understood to have prepared and conducted preliminary consultation with the Australian Services Union (ASU) on a draft employee behavioural standard, no standard model is yet available to present to Council for consideration.

PROPOSAL

Prior to the commencement of section 120A of the Act, the City of Mount Gambier had prepared and implemented, including consultation with the ASU, a comprehensive Code of Conduct for Employees. This code of conduct was provided to the LGA and their advising solicitors on this matter as part of sector engagement on the employee behavioural standards as a potential standard model or basis for a standard model.

To-date the administration is yet to receive feedback on the code of conduct, noting the status of this matter with the LGA and OLG as set out in the Background.

Further, the validity of pre-existing 'codes of conduct' or similar administrative arrangements that have not been adopted in accordance with section 120A remains in question.

Notwithstanding that the LGA and OLG have yet to provide clarity, the statutory requirement for Council to consider whether it should adopt employee behavioural standards within 6 months of the periodical election remains, requiring this matter to be considered at the April 2023 Council meeting.

Council should note that it does not have to make a definitive or binding decision on this matter at this time, and may review any decision that it should, or should not, adopt employee behavioural standards at any time.

It is also important to note that such employee behavioural standards, requiring consultation with industrial associations, to comply with relevant industrial agreements, and to be as responsive as possible in changing workplace environments, are more appropriately managed by the Chief Executive Officer as the person responsible for such employee management and human resources matters.

Considering the uncertainty and anticipated further advice on this matter it is recommended that Council consider one of the following courses of action:

Option 1

Note the Report



Authorise the Chief Executive Officer to (re)adopt a code of conduct that meets the requirements of section 120A for 'employee behavioural standards'.

Option 2

Note the Report

Defer further consideration of whether (or not) to adopt employee behavioural standards until further clarification has been provided by the Local Government Association and/or Office of Local Government.

Option 3 (Not recommended)

Note the Report

Determine not to adopt employee behavioural standards.

Should Council support the administrations recommendation of Option 1, it should be noted that if clarity from the LGA and/or OLG is inconsistent with this position then the Chief Executive Officer will present a further report to Council.

Option 1 would however enable the Chief Executive Officer to adopt a code of conduct in a similar manner to the current code of conduct for employees, but without the need to engage further with the elected body on an operational human resource management matter which, but for the commencement of section 120A, has always been and remains within the remit of the Chief Executive Officer.

Option 2 would defer any further consideration and determination of the matter of employee behavioural standards, including progressing any arrangements that may be deemed to be required to validate the current code of conduct for employees.

It should be noted that Option 3 is not recommended, as it is considered that it would have the practical result of preventing the Chief Executive Officer from adopting a code of conduct or similar employee behavioural standards.

LEGAL IMPLICATIONS

In addition to the provisions in section 120A and Chapter 7 (Council Staff) of the Act, there are other award, enterprise and legislative implications associated with adopting employee behavioural standards, such that any decision to in this regard should first give due consideration to such matters.

STRATEGIC PLAN

N/A

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

As referenced in the Background, Proposal and Legal Implications, the matter of employee behavioural standards has wider reaching implications that should be given due consideration prior to any decision making on whether (or not) to prepare and adopt any such standards.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Any engagement or communication, including consultation with relevant industrial associations would be dependent on the position adopted by Council.

IMPLEMENTATION STRATEGY

Any implementation would be dependent on the position adopted by Council.

CONCLUSION AND RECOMMENDATION

Given the current absence of clarity of position from the Local Government Association and Office of Local Government this report recommends that the Council authorise the Chief Executive Officer to implement a 'code of conduct' or similar 'employee behavioural standards' that is compliant with section 120A of the Act.

ATTACHMENTS

Nil



19.3 MEMBER BEHAVIOURAL SUPPORT POLICY – REPORT NO. AR23/11633

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/11633
CM9 Reference:	AF22/378
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report is presented for Council to consider in accordance with section 75F(7)(b) whether to prepare and adopt a Member Behavioural Support Policy (or policies).
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. AR23/11633 titled 'Member Behavioural Support Policy' as presented on 18 April 2023 be noted.
2. That, having met the requirement of section 75F of the *Local Government Act 1999*, further consideration of the preparation and adoption of a Member Behavioural Support Policy (or policies) be deferred until after the statutory review of the operation of Council's (Member) Behavioural Management Policy in October 2023.



TYPE OF REPORT

Legislative

BACKGROUND

New section 75F of the *Local Government Act 1999* (the Local Government Act) commenced operation on 17 November 2022. This section requires all Councils to consider, within six months after the conclusion of each periodic election, whether it should adopt a behavioural support policy (or policies) to support appropriate behaviour by Members of the Council.

A behavioural support policy may specify direction relating to behaviours, set out guidelines relating to compliance with the [Behavioural Standards for Council Members](#) (the Behavioural Standards) and those directions and include any other matter relating to the behaviour of Members considered appropriate by the Council.

Behavioural support policies must not be inconsistent with the Behavioural Standards.

Where a council adopts a behavioural support policy, a Member of the Council must comply with the policy. Any breach of a behavioural support policy would be managed in accordance with the council's Behavioural Management Policy.

The LGA has prepared a Model Behavioural Support Policy to assist Councils with considering whether to adopt such a policy. The Model Policy is intended as guidance and requires customisation by each Council if a decision is made to adopt a behavioural support policy.

This report provides Council with a copy of the Model Policy (**Attachment 1**) and seeks a decision as to whether Council wishes to adopt a behavioural support policy (or policies).

PROPOSAL

Behavioural Management Framework

A major component of the local government reforms which commenced on 17 November 2022 was the Behavioural Management Framework. This incorporates:

- The legislative framework within which all Members must operate.
- The [Behavioural Standards for Council Members](#), determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all Members in South Australia (section 75E, *Local Government Act 1999*).
- The mandatory Behavioural Management Policy relating to the management of behaviour of Members and adopted pursuant to section 262B of the Local Government Act. (Council's adopted [Behavioural Management Policy](#) as published on the Council website and based on the LGA template/deemed policy is attached for Members information – refer **Attachment 2**).
- Optional Behavioural Support Policy (or policies), designed to support appropriate behaviour by Members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on Members who breach legislative and policy requirements has been established to assess and deal with matters referred to it.

In relation to the Behavioural Support Policy, section 75F provides the ability for Council to adopt a behavioural support policy (or policies), to support appropriate behaviour by Members of the Council. A behavioural support policy may specify direction relating to behaviours, set out guidelines relating to compliance with those directions and include any other matter relating to the behaviour of Members considered appropriate by the Council. Where a council adopts a behavioural support policy, a member of the Council must comply with the policy.

Whilst Council is not obligated to adopt a behavioural support policy, it must, within six months after the conclusion of each periodic election:



- if the Council has one or more behavioural support policies in effect, review the operation of those policies and consider whether additional behavioural support policies should be adopted; or
- consider whether it should adopt behavioural support policies.

As this is the first time this provision has been in operation following a periodic election, the obligation is for Council to consider whether it will adopt a behavioural support policy (or policies). Before a Council may adopt a behavioural support policy it must undertake public consultation on the policy.

Training Standards for Council Members

Section 80A of the Local Government Act and Regulation 8AA of the Local Government (General) Regulations 2013 (the General Regulations), set out the legal requirements for training and development for Members.

In preparation for the 2022 Local Government Elections and in response to reforms arising from the passage of the Statutes Amendment (Local Government Review) Act 2021, the [LGA Training Standards for Council Members](#) (the Training Standard) were revised to include additional, mandatory training requirements for all Members.

A key inclusion in the revised Training Standards, consistent with the changes made to roles of Members (section 58 and 59, Local Government Act) is the requirement for completion of Leadership Training by all Members. In response to this change, the CEO is required to arrange a workshop that may include (and not be limited to):

- An opportunity to build connections (between Members and Members with CEO/key staff).
- Identify shared values and aspirations for delivering outcomes for the community.
- Provide an overview of existing strategic priorities, plans and strategies of Council.
- Establish effective working relationships and team culture in the context of defined roles and responsibilities.

Such a workshop was held with Members on 24/25th March 2023, and the content and discussion at this workshop may be relevant to, and inform the development and inclusions in, a behavioural support policy.

Discussion

The commencement of section 75F—Council behavioural support policies on 17 November requires Council to consider whether it wishes to adopt a behavioural support policy. As previously noted, behavioural support policies are not mandatory, but Council may wish to provide further guidance to Members to support appropriate behaviour.

Section 75F provides the following in relation to the content of behavioural support policies:

- (2) *A behavioural support policy may—*
 - (a) *specify directions relating to behaviour that must be observed by members of the council; and*
 - (b) *set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and*
 - (c) *include any other matter relating to behaviour of members considered appropriate by the council.*
- (3) *A behavioural support policy—*
 - (a) *must not be inconsistent with the behavioural standards; and*
 - (b) *must comply with any requirement specified by the behavioural standards.*

The initial obligation to be addressed by Council is set out within section 75F (7), which provides:

- (7) *A council must, within 6 months after the conclusion of each periodic election—*



- (a) *in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or*
- (b) *in any other case—consider whether it should adopt behavioural support policies.*

The conclusion of the 2022 periodic elections for the City of Mount Gambier was Monday 21 November 2022.

This means that Council must consider, within six months of that date (i.e., by 21 May 2023), whether or not it should adopt a behavioural support policy (or policies). With the May Council meeting scheduled for the 16th of May, it is necessary for Council to consider this matter in April 2023.

The obligation upon consideration of this matter is not to have adopted a behavioural support policy within the six (6) month timeframe, but rather for Council to turn its mind to and determine whether it will, in due course, do so. The process for developing a behavioural support policy may occur following this consideration and subsequent decision. It is important to note that before a Council adopts a behavioural support policy, public consultation must be undertaken in relation to the policy.

The Local Government Association (LGA) has prepared a Model Behavioural Support Policy (Model Policy) to assist Councils with considering whether a policy should be adopted. The Model Policy provides an example of the kind of matters that may be included within such a policy but requires each council to consider and customise the document based on decisions regarding what is deemed necessary/appropriate to support member behaviour.

A copy of the LGA Model Behavioural Support Policy is provided with this report (**Attachment 1**).

Having regard to the purpose of a behavioural support policy, Council must now consider whether it wishes to develop and adopt such a policy. Should council wish to do so, the following is an outline of a process that could be applied to assist Council with the development of a behavioural support policy:

- convene an information/briefing session with a view to identifying content for inclusion in the behavioural support policy relating to the way council members wish to work together
- preparation of a draft Behavioural Support Policy for presentation to Council for endorsement for public consultation purposes
- Undertake public consultation

Following consultation:

- convene an information/briefing session to share consultation feedback and seek Member input on any resulting changes to the draft Behavioural Support Policy
- preparation of a final Behavioural Support Policy for presentation to Council for adoption.

Importantly, a decision by Council to not proceed with the adoption of a behavioural support policy at this time does not preclude Council from determining to adopt a behavioural support policy at any time throughout the term of council.

The revised Training Standard includes a requirement for a ‘Mid-term Leadership Refresher’ which is intended to include:

- A mid-term council workshop to support the maintenance of effective working relationships amongst council members and with CEO/key staff
- Legal and financial responsibilities
- Effective council meetings and procedures.

This mid-term workshop could provide a structured opportunity to review and determine whether Council wishes to put in place a behavioural support policy to provide additional support to council member behaviours at that time.



Alternatively, as Council is required to review the operation of its (Member) Behavioural Management Policy (as adopted at the 29 November 2022 Council meeting) within 12 months of the periodic election, Council might defer further consideration of the preparation and adoption (after undertaking public consultation) of a behavioural support policy until after October 2023 when it has had opportunity to review the operation of the head policy such a support policy would relate to.

Importantly, at this time, Council's Behavioural Management Policy has yet to be invoked, such that the Council (and Administration in making recommendations) has limited precedence to guide on what support might be required by Members in this regard.

Options

Resolution options are set out below:

Option 1 – support adoption of a behavioural support policy

That:

1. The report be received.
2. In accordance with section 75F of the Local Government Act 1999 a behavioural support policy be prepared and returned to council for endorsement for public consultation purposes prior to adoption.

Option 2 – not support adoption of a behavioural support policy

That:

1. The report be received.
2. Having considered the requirements of section 75F of the Local Government Act 1999 a behavioural support policy not be adopted at this time.

Option 3

That:

1. The report be received
2. That consideration of a Behavioural Support Policy be deferred until after the statutory review into the operation of Council's Behavioural Management Policy in October 2023

Council may also consider it practical to convene a workshop to discuss potential inclusions for a behavioural support policy, either in the period leading up to or after the statutory review of the Behavioural Management Policy.

Accordingly, Council might consider a hybrid option to be more appropriate.

Importantly, Council is reminded that it is not required to make any decision to adopt, or not to adopt, a behavioural support policy at this time, but is merely required to have turned its mind to a consideration of the matter within 6 months of the period election. Council may give further consideration or change its position on this matter at any time, provided that it undertakes the requisite public consultation prior to adopting such a policy.

Council may now determine its preference in relation to the preparation of a draft and subsequent adoption (or not) of a behavioural support policy.

The recommendation of this report is to defer further consideration until after Council has considered a review of the operation of its Behavioural Management Policy.

LEGAL IMPLICATIONS

Legal implications are addressed in the body of the report.

STRATEGIC PLAN

N/A



COUNCIL POLICY

This report is related to Councils (Member) Behavioural Management Policy.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Resource (administrative) implications will be dependent upon Council's decision to proceed with preparing and adopting (and if so – public consultation) a behavioural support policy.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

N/A

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

Public consultation will be required on a behavioural support policy prior to adoption, should Council determine to prepare and adopt such policy (or policies).

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Council is asked to determine its preference in relation to the adoption (or not) of a behavioural support policy.

This report recommends to defer further consideration until after Council has considered a review of the operation of its Behavioural Management Policy in October 2023.

ATTACHMENTS

1. LGA Model Member Behavioural Support Policy [↓](#)





LG Equip

Model Behavioural Support Policy

March 2023



This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms for the guidance of and use by member councils.

© The LGA claims copyright ownership of the content of this document for member councils in South Australia only. Member councils of the LGA may download, display, print, reproduce and alter the material for use by member councils only. The LGA reserves the right to revoke such permission at any time should a council no longer be a member council. Apart from this permission and uses permitted under the Copyright Act 1968, all other rights are reserved. For further information regarding the use of LGA information/resources please contact the Governance Team on (08) 8224 2000 or governance@lga.sa.gov.au.

Contents

Foreword	i
Legal Framework	i
LGA Mutual Liability Scheme and LGA Workers Compensation Scheme	ii
LGA Model Policy	ii
1. Preamble	1
2. Introduction	1
3. Policy Statement	1
4. Council member commitments	2
5. Other matters relating to the behaviour of Council Members	3
5.1 Media	3
5.2 Communication and engagement	3
6. Further Information	3
Appendix 1 – Template council report	Error! Bookmark not defined.





Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

Behavioural support policies are intended to support appropriate behaviour by members of the council. A behavioural support policy may specify direction relating to behaviours that must be observed by council members, set out guidelines relating to compliance with those directions and include any other matter relating to the behaviour of council members considered appropriate by the council. Where a council adopts a behavioural support policy, a member of the council must comply with the policy.

Whilst councils are not obligated to adopt a behavioural support policy (or policies), consideration must be given as to whether a behavioural support policy (or policies) will be adopted within six (6) months after the conclusion of each periodic election. Importantly, the policy itself does not need to be adopted within this six month timeframe, the obligation is for councils to consider whether it wishes to adopt such a policy. The process for developing and adopting a behavioural support policy may occur following this consideration.

In future years, councils with a behavioural support policy (or policies) in place, must also review the operation of those policies and consider whether additional behavioural support policies should be adopted.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established¹ to assess and deal with matters referred to it.

¹ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the BMF, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules.

LGA Model Policy

The option to adopt a Behavioural Support Policies arises as a consequence of the commencement of the new section **75F—Council behavioural support policies** in the *Local Government Act 1999* (the Local Government Act). Section 75F commenced operation on 17 November 2022 and provides the following:

75F—Council behavioural support policies

- (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may—
 - (a) specify directions relating to behaviour that must be observed by members of the council; and
 - (b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and
 - (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (3) A behavioural support policy—
 - (a) must not be inconsistent with the behavioural standards; and
 - (b) must comply with any requirement specified by the behavioural standards.
- (4) A member of a council must comply with the council's behavioural support policies.
- (5) A council may from time to time alter a behavioural support policy, or substitute a new policy.
- (6) Before a council—
 - (a) adopts a behavioural support policy; or
 - (b) alters, or substitutes, a behavioural support policy,the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).
- (7) A council must, within 6 months after the conclusion of each periodic election—
 - (a) in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or
 - (b) in any other case—consider whether it should adopt behavioural support policies.

A Model Behavioural Support Policy is set out on the following pages and is intended to provide an example of the matters that may be contained within such a policy. It is provided as a guide and councils should consider and customise the content of the policy as appropriate.

Where relevant examples/drafting notes are included in the document to assist with customisation. These should be deleted prior to finalisation. Example text and drafting notes are formatted with a border, like this:

DRAFTING NOTE: *The values set out below are the LGA Values and are provided as an example. Councils should consider and determine the values to be included within this section of the policy.*

Where specific customisation of text is required within the Behavioural Support Policy this has been highlighted in yellow, **like this**, for ease of identification.

Before adopting (or altering) a behavioural support policy, councils must undertake public consultation.



Behavioural Support Policy

1. Preamble

This policy has been prepared and adopted by **[insert name of Council]** pursuant to section 75F of the *Local Government Act 1999* (the Local Government Act). This policy forms part of the Behavioural Management Framework for council members.

Section 75F(2) provides that a Behavioural Support Policy may:

- a. Specify directions relating to behaviour that must be observed by members of the council; and
- b. Set out guidelines relating to compliance by members with the Behavioural Standards for Council Members and directions under clause a. above; and
- c. include any other matter relating to behaviour of council members considered appropriate by the council.

Section 75F(3) provides that a Behavioural Support Policy:

- a. must not be inconsistent with the Behavioural Standards for Council Members; and
- b. must comply with any requirements specified by the behavioural standards.

2. Introduction

Council members in South Australia have an obligation to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

To serve the community well, council members must work together constructively as a Council. This, in turn will foster community confidence and trust in local government.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and the required standards of practice relevant to their position.

3. Policy Statement

We, the council members of **[insert name of Council]** commit to the following values and supporting behaviours:

DRAFTING NOTE: The values set out below are the LGA Values and are provided as an example. Councils should consider and determine the values to be included within this section of the policy.

1. **Value & Respect** – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
2. **Optimism** – We are positive, constructive and creative in our problem solving. We are open minded and are willing to learn from each other and from the staff input.
3. **Integrity** – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.

4. **Connected** – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
5. **Excellence** – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.

4. Council member commitments

To support our shared values and behaviours, we, the council members of **[insert name of Council]** agree:

1. That as the currently elected custodians, entrusted to oversee the affairs of **[insert name of Council]**, we have a duty to put the interests of the community before our own interests.
2. As most council members will serve at least a four-year term on council together, it is important to spend time focused on building and maintaining positive and constructive relationships and participate in workshops and undertake training.
3. To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration, and cooperation with other council members and the employees of council.
4. As a democratic tier of the government in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We:
 - a) recognise that it is appropriate and important for a range of views to be expressed at council meetings.
 - b) accept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences.
 - c) undertake, when we disagree, that we will do this respectfully. In particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other council members or council employees.
5. At council meetings we will engage with each other in a respectful and civilised manner, and we will exercise care in expressing views regarding the conduct of other council members and council employees.
6. The Presiding Member has the primary role in maintaining good order at council meetings. However, all council members will responsibly lead in demonstrating and supporting constructive and positive behaviour in effective decision making at council.
7. When engaging and communicating with council administration we will do so in accordance with the requirements of the CEO and relevant legislation, recognising the separation of powers between Council Members and the CEO and the importance of working together constructively to achieve outcomes for the community.

To support the undertakings made above, the council members of **[insert name of Council]** additionally commit to participating in activities to monitor and review the shared values and behaviours throughout the term of Council.

5. Other matters relating to the behaviour of Council Members

We, the council members of **[insert name of Council]** consider it appropriate and agree that all council members will act in accordance with the following specific obligations:

DRAFTING NOTE: *The information set out below is by way of example. Section 75F(2)(c) provides that a behavioural support policy may “include any other matters relating to behaviour of members considered appropriate by the council”. This section of the policy is where those other matters should be incorporated. Councils should discuss and determine “other matters relating to the behaviour of members” it considers appropriate for inclusion within this section of the policy and then modify the text in this section accordingly. In determining ‘other matters relating to behaviour’ councils should avoid duplicating matters already provided for within the Local Government Act.*

5.1 Media

1. Council members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council.
2. If council members choose to express dissent in the media, they should address the policy issues and refrain from making personal criticism of other council members or council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.
3. Council members may link and disseminate key information from official Council social media platforms in messaging to the community but should refrain from changing or interpreting the information.
4. For clarity, this policy does not attempt to prevent robust political debate in the media on political issues. This policy does set rules on how views should be expressed.

5.2 Communication and engagement

1. Council members, as representatives of Council, will communicate and engage with the community on Council's key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.

6. Further Information

This policy is available to be downloaded, free of charge, from Council's website:
www.xxxx.sa.gov.au. A printed copy may be purchased on request from the Council office.



LG Equip

148 Frome St
Adelaide SA 5000

GPO Box 2693
Adelaide SA 5001

T (08) 8224 2000

E lgasa@lga.sa.gov.au

lga.sa.gov.au



19.4 AUDIT AND RISK COMMITTEE - MEMBERSHIP – REPORT NO. AR23/22960

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/22960
CM9 Reference:	AF22/378
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents the Councillor membership of the Audit and Risk Committee for consideration.
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. AR23/22960 titled 'Audit and Risk Committee - Membership' as presented on 18 April 2023 be noted.
2. That the following Member be appointed as the Councillor Member of the Audit and Risk Committee for a term of ____months/years:

INSERT COUNCILLOR NAME

OR

That a secret ballot process be held forthwith for the vacant Councillor position on the Audit and Risk Committee for a term of ____ months/years, to be conducted in the following manner in accordance with the provisions of clause 12.5 of Council's Conduct of Meetings Policy:

- a) The Chief Executive Officer (or other Senior Officer present at the meeting) be appointed Returning Officer for the election process.
- b) That nominations for the vacant position be sought forthwith from Members present at the meeting.
- c) Nominations only be accepted where the candidate has accepted the nomination.
- d) In the event that no more than one (1) nomination is received, that the Returning Officer proceed to declare the candidate appointed under sub-resolution (i).
- e) If more than one (1) nomination is made, that a secret ballot process be conducted.
- f) The Mayor may vote, however a Member not in their seat at the meeting does not vote.
- g) The successful candidate will be the candidate with the highest number of votes.



- h) Where two or more candidates have an equal number of votes, a candidate will be selected by a drawing of lots by the Returning Officer to determine which candidate will be appointed.
- i) Upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the vacant position.
- j) Upon the declaration of the Returning Officer the declared candidate is appointed to the vacant position for the term of office specified in this resolution.
- k) A division cannot be called on the declared result for filling a vacant position.
- l) The Mayor may (but is not required to) accept a motion endorsing the filling of the vacant position however any failure or motion specifying a different result shall be of no effect on the declared result of the secret ballot.

Notes:

Point (h) reflects the ordinary application of a drawing of lots, contrary to the Deputy Mayor provisions in s51(8) of the *Local Government Act 1999*.

Point (l) reflects the application of sub-regulation 12(3) of the *Local Government (Procedures at Meetings) Regulations 2013* that a motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council, must be brought by written notice of motion.



TYPE OF REPORT

Other

BACKGROUND

At the meeting held on 29 November 2022 Council considered Report No. AR22/72311 titled 'Council Decision Making Structure' and confirmed the compositions of its decision making structure, and Council Member membership of committees and external representative positions for a period of 3 months or until Council has resolved alternate arrangements, in anticipation of the strategic planning session held on 24-25th March 2023.

With the membership of other positions having been addressed through other reports and arrangements, it remains for the Councillor membership of the Audit and Risk Committee to be affirmed.

PROPOSAL

The Terms of Reference for the Audit and Risk Committee as reviewed and adopted by Council in December 2022 provide for membership to comprise between three (3) and five (5) members, consistent with the requirements of the *Local Government (General) Regulations 2013* which provide that an audit and risk committee must comprise between three (3) and five (5) members.

Further, the Terms of Reference provide that the membership shall consist of:

- At least one (1) Councillor;
- At least two (2) Independent Members

The Terms of Reference also provide that the Mayor is an ex-officio member of the Committee (i.e. the Mayor is a Member of the Committee when present at a meeting).

With three (3) independent members appointed to the Audit and Risk Committee, it is open for Council to appoint up to two (2) Councillors to the committee, noting that if two (2) Councillors are appointed, the membership of the committee will exceed the maximum allowed under the Regulations should the Mayor be in attendance at a meeting in an ex-officio capacity.

Such a discrepancy would arise irrespective of whether any other duly appointed member were not in attendance, as an appointed member remains a member even when absent or an apology.

Accordingly, this report recommends that a single appointment be made to fill the Councillor position on the Audit and Risk Committee.

Should alternate arrangements (i.e. more than one Councillor) be preferred, it would be appropriate to first amend the terms of reference to accommodate the preferred alternate arrangements.

Similarly, should an alternate Council Member be appointed to the Audit and Risk Committee then they may also call for a review of the Committee Terms of Reference if they consider it appropriate.

LEGAL IMPLICATIONS

The minimum and maximum membership of audit and risk committees is prescribed in the *Local Government (General) Regulations 2013* as between three (3) and five (5) members, of which one must be an independent member.

STRATEGIC PLAN

N/A

COUNCIL POLICY

Council's Conduct of Meetings Policy C410 applies to the nomination and appointment of Members to positions, including the holding of a secret ballot where nominations exceed the available positions.



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

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

This report recommends that Council consider the Councillor membership of the Audit and Risk Committee, including recommendations for the conduct of a nomination (and if necessary) a secret ballot selection process.

ATTACHMENTS

Nil



19.5 JUNIOR SPORTS ASSISTANCE FUND - PRESIDING MEMBER VACANCY – REPORT NO. AR23/23870

Committee:	Council
Meeting Date:	18 April 2023
Report No.:	AR23/23870
CM9 Reference:	AF22/378
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Jane Fetherstonhaugh, General Manager Corporate and Regulatory Services
Summary:	This report presents a vacancy in the position of Presiding Member of Council’s Junior Sports Assistance Fund.
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. AR23/23870 titled ‘Junior Sports Assistance Fund - Presiding Member Vacancy’ as presented on 18 April 2023 be noted.
2. That Cr _____ be appointed to the vacant Elected Member (Presiding Member) position on the Junior Sports Assistance Fund for a term of ___ years.

OR

That a secret ballot process be held forthwith for the vacant Elected Member/Presiding Member position on the Junior Sports Assistance Fund for a term of _____ months/years, to be conducted in the following manner in accordance with the provisions of clause 12.5 of Council’s Conduct of Meetings Policy:

- a) The Chief Executive Officer (or other Senior Officer present at the meeting) be appointed Returning Officer for the election process.
- b) That nominations for the vacant position be sought forthwith from Members present at the meeting.
- c) Nominations only be accepted where the candidate has accepted the nomination.
- d) In the event that no more than one (1) nomination is received, that the Returning Officer proceed to declare the candidate appointed under sub-resolution (i).
- e) If more than one (1) nomination is made, that a secret ballot process be conducted.
- f) The Mayor may vote, however a Member not in their seat at the meeting does not vote.
- g) The successful candidate will be the candidate with the highest number of votes.



- h) Where two or more candidates have an equal number of votes, a candidate will be selected by a drawing of lots by the Returning Officer to determine which candidate will be appointed.
- i) Upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the vacant position.
- j) Upon the declaration of the Returning Officer the declared candidate is appointed to the vacant position for the term of office specified in this resolution.
- k) A division cannot be called on the declared result for filling a vacant position.
- l) The Mayor may (but is not required to) accept a motion endorsing the filling of the vacant position however any failure or motion specifying a different result shall be of no effect on the declared result of the secret ballot.

Notes:

Point (h) reflects the ordinary application of a drawing of lots, contrary to the Deputy Mayor provisions in s51(8) of the *Local Government Act 1999*.

Point (l) reflects the application of sub-regulation 12(3) of the *Local Government (Procedures at Meetings) Regulations 2013* that a motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council, must be brought by written notice of motion.



TYPE OF REPORT

Legislative

BACKGROUND

Section 41(4) of the Local Government Act 1999 provides that Council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.

The terms of reference for the Junior Sports Assistance Fund provide that membership of the committee shall include an Elected Member for the time being of Council and appointed by Council who shall be the presiding member. The terms of reference also provide for the committee to appoint a deputy presiding member to act in the absence of the presiding member, and an acting presiding member to act in the absence of both the presiding member and the deputy presiding member.

A vacancy has arisen in the position of presiding member of the Junior Sports Assistance Fund as a result of the absence advised by Cr Mark Lovett, who is Council's Elected Member appointee to, and presiding member of, the Junior Sports Assistance Fund.

This report provides an opportunity for Council to fill the vacant committee presiding member position.

PROPOSAL

Council's Conduct of Meetings Policy provides that where a vacancy arises in a committee position the Chief Executive Officer will seek nominations for presentation to the next Council meeting.

With Cr Lovett's leave of absence being presented on this April Council meeting agenda opportunity to seek and receive nominations prior to the finalisation of the agenda was constrained.

As a Council committee of which Elected Members would be familiar, it is considered that Council may prefer to address the filling of the vacancy at this April Council meeting, rather than deferring to the May Council meeting, and thus enabling meetings of the committee to be scheduled and held with a presiding member.

It is noted however that the next meeting of the Junior Sports Assistance Fund is tentatively scheduled for mid-June 2023.

The committee may meet in the absence of a Council appointed presiding member provided the requisite quorum of three committee members is present, with the deputy or acting presiding member presiding over the meeting.

Should Council determine to fill the vacancy in the position of presiding member of the Junior Sports Assistance Fund, it may do so in one of the following manners:

- by a resolution appointing an Elected Member as a member of the Junior Sports Assistance Fund
- by adopting resolutions for a nomination and secret ballot election process.

If more than one nomination for the vacant Junior Sports Assistance Fund position is anticipated it is recommended that the nomination and election process be used to provide certainty of process.

Draft resolutions for the above options are included in the report recommendation.

Alternatively, when a similar vacancy arose in February 2023, Council resolved that Mayor Martin as Ex-Officio member of the committee assume the role as presiding member on a temporary basis.

LEGAL IMPLICATIONS

The appointment of, or provision for, a presiding member of a Council committee is a legislative requirement.

STRATEGIC PLAN

N/A



COUNCIL POLICY

Council's Conduct of Meetings Policy applies to the filling of vacant committee positions.

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

N/A

IMPLEMENTATION STRATEGY

N/A

CONCLUSION AND RECOMMENDATION

Council may determine to appoint an Elected Member to the vacant committee position (presiding member) of the Junior Sports Assistance Fund by direct resolution, by resolving to conduct a nomination and (secret ballot) election process, or by the Mayor as Ex-Officio member of the committee on a temporary basis.

Recommendations are provided with the report for the first two of these alternate options.

ATTACHMENTS

Nil



20 MOTIONS WITH NOTICE

20.1 NOTICE OF MOTION - YOUTH ALLOWANCE ADVOCACY FOR REGIONAL AND REMOTE STUDENTS

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 18 April 2023, I intend to move the following motion:

MOTION

1. That Council Report No. AR23/20919 titled 'Notice of Motion - Youth Allowance Advocacy for Regional and Remote Students' as presented on 18 April 2023 be noted.
2. That Council send a letter to the Limestone Coast Local Government Association (LCLGA) requesting that Youth Allowance advocacy work be put on the agenda for discussion at their next meeting, with the view to presenting a united front with the support of all member Councils to write to the Hon Nat Cook MP- Minister for Human Services, the Hon Jason Clare MP – Minister for Education, Senator the Hon Anthony Chisholm – Assistant Minister for Education & Regional Development and the Hon Tony Pasin MP – Member for Barker seeking to have the one-off "Parental Income Test" removed as a qualifying criteria for students seeking to meet the workforce participation test under the regional and remote student qualifying criteria.
3. That Council respectfully request the LCLGA to consider this issue for inclusion on their range of strategic advocacy priorities and continues to push for reform in this area.

RATIONALE

Students who are under the age of 22 who are not in a registered or de facto relationship and who do not have a dependent child are required to meet a workforce participation test in order to be considered "Independent" under existing Youth Allowance qualification criteria and not have their payments subject to an ongoing parental income test. To achieve this they must work full time (30 hours per week) for at least 18 months within a period of 2 years.

There is an alternative qualifying criteria for regional, rural and remote students which means they can be considered independent if they have earned at least 75% or more of the National Training Wage (approx. \$29,000) in a 14 month period since leaving school or they have worked part time (at least 15 hours per week) for at least 2 years since leaving high school. To qualify as independent using this alternative criteria, students must be moving away from home to study and have their parents earn less than a combined \$160,000pa plus \$10,000pa for each eligible sibling).

Given the considerable economic pressures already being faced by regional families sending a child to a major city to study and the relatively meagre payments provided by Youth Allowance towards a student's cost of living, I feel that the parental income test that is required to be met in addition to the prescribed workforce participation requirements is unjust for our regional students.



I am seeking assistance from the LCLGA and a show of support from our fellow regional councils to support me in campaigning to get the parental income test removed under this alternative qualifying criteria in order to give our kids a fair go at success.

I commend this Notice of Motion to Council.

ADMINISTRATIVE COMMENT

The subject matter of this motion is not related to core Council business, but is a broader advocacy matter for which writing a letter to the LCLGA is considered both appropriate and with limited impact on Council resources.

The resource implications may be more profound for the LCLGA, being a smaller organisation, with limited personnel to allocate to a broad range of potential regional matters of interest. Accordingly, it may be necessary for the LCLGA to prioritise its areas of advocacy to those matters where it considers it has the most influence and/or potential benefit for its constituent councils.

ATTACHMENTS

Nil



21 URGENT MOTIONS WITHOUT NOTICE

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil



23 NEW CONFIDENTIAL ITEMS

23.1 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/20592

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 AR23/20592 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) 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)

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

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 AR23/20592 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
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 SALE OF LAND FOR NON-PAYMENT OF RATES – REPORT NO. AR23/20594

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 AR23/20594 Sale of Land for Non-Payment of Rates.

The Council is satisfied that, pursuant to section 90(3) (a) 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)

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

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 AR23/20594 Sale of Land for Non-Payment of Rates 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) be kept confidential and not available for public inspection until the latter of:- 12 months, or the matter being settled.
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*.

23.3 UPDATE ON LEGAL MATTER – REPORT NO. AR23/21104

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 23.3 AR23/21104 Update on Legal Matter.

The Council is satisfied that, pursuant to section 90(3) (g), (h), (i) and (j) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- 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
- information the disclosure of which would divulge information provided on a confidential basis by or to:
 - a Minister of the Crown, or
 - another Public Authority or official (not being an employee or a person engaged by the Council) that would on balance be contrary to the public interest

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 includes, primarily, legal advice that is subject to legal and common privilege and relates to litigation that it is reasonably considered will take place and that involved information of a confidential nature conveyed by a public authority.

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 23.3 AR23/21104 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) (g), (h), (i) and (j) be kept confidential and not available for public inspection until further Order of Council, to be reviewed at least once in every year..
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*.



**23.4 ANIMAL POUND AND SHELTER SERVICES PROCUREMENT PROCESS – REPORT
NO. AR23/22228**

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 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

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 Report and resolution relates to the administration of an active procurement process and funding agreement..

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 23.4 AR23/22228 Animal Pound and Shelter Services Procurement Process and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 18 April 2024.
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*.

23.5 MITCHELL STREET TREES - ESTIMATED COSTS FOR STEM INJECTIONS/REMOVAL – REPORT NO. AR23/15854

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 23.5 AR23/15854 Mitchell Street Trees - Estimated Costs for Stem Injections/Removal.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (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 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
- 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 includes quotations provided by consultants and contractors on proposed works for which a procurement process is yet to be undertaken, which information if released could reasonably be expected to confer a commercial advantage on 3rd parties and prejudice the commercial position of Council or the parties that provided that information. Further, the subject matter and attachment includes legal advice on a matter that could result in litigation and includes 3rd party information for which a duty of confidence has been established.

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 23.5 AR23/15854 Mitchell Street Trees - Estimated Costs for Stem Injections/Removal 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), (g), (h) and (i) be kept confidential and not available for public inspection until the matter has been considered by Council, with Resolutions/Minutes to be released immediately following consideration by Council, the covering report AR23/15854 and legal advice (Attachment 1) be retained in confidence and reviewed annually in accordance with the *Local Government Act 1999*.
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, 21 MARCH 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 Meziniec

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager City and Community Growth	- Ms S La Greca
	Acting General Manager Corporate and Regulatory Services	- Ms R Datta
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	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 2023/42

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

That the apology(ies) from Cr Mark Lovett be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2023/43

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the minutes of the Ordinary Council meeting held on 21 February 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - MARCH 2023

- Meeting with EO, LCLGA
- Limestone Coast Radiation Treatment Working Group Meeting
- Order of Australia Luncheon
- Opening of Legacy Bowls Day, RSL Bowls Club
- Elected Member Briefing with Member for Mount Gambier
- Elected Member Briefing – Crater Lakes Activation Plan
- SAROC Strategic Planning Workshop
- SAROC Committee Meeting
- LCLGA Strategic Planning Workshop Dinner
- LCLGA Strategic Planning Workshop
- Launch of Jane McCumstie's Exhibition The Awe & Wonder of the Ordinary
- Limestone Coast Regional Plan Workshop
- Elected Member Briefing – Southern Winds Offshore Wind Project
- Elected Member Briefing – Hastings Cunningham / Housing SA
- Visit to Chamber – local Men's Group
- Elected Member Briefing – Crater Lakes Activation Plan – 2
- WiBRD International Women's Day Breakfast
- Elected Member Briefing with Member for Barker
- Elected Member Briefing – Beacon Art Project
- Dinner Meeting with Hon David Speirs and Mayor of District Council of Grant
- Official Opening of Wulanda Recreation and Convention Centre
- City Showcase – Wulanda Recreation and Convention Centre
- Anglican Church Interfaith Service
- 2023 SA PGA Seniors Championships

RESOLUTION 2023/44

Moved: Mayor Lynette Martin

Seconded: Cr Kate Amoroso

That the Mayoral report made on 21 March 2023 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Josh Lynagh Talk with students at Reidy.

Cr Frank Morello	Official opening of Wulanda.
Cr Paul Jenner	PLEC meeting, Red Hot Summer Tour at the Old Gaol, Wulanda Recreation and Convention Centre Opening.
Cr Max Bruins	Limestone Coast Regional Planning Workshop.
Cr Sonya Mezinec	Lions Youth of the Year judging, LCLHN HAC Conference Working Group, Limestone Coast Regional Planning Workshop, International Women's Day Breakfast, meeting with HAC member re forward planning.

RESOLUTION 2023/45

Moved: Cr Max Bruins
Seconded: Cr Paul Jenner

That the reports made by Councillors on 21 March 2023 be received.

CARRIED**7 QUESTIONS WITH NOTICE****7.1 YOUTH ADVISORY GROUP**

Cr Josh Lynagh asked the following Question with Notice:

Question:

Can an update be provided regarding council's Youth Advisory Group since they ceased meeting three years ago and address whether there are plans for the group, which has proven to be a vital connection to youth in Mount Gambier, to continue into the future?

Also are there plans for those members who aged out of the group during the period of time when the group was not operating and therefore missed out on their final year with the group to receive some sort of acknowledgement for their work?

Answer:

The Youth Advisory Group was placed into recess during COVID and at a time that the organisation was planning a review of the group noting a reduction in membership and participation. Many of the YAG members were also members of the Headspace Youth Reference Group and were concerned about the duplication of activities and required commitment to participation in both groups.

We are currently exploring new programs and initiatives to engage with young people.

The Library is exploring engaging youth through its programming and linking in with the schools.

At the end of last year a youth forum was held in the library and the group were very keen to keep meeting.

The Library staff are planning to work with the schools and engage with youth to re-form a Youth Group with the intention of being a youth voice to Council.

For those young people who aged out of the YAG while it was in recess and so missed out on their final year Council will write to them to acknowledge and thank them for their work.

7.2 VALLEY LAKES PRECINCT CLOSURE AND FIRE DANGER RATING CHANGES

Cr Josh Lynagh asked the following Question with Notice:

Question:

In 2015 council made the decision to close the Valley Lakes precinct on Extreme and Catastrophic fire danger days. These were the two highest ratings of a six-rating system, and the top two of three ratings that would incur a fire ban, along with Severe.

Last year, the fire danger rating system changed to a four-rating system, with just two ratings incurring a fire ban, Extreme on the lower end and Catastrophic on the higher end, with the Severe rating no longer existing. With council previously keeping the Valley Lakes precinct open on the lower rating but closed on the higher rating, has council taken this into account and considered possibly updating procedures with the new levels of fire bans?

Answer:

Whilst the Fire Danger rating has changed, the activation process remains unchanged for an Extreme or Catastrophic declaration.

A declaration is received by 5pm the day before. Receipt of an Extreme or Catastrophic declaration initiates an internal communication procedure that notifies relevant key stakeholders and staff to action public communication protocol and the display of closure signage throughout the Valley Lake precinct.

8 QUESTIONS WITHOUT NOTICE

Nil resolved.

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

12.1 ELECTED MEMBER INFORMATION/BRIEFING SESSIONS FROM 17/02/2023 TO 17/03/2023

RESOLUTION 2023/46

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/13457 titled 'Elected Member Information/Briefing Sessions from 17/02/2023 to 17/03/2023' as presented on 21 March 2023 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS**14.1 COUNCIL ACTION ITEMS - 24/01/2023****RESOLUTION 2023/47**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/17017 titled 'Council Action Items - 24/01/2023' as presented on 21 March 2023 be noted.

CARRIED

15 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**15.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 1 MARCH 2023****RESOLUTION 2023/48**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

That the Minutes of the Junior Sports Assistance Fund meeting held on 1 March 2023 as attached be noted.

CARRIED

15.2 CORRESPONDENCE RECEIVED – REPORT NO. AR23/11963**RESOLUTION 2023/49**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/11963 titled 'Correspondence Received' as presented on 01 March 2023 be noted.

CARRIED

**15.3 STATEMENT OF REVENUE AND EXPENSES - AS AT 21 FEBRUARY 2023 –
REPORT NO. AR23/12012****RESOLUTION 2023/50**

Moved: Cr Max Bruins

Seconded: Cr Josh Lynagh

1. That Junior Sports Assistance Fund Report No. AR23/12012 titled 'Statement of Revenue and Expenses - as at 21 February 2023' as presented on 01 March 2023 be noted.
2. The financial statement of the Fund as at 21 February 2023 be received, noting a cash balance of \$136,493.90

CARRIED**15.4 APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIOR AND PAYMENTS
FROM THE FUND - 01/02/2022 - 31/01/2023 – REPORT NO. AR23/12088****RESOLUTION 2023/51**

Moved: Cr Sonya Mezinec

Seconded: Cr Frank Morello

1. That Junior Sports Assistance Fund Report No. AR23/12088 titled 'Applications for Financial Assistance for Junior and Payments from the Fund - 01/02/2022 - 31/01/2023' as presented on 01 March 2023 be noted.

CARRIED**15.5 COMMERCIAL CLUB INC. - ANNUAL DONATIONS - EXCEPTIONAL JUNIOR
PROGRAM 2022 – REPORT NO. AR23/9809****RESOLUTION 2023/52**

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Junior Sports Assistance Fund Report No. AR23/9809 titled 'Commercial Club Inc. - Annual Donations - Exceptional Junior Program 2022' as presented on 01 March 2023 be noted.
2. The following junior received the 2022 Commercial Club Inc. donation to assist that junior to advance in their chosen sport and to achieve their potential:
Awardee: Vaughn Stratford - Mount Gambier Swimming Club Inc.
3. The presentation of the Commercial Club Inc. donation take place at a time convenient to the recipient, member organisation and a representative of the Commercial Club Inc.
4. The media be invited to attend the presentation.

CARRIED

15.6 MOTION WITHOUT NOTICE - COACHING CLINIC FUNDING 2023**RESOLUTION 2023/53**

Moved: Cr Sonya Mezinec

Seconded: Cr Max Bruins

1. That additional wording be added to the 2023 Coaching Clinic Application form to indicate that additional funding will be considered if the allocated \$5,000 is not adequate for the 2023 round of applications.

CARRIED**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 RE-INSTATEMENT OF MARK LOVETT AS AREA COUNCILLOR****RESOLUTION 2023/54**

Moved: Cr Josh Lynagh

Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/15598 titled 'Re-Instatement of Mark Lovett as Area Councillor' as presented on 21 March 2023 be noted.
2. That the re-instatement of Mark Lovett in the office of Area Councillor for the City of Mount Gambier, be noted.
3. That, in accordance with the recommendation of the Chief Executive Officer under Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013*, Part 3 of Resolution 2023/27 dated 21 February 2023:

That the Member Allowance overpaid to Mark Lovett be pursued, as a debt owed to Council, with recovery action deferred until any appeal processes have been exhausted, with recovery if Mark Lovett is not returned to office on a pro-rata basis from 24 January 2023.

be revoked.

4. That Council note:
 - (a) the backpayment of Member Allowance to Cr Mark Lovett as if a casual vacancy had not arisen; and

- (b) Cr Mark Lovett's resumption of his committee position of Presiding Member of the Junior Sports Assistance Fund.

CARRIED

19.2 CASUAL VACANCY IN OFFICE OF COUNCILLOR

RESOLUTION 2023/55

Moved: Cr Kate Amoroso

Seconded: Cr Frank Morello

1. That Council Report No. AR23/13173 titled 'Casual Vacancy in Office of Councillor' as presented on 21 March 2023 be noted.
2. That the casual vacancy arising from 24 February 2023 in the position of City of Mount Gambier area councillor formerly occupied by Ben Hood, be noted.
3. That requisite actions be progressed with the Electoral Commissioner to fill the casual vacancy in the office of area councillor.

CARRIED

19.3 SELECTION OF DEPUTY MAYOR

RESOLUTION 2023/56

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

1. That Council Report No. AR23/13485 titled 'Selection of Deputy Mayor' as presented on 21 March 2023 be noted.
2. That Council accepts the nominations for the position of Deputy Mayor from Crs Max Bruins and Josh Lynagh.
3. That a secret ballot process be held forthwith for the vacant position of Deputy Mayor for a term of 20 months, to be conducted in the following manner in accordance with the provisions of clause 12.5 of Council's Conduct of Meetings Policy and :
 - a) The Chief Executive Officer be appointed Returning Officer for the election process.
 - b) That any further nominations for the vacant position of Deputy Mayor be sought forthwith from Members present at the meeting.
 - c) The Mayor and a Member not in their seat at the meeting does not vote.
 - d) The successful candidate will be the candidate with the highest number of votes.
 - e) Where two or more candidates have an equal number of votes, candidates will be selected by a drawing of lots by the Returning Officer to determine which candidate will be excluded.
 - f) Upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the vacant positions.
 - g) Upon the declaration of the Returning Officer the declared candidate is appointed to the vacant position for the term of office specified in this resolution.

- h) A division cannot be called on the declared result for filling a vacant position.
- i) The Mayor may (but is not required to) accept a motion endorsing the filling of the vacant position however any failure or motion specifying a different result shall be of no effect on the declared result of the secret ballot.

Notes:

Point (d) reflects the application of section 51(8) of the *Local Government Act 1999*.

Point (h) reflects the application of subregulation 12(3) of the *Local Government (Procedures at Meetings) Regulations 2013* that a motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council, must be brought by written notice of motion.

CARRIED

The Chief Executive Officer, Sarah Philpott conducted a ballot process in accordance with Item 19.3 resolution 3.

Nominations were sought from Members in attendance.

Nomination received – Cr Kate Amoroso

A secret ballot was conducted for the position of Deputy Mayor with nominees being Cr Bruins, Cr Lynagh and Cr Amoroso.

The Chief Executive Officer declared the result on the secret ballot to be that Cr Max Bruins was appointed as Deputy Mayor.

Sarah Philpott, Chief Executive Officer declared a conflict for item 19.4 and left the meeting at 6:28p.m.

19.4 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - TERMS OF REFERENCE

RESOLUTION 2023/57

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/15758 titled 'Chief Executive Officer Performance Review Committee - Terms of Reference' as presented on 21 March 2023 be noted.
2. That the updated Terms of Reference for the Chief Executive Officer Performance Review Committee be adopted as attached to Report No. AR23/15758.
3. That the membership of the Chief Executive Officer Performance Review Committee, in addition to the Mayor and Deputy Mayor, comprise:
 - (i) Cr Meziniec
 - (ii) Cr Morello
 - (iii) Cr Lynagh

for a term ending at the commencement of the caretaker period for the November 2026 local government elections, the earlier cessation of the members office as a Councillor, or as otherwise replaced by resolution of Council, whichever is the earlier.

CARRIED

Sarah Philpott, Chief Executive Officer returned to the meeting at 6:31p.m.

Pursuant to Section 75B of the Local Government Act 1999, Cr Max Bruins disclosed a general conflict of interest in Item 19.5:

"The proposed nominee is a personal friend".

In accordance with Section 75B of the Local Government Act 1999 Cr Bruins did not participate in the meeting for Item 19.5.

Cr Bruins left the meeting at 6:31p.m.

19.5 NOMINATION FOR THE DOG AND CAT MANAGEMENT BOARD

RESOLUTION 2023/58

Moved: Cr Frank Morello
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/9443 titled 'Nomination for the Dog and Cat Management Board' as presented on 21 March 2023 be noted.
2. That City of Mount Gambier employee, Tegan McPherson, Project Manager, be nominated for the LGA-nominated positions on the Dog and Cat Management Board.

CARRIED

Cr Bruins did not participate in the meeting for Item 19.5, Cr Bruins did not vote in relation to Item 19.5.

Cr Bruins returned to the meeting at 6:32p.m.

Pursuant to Section 75C of the Local Government Act 1999, Cr Paul Jenner disclosed a material conflict of interest in Item 19.6:

"Member of the G.T.E Board".

In accordance with Section 75C of the Local Government Act 1999 Cr Jenner did not participate in the meeting for Item 19.6.

Cr Jenner left the meeting at 6:33p.m.

19.6 NOMINATIONS FOR LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION COMMITTEE APPOINTMENTS

RESOLUTION 2023/59

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/15868 titled 'Nominations for Limestone Coast Local Government Association Committee Appointments' as presented on 21 March 2023 be noted.
2. Council notes that the Chief Executive Officer will make appropriate officer appointments to LCLGA advisory/operational committees.
3. That the Chief Executive Officer, Sarah Philpott be nominated for both the LCLGA Audit and Risk Committee and the Executive Officer Remuneration Committee.
4. That Council nominates Cr Paul Jenner for the Group Training Employment Board position, and no other nominations to external LCLGA committees, noting that in the absence of a

political nomination the Chief Executive Officer may determine to make a technical nomination to the Green Triangle Freight Action Plan Committee.

5. Given that the LCLGA is only nominating a representative for one further term for the GTE Board, that the City of Mount Gambier makes enquiries of the Board of GTE about options for continuing a Board position for a City of Mount Gambier representative.

CARRIED

Cr Jenner returned to the meeting 6:34p.m.

19.7 ALGA JUNE 2023 NATIONAL GENERAL ASSEMBLY - CALL FOR MOTIONS

RESOLUTION 2023/60

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/14819 titled 'ALGA June 2023 National General Assembly - Call for Motions' as presented on 21 March 2023 be noted.
2. That the following motion (as attached to this report) be endorsed for submission as an agenda item to the ALGA National General Assembly in June 2023:
 - (a) Bipartisan agreement to commit to sustain the current provision of Roads to Recovery (R2R) and retain the Local Roads and Community Infrastructure (LRCI) funding programs to Local Government.

CARRIED

19.8 INSTALLATION OF A DISABLED PERMIT PARKING ONLY ZONE ON PERCY STREET, MOUNT GAMBIER

RESOLUTION 2023/61

Moved: Cr Paul Jenner

Seconded: Cr Josh Lynagh

1. That Council Report No. AR23/14450 titled Installation of a Disabled Permit Parking Only Zone as presented on 21 March 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14450.
3. 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

Ref No. 2.3.106

Disabled Permit Parking Only

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

To apply at all times

CARRIED

19.9 INSTALL NO STOPPING ZONES ON BAY ROAD (EASTERN AND WESTERN SIDES)**RESOLUTION 2023/62**

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

1. That Council Report No. AR23/14538 titled 'Install No Stopping Zones on Bay Road (Eastern and Western sides)' as presented on 21 March 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map as attached to Report No. AR23/14538.
3. 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**No Stopping**

Ref No. 1.1.514

BAY ROAD (EASTERN SIDE) - from 10 metres to 53 metres south of the intersection with Herriot Street

BAY ROAD (WESTERN SIDE) - from 10 metres to 64 metres south of the intersection with Railway Terrace

To apply at all times

CARRIED**19.10 WULANDA RECREATION AND CONVENTION CENTRE CARPARK - PARKING RESTRICTIONS****RESOLUTION 2023/63**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

1. That Council Report No. AR23/14621 titled 'Wulanda Recreation and Convention Centre Carpark - Parking Restrictions' as presented on 21 March 2023 be noted.
2. That Council endorse the Traffic Impact Statement and proposed area shown on the aerial map attached to Report No. AR23/14621.
3. 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**

Ref No. 2.3.106

Wulanda Recreation and Convention Centre Car Park

To apply at all times

Prohibited Area**Bus Zone**

Ref No. 2.1.086

Wulanda Recreation and Convention Centre Car Park

To apply at all times

Prohibited Area

Ref No. 3.5.100

15 Minute Parking

Wulanda Recreation and Convention Centre Car Park

To apply at all times

CARRIED**19.11 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE**

A final verbal update was provided by Barbara Cernovskis, General Manager City Infrastructure on the construction progress of the Wulanda Recreation and Convention Centre.

Item 19.11 is considered and minuted under Item 20.1

20 MOTIONS WITH NOTICE**20.1 NOTICE OF MOTION - ESSENTIAL SERVICES COMMISSION OF SA (ESCOSA) SCHEME****RESOLUTION 2023/64**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR23/13463 titled 'Notice of Motion - Essential Services Commission of SA (ESCOSA) Scheme' as presented on 21 March 2023 be noted.
2. That the Mayor write to the Premier Peter Malinauskas, South Australian Minister for Local Government Geoff Brock and the LGA and:
 - a) Express our extreme displeasure and frustration that ratepayers are expected to wear the cost and incur the added budget pressures of the recently introduced ESCOSA "Advisory Scheme" among other cost of living increases in the current economic environment.
 - b) Request that an immediate review be undertaken of the scheme to determine is necessity and effectiveness and its funding model.
 - c) Request that ESCOSA does not seek reimbursement of costs from any council until such a review has been undertaken.

CARRIED

Item 19.11 was considered and resolved.

19.11 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE**RESOLUTION 2023/65**

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR23/14672 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 21 March 2023 be noted.
2. That following Council resolution in February, Council notes that this is the last verbal report due to completion of the construction works at Wulanda Recreation and Convention Centre.

CARRIED**21 MOTIONS WITHOUT NOTICE**

Nil

22 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

23 NEW CONFIDENTIAL ITEMS**23.1 LIBRARY CAFE - EXPRESSIONS OF INTEREST – REPORT NO. AR23/15719****RESOLUTION 2023/66**

Moved: Cr Frank Morello
 Seconded: Cr Sonya Meziniec

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, S La Greca, R Datta, M McCarthy, J Scoggins, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR23/15719 Library Cafe - Expressions of Interest.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 with the item includes information that, if disclosed, could reasonably be expected to confer a commercial advantage on a 3rd party with whom Council is proposing to contract and jeopardise the commercial position of Council in the negotiation of arrangements for the operation of the Library Cafe.

CARRIED**RESOLUTION 2023/67**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

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 AR23/15719 Library Cafe - Expressions of Interest 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) be kept confidential and not available for public inspection 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. To be reviewed once in every year in accordance with s91(9). The name of the successful operator be released immediately following execution of agreement documentation.
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 DELEGATION TO AWARD ELECTRICITY CONTRACT – REPORT NO. AR23/16014

RESOLUTION 2023/68

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

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, S La Greca, R Datta, M McCarthy, J Scoggins, M Brookes and T Chant be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.2 AR23/16014 Delegation to award electricity contract.

The Council is satisfied that, pursuant to section 90(3) (b) 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

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 LGA Procurement for the supply of energy. 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 2023/69

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

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 AR23/16014 Delegation to award electricity contract 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) be kept confidential and not available for public inspection until a contract has been executed for the relevant supply.
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 7:00pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 April 2023.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
AUDIT AND RISK COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON MONDAY, 27 MARCH 2023 AT 5.30 P.M.**

PRESENT: Mr Paul Duka (Presiding Member), Mayor Lynette Martin (OAM), Mr Alexander Brown (virtual), Ms Belinda Johnson (virtual)

IN ATTENDANCE: Cr Paul Jenner (virtual)

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	Acting General Manager Corporate and Regulatory Services	- Mrs R Datta
	General Manager City Infrastructure	- Ms B Cernovskis
	Manager Financial Services	- Mrs J Scoggins
	Acting Manager Organisational Development	- Ms L Little
	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 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Belinda Johnson

That the apology(ies) from Cr Sonya Mezinec be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Belinda Johnson

Seconded: Alexander Brown

That the minutes of the Audit and Risk Committee meeting held on 9 February 2023 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

5 REPORTS

5.1 BUDGET REVIEW 1 AND 2 2022/2023

COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Alexander Brown

1. That Audit and Risk Committee Report No. AR23/18140 titled 'Budget Review 1 and 2 2022/2023' as presented on 27 March 2023 be noted.

CARRIED

5.2 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT

COMMITTEE RESOLUTION

Moved: Belinda Johnson

Seconded: Alexander Brown

1. That Audit and Risk Committee Report No. AR23/19138 titled 'Work Health Safety and Wellbeing Management' as presented on 27 March 2023 be noted.

CARRIED

5.3 RISK MANAGEMENT REPORT MARCH 2023

COMMITTEE RESOLUTION

Moved: Paul Duka

Seconded: Mayor Lynette Martin

1. That Audit and Risk Committee Report No. AR23/19281 titled 'Risk Management Report March 2023' as presented on 27 March 2023 be noted.

CARRIED

6 MOTIONS WITHOUT NOTICE

Nil

7 MEETING CLOSE

The Meeting closed at 6:11pm.

The minutes of this meeting were confirmed at the Audit and Risk Committee.

.....
PRESIDING MEMBER

16.2 BUDGET REVIEW 1 AND 2 2022/2023 – REPORT NO. AR23/18140

Committee:	Audit and Risk Committee
Meeting Date:	27 March 2023
Report No.:	AR23/18140
CM9 Reference:	AF11/863
Author:	Julie Scoggins, Manager Financial Services
Authoriser:	Ritu Datta, Acting General Manager Corporate and Regulatory Services
Summary:	The purpose of this report is to provide an overview to the Audit and Risk Committee of Budget Review 1 and Budget Review 2 as adopted by Council in this financial year.
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 Audit and Risk Committee Report No. AR23/18140 titled 'Budget Review 1 and 2 2022/2023' as presented on 27 March 2023 be noted.



TYPE OF REPORT

BACKGROUND

1. **Legislation** - The *Local Government Financial Regulations 2011* Part 2 Section 9 requires the following:
 - (1) *A council, council subsidiary or regional subsidiary must prepare and consider the following reports:*
 - (a) *at least twice, between 30 September and 31 May (both dates inclusive) in the relevant financial year (where at least 1 report must be considered before the consideration of the report under subregulation (1)(b), and at least 1 report must be considered after consideration of the report under subregulation (1)(b))—a report showing a revised forecast of its operating and capital investment activities for the relevant financial year compared with the estimates for those activities set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Uniform Presentation of Finances;*
 - (b) *between 30 November and 15 March (both dates inclusive) in the relevant financial year—a report showing a revised forecast of each item shown in its budgeted financial statements for the relevant financial year compared with estimates set out in the budget presented in a manner consistent with the Model Financial Statements.*
 - (2) *A council must also include in a report under subregulation (1)(b) revised forecasts for the relevant financial year of the council's operating surplus ratio, net financial liabilities ratio and asset renewal funding ratio compared with estimates set out in the budget presented in a manner consistent with the note in the Model Financial Statements entitled Financial Indicators.*
2. **Approach** - Budget Review 2 is the second complete forecast for 2022/2023, following the adoption of the Annual Business Plan and Budget in June 2022, the approved budget including carry forwards in August 2022 and Budget Review 1 in December 2022. The full year forecast has been developed in consultation with staff across the organisation for known material changes to operating revenue, expenditure and capital revenue and expenditure.
3. **Audit and Risk Committee Terms of Reference** – As per section 12.6
The Committee shall review and provide advice on Council's strategic management plans (at the time of their preparation and scheduled review), which include the following:
 - *Strategic Plan;*
 - *Key principles and assumptions of the Long Term Financial Plan;*
 - *Various Asset Management Plans; and*
 - *Annual Business Plan.*

PROPOSAL

1. **Budget Review 1 and Budget Review 2** - This report includes an update of operating revenue and expenditure, and changes to the budgeted capital revenue and expenditure for the financial year with key numbers shown in the table below:



\$'k	Adopted Budget	Approved Budget	Budget Review 1	Budget Review 2	Variance to Adopted Budget
Budget Adopted/Presented at the Council Meeting	Jun-22	Aug-22	Dec-22	Feb-23	N/A
Operating Deficit	(2,669)	(2,767)	(3,389)	(4,148)	(1,479)
Capital Revenue for New/Upgrade	5,962	5,962	5,644	5,644	(318)
Capital Expenditure	21,500	23,894	28,995	28,468	6,968
Net (Borrowing)	(8,665)	(11,156)	(16,661)	(17,054)	(8,389)

Operating Deficit of (\$4,148k) is (\$1,479k) higher than the adopted budget (unfavourable variance) - The material variances for operating revenue and expenditure are detailed below:

Operating Revenue - \$970k or 2.6% higher than the adopted budget (favourable variance):

- **Statutory Charges \$123k higher than the adopted budget (favourable variance)** - Mainly due to increased development application fees \$50k and animal fees of \$55k.
- **User Charges \$105k higher than the adopted budget (favourable variance)** - Including the recognition of Tourist Park rental income \$75k.
- **Grants, Subsidies and Contributions \$618k higher than the adopted budget (favourable variance)** – Including the timing of recognition of grants for Local Roads and Community Infrastructure (LRCI) Phases 1,2 and 3 \$472k and transfer of the Library grant to operating \$74k and other new grants awarded.

Operating Expenditure – (\$2,449k) or (6.2%) higher than the adopted budget (unfavourable variance):

- **Materials, Contracts, Other (\$1,544k) higher than the adopted budget (unfavourable variance)** - Including the following significant variances:
 - **Waste Management (\$298k)** - Recognition of recycling fees.
 - **Electricity (\$350k)** - Increase resulting from new agreement.
 - **Audits and Valuations (\$117k)** – Includes outsourcing of Infrastructure condition audits(\$100k) and accessibility audit (\$15k).
 - **Transfer of capital to operating costs (\$260k)** - As per the grant revenue above, library books are now purchased as an operational cost (\$108k), and (\$50k) transfer for City Signage Strategy to develop a family suite of signs, LRCI phase 3 Landscaping and Sinkhole Rejuvenation (\$35k), Bicycle action plan (\$15k) and Valley Lake Water Quality Control Program (\$34k).
- **Depreciation (\$550k) or (6.0%) higher than the adopted budget** - Mainly due to additional depreciation for Caroline based on adjustments requested by the external auditors.
- **Finance Costs (\$401k)** - Finance costs are higher than the approved budget reflecting increased interest rates.

Capital Expenditure & Revenue:

- **Capital Expenditure of \$28,468k is (\$6,968k) higher than the adopted budget (unfavourable variance)** - The key drivers for the decrease in this year's capital works program (compared to the adopted budget are):



Asset Class	Adopted	Approved	Budget	Budget	Variance to
	Budget	Budget	Review 1	Review 2	Adopted Budget
	\$'000s	\$'000s	\$'000s	\$'000s	Favourable/ (Unfavourable)
					\$'000s
Buildings & Structures	2,924	3,564	3,275	3,010	(86)
Caroline Landfill	1,236	1,236	1,236	1,500	(264)
Information Technology	30	136	122	125	(95)
Infrastructure	4,259	5,124	5,045	4,767	(508)
Other	288	698	547	544	(256)
Plant & Equipment	2,007	1,960	1,159	910	1,097
Total Excl Wulanda	10,744	12,719	11,384	10,857	(113)
Wulanda	10,756	11,175	17,611	17,611	(6,855)
Total Inc Wulanda	21,500	23,894	28,995	28,468	(6,968)

Capital Works Program Expenditure (Excluding Wulanda) is (\$0.1m) higher than the adopted budget (unfavourable variance) due to the following:

- **Deferrals/Partial Deferrals From 2021/22 (\$2.0m)** - Projects that had either not started or were incomplete at the year-end.
- **Cancelled Projects \$0.9m** – Including Frew Park Amenities \$0.4m (cancelled to fund Valley Lakes Amenities) and Road reconstruction projects cancelled pending the results of Infrastructure condition audits \$0.4m including Daniel Street, Herbert Street, and Nelson Street.
- **Savings \$0.6m** - Including the Rail Trail solar lighting project where fixed price was lower than anticipated \$0.3m and LED lighting upgrade savings \$0.2m,
- **Leases/Transfer to Operating \$0.4m** – Including the transfer of library books \$108k and City Centre Signage \$50k and Valley Lake water quality device (lease/maintenance) \$137k, operating projects \$50k.
- **Additional Costs (\$1.3m)** – Including the Valley Lakes Amenities upgrade (\$0.3m) PLEC remediation project costs (\$70k) and Road Reseal program (\$180k), Pinehall O’Leary Road intersection upgrade (\$302k) and Caroline Cell 4A Construction (\$264k).
- **New Projects (\$0.2m)** – Including design costs for O’Halloran Terrace remediation following PLEC (\$70k) and additional LRCI Phase 3 Projects (\$90k).
- **Carry Forward to 2023/2024 \$1.6m** - Due to the plant availability issues including: garbage truck replacement \$0.4m, three mowers \$0.3m and tractor replacement \$0.1m and other projects including the partial deferral of the Old Gaol works \$0.2m and deferral of Bertha St Road Reconstruction \$0.2m, Commercial Street West (Gray St to Bay Road) \$0.3m, and the Library Storage Unit \$0.1m

Wulanda Capital Expenditure is (\$6.9m) higher than the adopted budget (unfavourable variance) mainly due to cashflow timing including the following:

- **Partial Deferral From Prior Year//Cashflow Timing 2021/2022 (\$6.2m)** – Mainly driven by expenditure that was recognised in the prior year, but invoices were paid in early 2022/2023.
- **Wulanda (\$0.6m)** - Costs that will be incurred in 2022/2023 aligned with the deed signed in September 2022 (noting that some expenditure will be incurred in future years).
- **Capital Revenue For New/Upgraded Assets of \$5,644k is (\$318k) lower than the adopted budget (unfavourable variance)** - Mainly due to the following:
 - **Rail Trail Solar Lighting LGIPP Grant (\$169k)** - A reduction in the LGIPP grant for the Rail Trail Solar Lighting project driven by lower project costs,



- **Library Books Grant (\$74k)** - Transfer of grant from capital to operating (\$74k)

Financial Indicators:

Compared to the adopted budget, the key financial indicators which measure the financial sustainability and performance of Council are as follows:

- **Operating Surplus Ratio** - (3.7%) higher than the adopted budget due to the variances detailed above (unfavourable variance).
- **Net Financial Liabilities Ratio** - Is lower than the adopted budget driven by lower than planned capital expenditure and associated borrowings position.
- **Asset Renewal Funding Ratio** - Is higher than the adopted budget where carry forwards from the prior year are more than those to the following year and cancellations are partly offset by increased expenditure.

Financial Indicator	Adopted Budget	Approved Budget	Budget Review 1	Budget Review 2
Operating Surplus Ratio	-7.2%	-7.5%	-8.9%	-10.9%
Net Financial Liabilities Ratio	135%		125%	126%
Asset Renewal Funding Ratio	120%		145%	140%

LEGAL IMPLICATIONS

The Local Government Financial Regulations 2011 Part 2 Section 9 requires Council to reconsider its budget at least three times between 30 September and the 31 May.

STRATEGIC PLAN

The Annual Business plan and subsequent Budget Reviews are aligned with Council's Strategic Plan.

COUNCIL POLICY

The Annual Business Plan assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account Council's long-term financial plan.

[B300 Budget Framework Policy](#)

ECONOMIC IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report.

ENVIRONMENTAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report.

SOCIAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report.



CULTURAL IMPLICATIONS

As per budget/strategic plan – no comment applicable to this report.

RESOURCE IMPLICATIONS

The Annual Business Plan assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account Council's long-term financial plan.

VALUE FOR MONEY

As per budget/strategic plan – no comment applicable to this report.

RISK IMPLICATIONS

The *Local Government Act 1999* requires that Council assesses the financial requirements of the Council for the financial year and sets out a summary of its proposed operating expenditure, capital expenditure and sources of revenue and takes into account the Council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the Council.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

Once adopted, the Budget Review numbers have been distributed to budget holders.

CONCLUSION AND RECOMMENDATION

Budget Review 1 and 2 2022/23 - It is a legislative requirement that Council reconsiders its budget at regular intervals during the year. The budget assesses the financial requirements of Council for the financial year, it provides stability and certainty of financial outcomes and ensures continuation of delivery of essential community services and the efficient operation of infrastructure while maintaining a sound financial position

ATTACHMENTS

1. Financial Statements



City of Mount Gambier - Uniform Presentation of Finances Draft Budget Review 2 2022/2023

2022 Actual	\$'000s	Adopted Budget 2023	Approved Budget 2023	BR1 2023	BR2 2023
37,162	Income	36,963	36,963	38,126	37,933
35,161	Expenses	39,631	39,729	41,514	42,081
2,001	Operating surplus / (deficit)	(2,669)	(2,767)	(3,389)	(4,148)
Net outlays on existing assets					
5,623	Capital expenditure on renewal and replacement of existing assets	7,421	8,884	8,995	8,685
(8,479)	Depreciation, amortisation and impairment	(9,209)	(9,209)	(9,746)	(9,759)
(112)	Proceeds from sale of replaced assets	(333)	(333)	(333)	(159)
(2,968)	Net outlays on existing assets	(2,121)	(659)	(1,084)	(1,233)
Net outlays on new and upgraded assets					
35,134	Capital expenditure on new and upgraded assets <i>(including investments property & real estate developments)</i>	14,079	15,010	20,000	19,783
(20,443)	Amounts received specifically for new and upgraded assets Proceeds from sale of surplus assets <i>(including investment property and real estate developments and non-current assets held for resale)</i>	(5,962)	(5,962)	(5,644)	(5,644)
14,691	Net outlays on new and upgraded assets	8,117	9,048	14,356	14,139
(9,722)	Net lending / (borrowing) for financial year	(8,665)	(11,156)	(16,661)	(17,054)



City of Mount Gambier - Statement of Comprehensive Income Draft Budget Review 2 2022/2023

2022 Actuals	\$'000s	Budget 2023	Approved Budget 2023	BR1 2023	BR2 2023
Income					
23,822	Rates	24,832	24,832	24,843	24,843
633	Statutory Charges	575	575	698	698
5,515	User Charges	6,268	6,268	6,373	6,373
6,615	Grants, Subsidies and Contributions	4,728	4,728	5,570	5,346
14	Investment Income	0	0	47	47
65	Reimbursements	65	65	65	65
498	Other Income	495	495	530	560
	Net gain - equity accounted Council businesses				
37,162	Total Income	36,963	36,963	38,126	37,933
Expenses					
13,090	Employee Costs	14,682	14,682	14,682	14,637
13,234	Materials, Contracts & Other Expenses	14,675	14,773	15,611	16,219
8,479	Depreciation, Amortisation & Impairment	9,209	9,209	9,746	9,759
358	Finance Costs	1,064	1,064	1,475	1,465
	Net loss - Equity Accounted Council Businesses				
35,161	Total Expenses	39,631	39,729	41,514	42,081
2,001	Operating Surplus / (Deficit)	(2,669)	(2,767)	(3,389)	(4,148)
(787)	Asset Disposal & Fair Value Adjustments	0	0	0	0
17,940	Amounts Received Specifically for New or Upgraded Assets	6,215	6,215	6,045	6,045
1,760	Physical Resources Received Free of Charge	0	0	0	0
	Operating Result from Discontinued Operations				
20,914	Net Surplus / (Deficit)	3,547	3,449	2,656	1,897
Other Comprehensive Income					
Amounts which will not be reclassified subsequently to operating result					
0	Changes in Revaluation Surplus - I,PP&E	2,355	2,355	2,222	2,222
0	Impairment (Expense) / Recoupments Offset to Asset Revaluation Reserve	0	0	(932)	(932)
0	Total Other Comprehensive Income	2,355	2,355	1,290	1,290
20,914	Total Comprehensive Income	5,902	5,804	3,946	3,187



City of Mount Gambier - Statement of Financial Position Draft Budget Review 2 2022/2023				
2022 Actuals	\$'000s	Budget 2023	BR1 2023	BR2 2023
ASSETS				
Current Assets				
250	Cash & Cash Equivalents	500	500	488
2,974	Trade & Other Receivables	1,447	1,609	1,608
64	Inventories	47	57	59
3,288	Total Current Assets	1,994	2,166	2,155
Non-Current Assets				
301,171	Infrastructure, Property, Plant & Equipment	318,117	316,904	316,363
301,171	Total Non-Current Assets	318,117	316,904	316,363
304,459	TOTAL ASSETS	320,111	319,071	318,518
LIABILITIES				
Current Liabilities				
9,331	Trade & Other Payables	4,127	4,314	4,418
1,222	Borrowings	2,930	2,630	2,630
2,784	Provisions	2,981	2,778	2,778
13,337	Total Current Liabilities	10,037	9,722	9,826
Non-Current Liabilities				
22,311	Borrowings	38,003	35,497	35,599
3,507	Provisions	3,842	4,602	4,602
25,818	Total Non-Current Liabilities	41,845	40,099	40,201
39,155	TOTAL LIABILITIES	51,883	49,821	50,028
265,304	Net Assets	268,229	269,250	268,490
EQUITY				
83,080	Accumulated Surplus	89,504	88,421	87,661
180,852	Asset Revaluation Reserves	177,840	179,457	179,457
1,372	Other Reserves	884	1,372	1,372
265,304	Total Equity	268,229	269,250	268,490



City of Mount Gambier - Statement of Cashflows Draft Budget Review 2 2022/2023				
2022 Actuals	\$'000s	Adopted Budget 2023	BR1 2023	BR2 2023
Cash Flows from Operating Activities				
Receipts:				
23,829	Rates Receipts	24,802	24,576	24,576
633	Statutory Charges	573	773	773
4,335	User Charges	6,231	7,024	7,024
6,615	Grants, Subsidies and Contributions (operating purpose)	5,153	6,222	6,006
14	Investment Receipts	0	47	47
65	Reimbursements	68	70	70
896	Other Revenue	407	792	834
Payments:				
(13,157)	Payments to Employees	(14,664)	(14,526)	(14,483)
(13,852)	Payments for Materials, Contracts & Other Expenses	(14,416)	(14,828)	(15,337)
(136)	Finance Payments	(1,064)	(1,475)	(1,465)
9,242	Net Cash provided (or used in) Operating Activities	7,090	8,675	8,046
Cash Flows from Investing Activities				
Receipts:				
20,443	Amounts Received Specifically for New/Upgraded Assets	5,962	5,644	5,644
112	Sale of Replaced Assets	333	333	333
Payments:				
(5,623)	Expenditure on Renewal/Replacement of Assets	(7,421)	(8,995)	(8,685)
(1,643)	Expenditure on New/Upgraded Assets	(14,079)	(20,000)	(19,783)
(20,202)	Net Cash provided (or used in) Investing Activities	(15,205)	(23,018)	(22,491)
Cash Flows from Financing Activities				
Receipts:				
9,581	Proceeds from Borrowings	25,000	15,693	15,795
Payments:				
0	Repayments of Borrowings	(16,885)	(1,100)	(1,100)
(202)	Repayment of Principal Portion of Lease Liabilities	0	0	0
(62)	Repayment of Bonds & Deposits	0	0	0
9,317	Net Cash Flow provided (used in) Financing Activities	8,115	14,593	14,695
(1,643)	Net Increase/(Decrease) in Cash & Cash Equivalents	(0)	250	250
1,893	plus: Cash & Cash Equivalents - beginning of year	500	250	250
250	Cash & Cash Equivalents - end of the year	500	500	500

City of Mount Gambier - Statement of Equity Draft Budget Review 2 2022/2023				
2022 Actuals	\$'000s	Adopted Budget 2023	BR1 2023	BR2 2023
242,752	Opening Balance	262,327	265,304	265,304
1,638	Adjustment for prior year correction			
20,914	Net Surplus / (Deficit) for Year	3,547	2,656	1,897
	Other Comprehensive Income			
	- Gain (Loss) on Revaluation of I,PP&E	2,355	2,222	2,222
	- Available for Sale Financial Instruments: change in fair value			
	- Impairment (loss) reversal relating to I,PP&E			
	- Impairment (expense) / recoupments offset to asset revaluation reserve		(932)	(932)
	- Share of OCI - Equity Accounted Council Businesses			
	- Other Equity Adjustments - Equity Accounted Council Businesses			
	- Other Movements			
	Other Comprehensive Income	2,355	1,290	1,290
20,914	Total Comprehensive Income	5,902	3,946	3,186
	Transfers between Equity			
265,304	Equity - Balance at end of the reporting period	268,229	269,250	268,490



City of Mount Gambier -Key Financial Ratios Draft Budget Review 2 22/23

2022 Actuals	\$'000s	Adopted Budget 2023	BR1 2023	BR2 2023
5.4%	Operating surplus ratio	-7.2%	-8.9%	-10.9%
	$\frac{\text{Operating surplus}}{\text{Total operating revenue}}$			
97%	Net financial liabilities ratio	135%	125%	126%
	$\frac{\text{Net financial liabilities}}{\text{Total operating revenue}}$			
79%	Asset renewal funding ratio	120%	145%	140%
	$\frac{\text{Expenditure on renewal/replacement of assets}}{\text{Optimal level of such expenditure as per IAMP}}$			



16.3 WORK HEALTH SAFETY AND WELLBEING MANAGEMENT – REPORT NO. AR23/19138

Committee:	Audit and Risk Committee
Meeting Date:	27 March 2023
Report No.:	AR23/19138
CM9 Reference:	AF11/863
Author:	Leanne Little, Acting Manager Organisational Development
Authoriser:	Ritu Datta, Acting General Manager Corporate and Regulatory Services
Summary:	This report is a summary of Councils performance in the area of Workplace Health Safety and Wellbeing. The report also provides an overview of key initiatives underway in this area.
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 Audit and Risk Committee Report No. AR23/19138 titled 'Work Health Safety and Wellbeing Management' as presented on 27 March 2023 be noted.



TYPE OF REPORT

Other

BACKGROUND

This report is a presentation for the ongoing reporting structure for workplace health, safety and wellbeing at City of Mount Gambier. Its purpose is to provide the Audit and Risk Committee with a summary of our safety performance with insights for continuous improvement. This format will evolve as our data and reporting capability improves, and once there are established KPIs and targets that can provide a strategic oversight of safety performance with lag and lead indicators.

PROPOSAL

That City of Mount Gambier's Audit and Risk Committee receives a regular Work Health Safety and Wellbeing report presenting a quarterly update on performance, compliance and initiatives.

LEGAL IMPLICATIONS

Section 125 of the Local Government Act 1999 ('LG Act') requires the City of Mount Gambier to ensure that appropriate policies practices and procedures of internal control are implemented and maintained in order to assist the organisation to carry out its activities in an efficient and orderly manner to achieve its objectives.

City of Mount Gambier is required to provide and undertake measures to eliminate risks to health and safety, so far as is reasonably practicable. If it is not reasonably practicable to eliminate risks to health and safety, then to minimise those risks so far as is reasonably practicable and to demonstrate a systematic approach to the planning and implementation of Work Health and Safety processes that are compliant with the legislation, regulations and self-insurance requirements covered under:

- Work Health and Safety Act 2012
- Work Health and Safety Regulations 2012
- Return to Work Act 2014
- Return to Work Regulations 2015
- Code for the Conduct of Self-Insured Employers under the Return to Work Scheme which includes the Performance Standards (Injury management standards for self-insured employers April 2019 and Work Health and Safety standards for self-insured employers August 2017)

STRATEGIC PLAN

Nil

COUNCIL POLICY

The Workplace Health and Safety Management System supports Council Policy - Risk Management.

ECONOMIC IMPLICATIONS

nil

ENVIRONMENTAL IMPLICATIONS

nil

SOCIAL IMPLICATIONS

nil

CULTURAL IMPLICATIONS

nil



RESOURCE IMPLICATIONS

nil

VALUE FOR MONEY

nil

RISK IMPLICATIONS

This report will assist the City of Mount Gambier to manage its risk associated with workplace health and safety ensuring it meets its legislative requirements and that its workforce and community are kept safe and healthy in the delivery of services and operations.

EQUALITIES AND DIVERSITY IMPLICATIONS

nil

ENGAGEMENT AND COMMUNICATION STRATEGY

nil

IMPLEMENTATION STRATEGY

City of Mount Gambier's Executive Leadership Team (ELT) and Work Health and Safety Committee (WHSC) have been receiving workplace health and safety reporting on a regular basis since late last year which will inform the quarterly report presented to the Audit and Risk Committee.

CONCLUSION AND RECOMMENDATION

This report provides a summary of our safety performance with insights for continuous improvement. It also provides a summary of key initiatives that are currently being worked on within this area.

It is recommended that a Workplace Health, Safety and Wellbeing Report continue to be presented to the Audit Risk Committee to ensure effective monitoring of compliance and performance.

ATTACHMENTS

1. Work Health Safety and Wellbeing Report January 2023






WORK, HEALTH, SAFETY AND WELLBEING MANAGEMENT REPORT

Bi-Monthly Report | December 2022 - January 2023

SAFETY ALWAYS





1. Summary

This report aims to provide a snapshot of the current state for safety compliance and performance at City of Mount Gambier (COMG). The organisation continues to show signs of improvement and has taken measures to increase and raise the profile of WHS including an emphasis of reporting incidents and hazards across the organisation.

The number of hazards reported for December (4) and January (9) has decreased from the previous two months. The organisation needs to continue to focus on initiatives for improving hazard reporting and following through with hazard investigations.

There was no notifiable incident in the month of December 2022 and January 2023.

Current focus areas for the COMG:

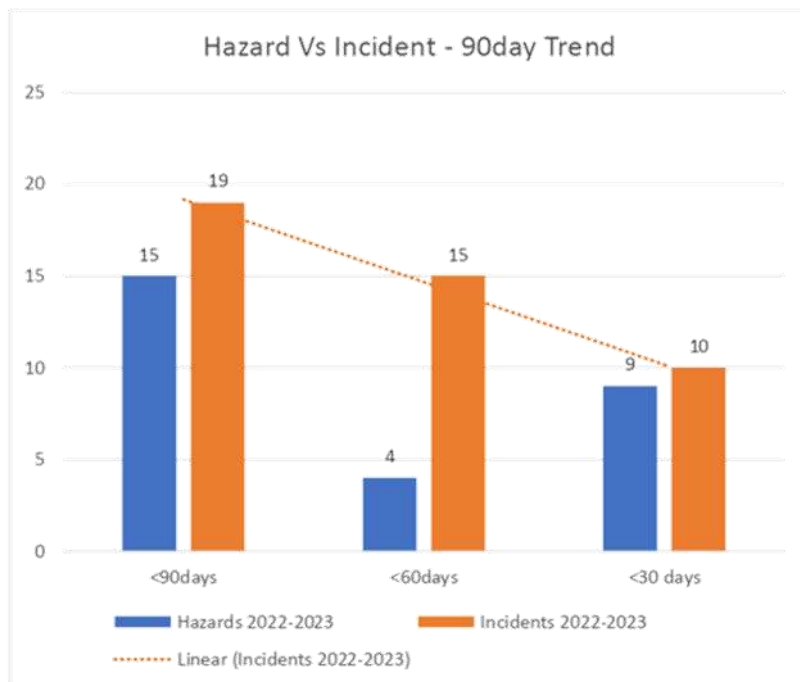
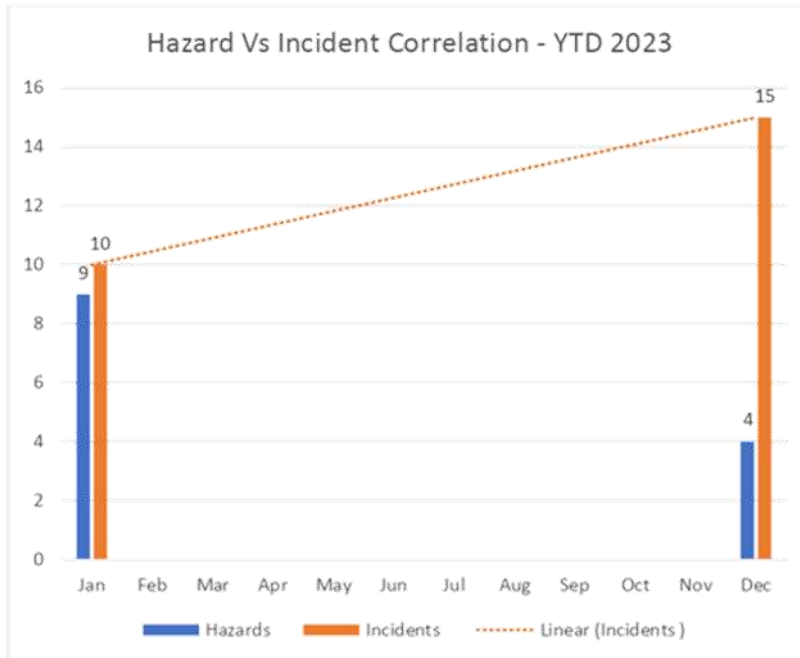
- WHS IM Action Plan Monitoring tool for 2023
- finalised and tasks completed as detailed in the plan in a timely manner.
- Ongoing management of injury management claims with LGWCS.
- Focus on increased hazard reporting and investigation for the organisation.
- Partnering with People Leaders to develop targeted investigation, incident, and corrective action training, using real organisation scenarios for maximum effectiveness (Expected to be delivered in February 2023).
- Partnering with those who engage contractors to enhance their knowledge and understanding of how to engage contractors and manage and monitor the safety requirements of contractors on our sites.





2. Correlation between Hazards vs. Incidents

2.1





3. Hazard Management

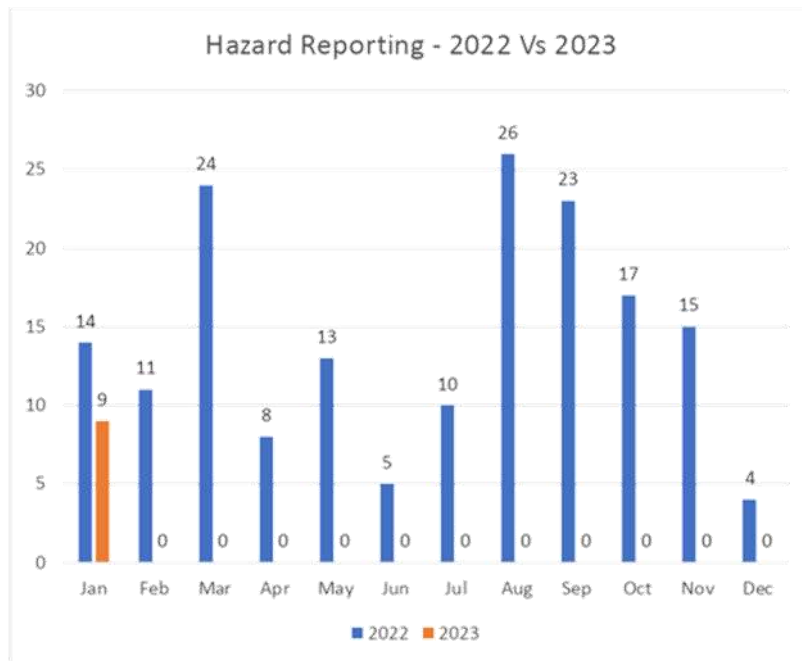
3.1 Total Hazard Reports - Yearly Comparison

This graph demonstrates the comparison of the Organisational hazard reporting for each month compared to the same month in the previous year.

This assists with providing management an analysis of seasonal hazard trends which may occur across the organisation.

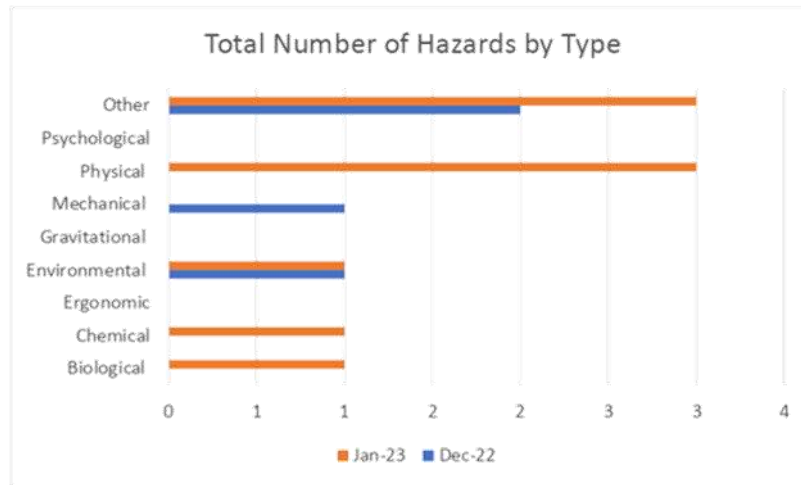
There was a total of four (4) hazards reported for December 2022 and nine (9) for January 2023 compared to sixty-one (61) for December 2021 and fourteen (14) for January in 2022.

This data indicates that the organisations need to continue to promote and focus on increasing hazard reporting. The large peaks are indicating these are the months where there has been a strong emphasis on hazard reporting.





3.2 Hazards by Type



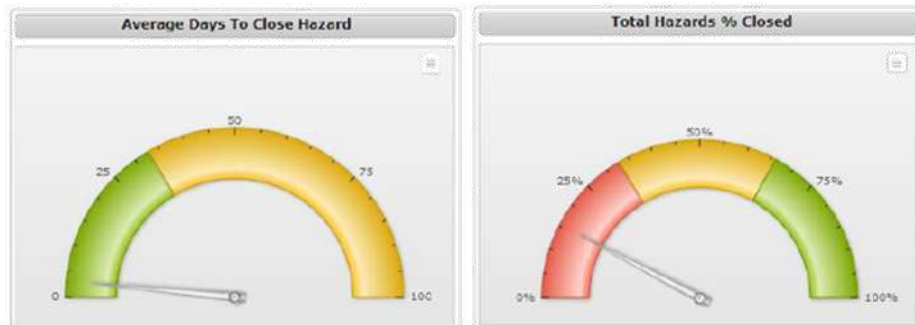
3.3 Effective Hazard Management for the month of December 2022 and January 2023

The total amount of hazards outstanding is one hundred and sixty-five (165).

The total percentage of hazards closed for the period of until January 2023 15.38%

The average days taken to assess and close a hazard in the December 2022 to January 2023 period is 3 days.

While there has been a positive decrease in the average days to close a hazard the total amount of hazards closed had also decreased during this period.



3.4 Hazard Management Closure Rate by Four-month Analysis

Open hazards may indicate that an investigation is still open and or that corrective actions have not been identified or implemented to a level that is acceptable by the organisation.

The closure rate is based on a four-month analysis.

The total amount of open hazards within four months has increased from 56% to 52% and the overall total outstanding hazards has decreased from 153 to 139 from the period of December 2022 to January 2023. There average days to close out hazards has stayed around the same from an average of 2.33 days to 3 days.





The total amount of open hazards that are outstanding greater than four months has decreased from 83% to 54%. This may be attributed to investigations being closed off.

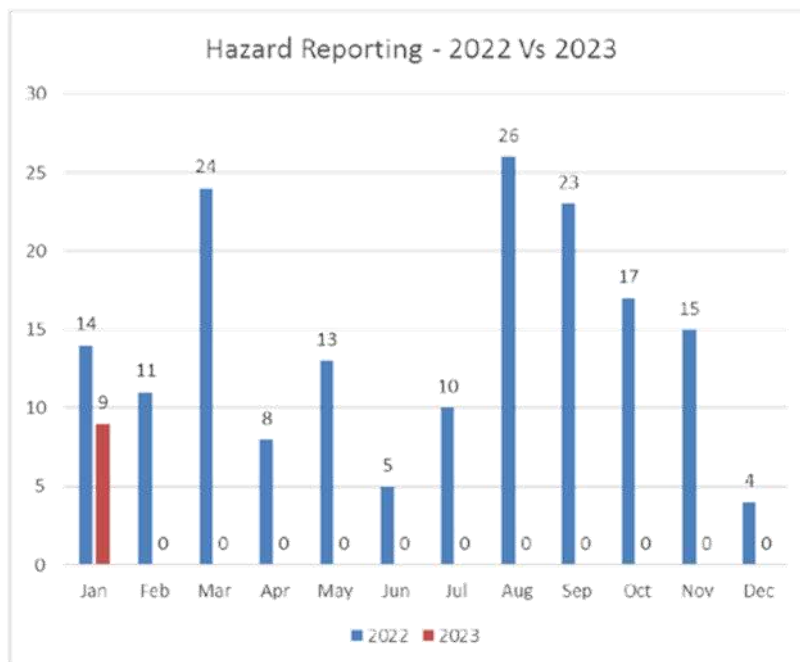
The linear trend on the four-month analysis indicates the total number of hazards open greater than four (4) months is steadily decreasing.



4. Incident and Investigation Management

4.1. Incident Reporting

This report demonstrates the total number of incidents reported across the organisation for the period of December 2022 was fifteen (15) and January was ten (10) this is indicating the trend is slightly decreasing, but this could be due to Christmas/New Year period and minimal staff at worksites.

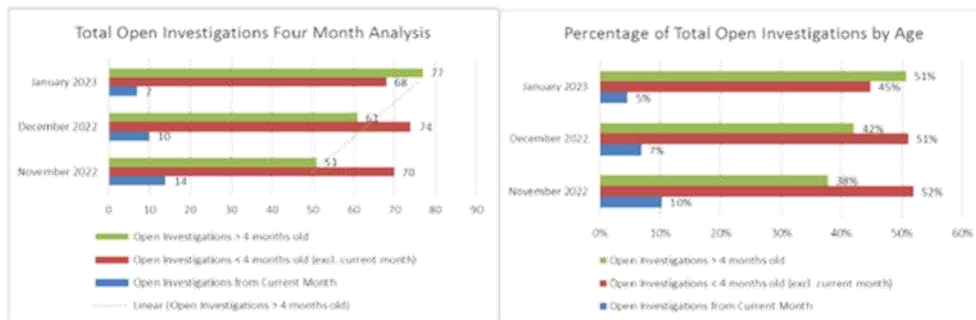


4.2 Effective Investigation Management

Open investigations indicate that an investigation is not complete and or that corrective actions have not been identified or implemented to a level that is acceptable by the organisation. The closure rate is based on a four-month analysis.

The total amount of open investigations that are outstanding within four months has decreased from 51% at the end of December 2022 to 45% at the end of January 2023.

The total amount of open investigations that are outstanding greater than four months has increased from 42% at the end of December 2022 to 51% at the end of January 2023.



4.3 Open and Overdue Investigations

There is a total of one hundred and fifty-two (152) open investigations for the organisation at the end of January 2023, this is an increase from one hundred and thirty-seven (137) at the end of November 2022.

5. Inspections and Audits

Workplace inspections have continued to occur in line with the scheduled inspection cycle.

Current overdue inspections:

There are currently three (3) overdue site inspections. The HR and WHS team are working with Health and Safety Reps and People Leaders to get these completed.

6. Corrective Actions Register

Open corrective actions indicate that an agreed action to rectify an incident or investigation has not been completed to a level that is acceptable by the organisation. The closure rate is based on a four-month analysis.

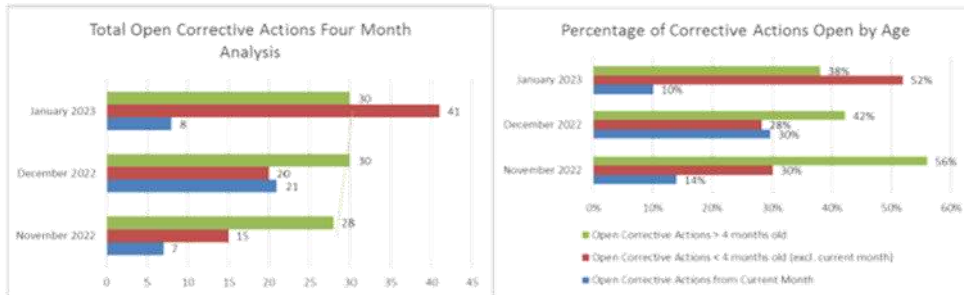
There was a total of twenty-one (21) corrective actions issued in December 2022 and a total of eight (8) as at the end of January 2023 an overall total of seventy-nine (79) outstanding actions.

The total amount of open corrective actions that are closed within four months has increased from 28% in December



2022 to 51% in January 2023.

The total amount of open corrective actions that are outstanding greater than four months has decreased from 42% in December 2022 to 38% in January 2023.



7. Injury Management

7.1 Lost Time Injury Frequency Rate (LTIFR) –

A lost-time injury is something that results in a fatality, permanent disability or time lost from work. It could be as little as one day or shift.

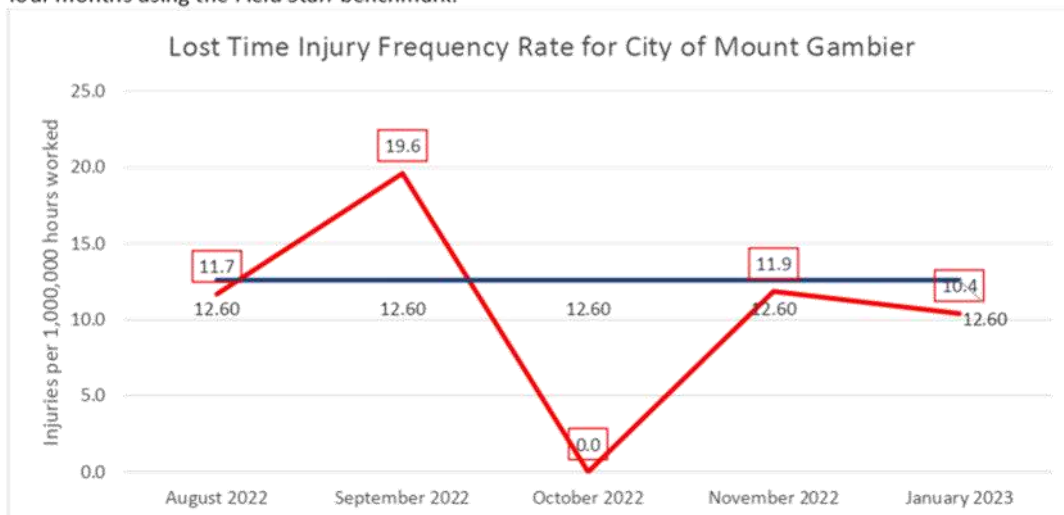
- LTIFR refer to the number of lost-time injuries within a given accounting period, relative to the total number of hours worked in that period.
- LTIFR is a proxy measurement for safety performance.

LTIFR calculations measure the number of lost-time injuries per million hours worked during an accounting period. It is a figure that can be benchmarked with others in the industry.

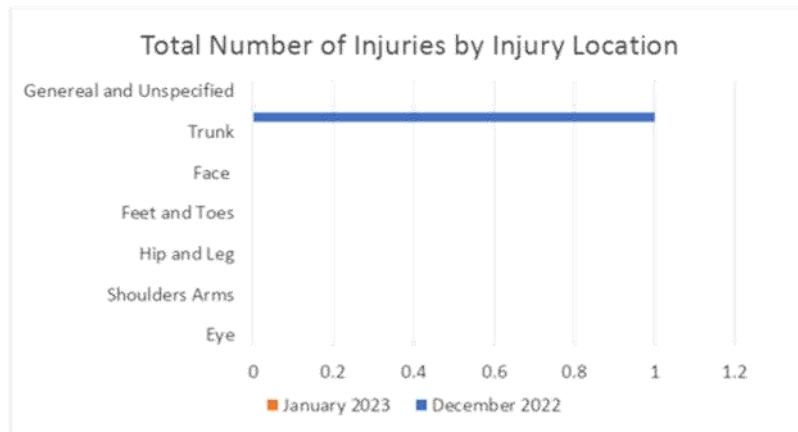
The organisation is currently unable to report on LTIFR.

The Lost Time Injury Frequency Rate (LTIFR) industry benchmark determined by Safework SA for Local Government Administration is 12.0 and for Local Government Field Staff is 12.6.

The below graph provides a comparison for the City of Mount Gambier against the industry benchmark for the last four months using the Field Staff benchmark.



7.2 Injuries by body location details – December 2022 to January 2023



8. IM WHS Action Plan

8.1 WHS IM Action Plan Progress Report– (Yearly action plan – AR22/75636

The Human Resources team have forwarded the plan endorsed by the Executive Leadership team and work health and safety committee to LGRS for peer review on 28/11/2022. The human resources team have commenced coordinating the required actions within the plan.

Peer review has been completed and the organisation is currently working through the actions.

9. Wellbeing Initiatives

9.1 Ageing and Work Health Program – AR20/45900

The Ageing Work Health program will continue to be highlighted within the Weekly Wellbeing Newsletter

The program provides guidance tools to help support the Ageing and Work Health Program for the City of Mount Gambier.

AR22/53241 - Administrative Procedure - Age-Friendly Workplace Guidance Tool, needs to be reviewed and endorsed by the ELT.

This guidance tool has been developed to assist the City of Mount Gambier to effectively manage the recruitment, retention and health and wellbeing of our workforce. This guidance tool addresses the following:

- Employment of employees from outside the organisation;
- Retaining the services of older employees; and
- Council and employees working together to maintain the health, safety, wellbeing, and sustainability of all employees, with a particular focus on older employees.

9.2 Wellbeing Program

The Wellbeing program will continue into the 2023 year, a launch is schedule for February 2023 which will include the new year calendar of events.

The Wellbeing site champions will take more responsibility over the program in this coming year.

10. Continuous Improvement/ Projects

10.1. Principle and Procedure development and review schedule

The procedures listed below were reviewed by relevant People Leaders in further detail after the November WHS Committee meeting and recommendation provided outlined that these procedures should be provided to the relevant workgroups for consultation.

Principle/ Procedure Name	Document number	Responsibility	Review Date	Status
Emergency Management Principle	AR17/33071	WHSC	Apr-21	Reviewed at committee meeting held 22/03/2022 members to provide further reviews to the HR inbox by Friday 1st April 2022. Reviewed by EPC Committee September 2022. Requires draft changes by HR and distribution to ELT for review and endorsement.
Emergency Management procedure	AR17/33128	WHSC	May-21	Reviewed at committee meeting held 22/03/2022 members to provide further reviews to the HR inbox by Friday 1st April 2022. Reviewed by EPC Committee September 2022. Requires draft changes by HR and distribution to ELT for review and endorsement.
Contractor Management Procedure	AR17/33125	WHSC	Feb 2021	Review completed and endorsed by ELT and WHS Committee. Further review is required for this procedure, which was identified in the Contractor Management Training that as conducted the week of the 6 February 2023.
Hot work Procedure	AR17/33079	WHSC	Jan 2022	WHS committee required to provide feedback by 14/10/2022. Further review required by keys stakeholders and subject matter experts
Ageing and Work Health Program - Age Friendly Workplace Guidance Tool	AR22/53241	WHSC	New guidance tool	WHS committee required to provide feedback by 14/10/2022. HR will them make recommended changes and forward to ELT for review and endorsement.



Prevention of falls procedure	AR15/28158	WHSC	Jan 2023	Currently under review by the WHS Committee
-------------------------------	------------	------	----------	---



16.4 RISK MANAGEMENT REPORT MARCH 2023 – REPORT NO. AR23/19281

Committee:	Audit and Risk Committee
Meeting Date:	27 March 2023
Report No.:	AR23/19281
CM9 Reference:	AF11/863
Author:	Leanne Little, Acting Manager Organisational Development
Authoriser:	Ritu Datta, Acting General Manager Corporate and Regulatory Services
Summary:	This report provides a summary of work undertaken towards Strategic Risk Management within the City of Mount Gambier
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 Audit and Risk Committee Report No. AR23/19281 titled 'Risk Management Report March 2023' as presented on 27 March 2023 be noted.



TYPE OF REPORT

Other

BACKGROUND

Nil

Summary

The purpose of this report is to provide the Risk and Audit Committee a summary of Risk Mitigation actions that directly support or address the Strategic Risks of the organisation as identified by the current Executive Leadership Team

1. Top Strategic Risks identified for City of Mount Gambier

The below table represents the current Strategic Risks and current risk rating with current controls assessed by the City of Mount Gambier Executive Leadership Team in October 2022.

1	Cyber Security	Extreme
2	Financial Stability	High
3	People Workforce and Compliance	High
4	Climate and Future Vulnerability	High
5	People Culture and Workforce Planning	High
6	Safety Compliance and WHS Management	High
7	Environment Compliance	High
8	Major Infrastructure	High
9	Governance, Compliance and Legislative Obligations - Council operate in accordance with relevant legislation, policies, governance, and business practice and ensure professional and ethical standards.	High
10	Political Risk and Stability	Medium
11	Economic Development	Medium
12	Contract Management, Procurement and Project Management	Medium
13	Relationship, Connection and Engagement with Community	Low

1.1 Cyber Security

Cyber Security has emerged as the biggest risk to the organisation which is consistent with many Councils and the sector in general.

Critical Controls in place besides the IT Infrastructure itself include but are not limited to maintaining partnerships with our business systems host provider, monitoring the Cyber environment by maintaining membership with Local Government IT South Australia (LGITSA), utilising LGRS Risk Management programs for education and training, the development of an iServices Strategy which incorporates the IT Infrastructure Project.

Work Undertaken or In progress

- Primarily relating to Policy and planning work around cybersecurity.

1.2 Financial Stability

The Financial Stability of the organisation remains a high risk due to the current financial climate and the organisational position required to operate within a deficit budget. The Manager of Financial Services provides a more thorough and detailed summary of Financial Stability by way of separate reporting and workshops with Audit and Risk Committee.

Work Undertaken or In progress

- Ongoing development of Financial Strategies and Policies
- Ongoing Monitoring of the financial environment
- Improved processes within the organisation that support budgetary review before business decision making occurs

1.3 People Workforce and Compliance

The organisation was able to successfully obtain Child Safe accreditation with the Department of Human Services for its prescribed sites.

This accreditation was achieved through the development of a risk register which suitably identified the risks associated with a Child Safe organisation and the development of policies, procedures and principles that meet the Department of Human Service Standards.

Work Undertaken or In progress

- Ongoing monitoring of screening compliance at prescribed sites
- Increasing compliance and screening across the entire organisation to allow staff to work freely across sites and locations without compromising compliance requirements.
- Improved staff reporting compliance processes by utilising organisation business systems effectively.

1.4 Climate and Future Vulnerability

The organisation aims to increase its planning towards future vulnerability and emergency management planning by partnering with the Local Government Functional Support Group to increase the capacity to support not only our organisation but also others within the South East through iResponda.

In addition to this the organisation is undertaking a review of all Emergency Management Documentation which will include the recently completed Wulanda Recreation Center as being the Command Operation Centre in the event of a major emergency.

The annual insurance renewal process has commenced and is being led by the Finance Department, during this process the organisation reviews all current insurance and liability values to minimise exposure.

Work undertaken or in progress

- Complete Insurance Renewal Process
- Review of Emergency Management Documents

1.5 People Culture and Workforce Planning

The organisation is currently undertaking the Enterprise Agreement Bargaining Process with its employees with the hope of providing a balanced package for the employees that



represents the organisation as an employer of choice as well as meeting the organisational objectives within the current financial climate.

Work undertaken or in progress

- Ongoing monitoring of Enterprise Agreement Bargaining Process.

1.6 Safety Compliance and WHS Management

The organisation continues to monitor the ongoing Safety culture amongst the organisation through hazard and incident reporting, industry data general feedback. It is through this data that trends are identified and the organisation has committed to the implementation of a safety field partner for a short-term fixed period to raise the understanding of safety compliance and investigation processes amongst the field staff.

The HR department continues to partner and engage with LGWCS for the implementation of the LG Safe roll out and implementation of ELMO programs which support online accessibility of the organisations current WHS Business Management System Skytrust.

Work undertaken or In progress

- Continue participation within LGSafe
- Complete recruitment of Safety and Filed Partner

1.7 Environmental Compliance

Recent communication through LGRS has identified an area of liability exposure for all Local Councils when engaging with third parties about possible land contamination sites. To minimise this exposure all Councils are required to direct any enquiries regarding these sites to the scheme within the first instance.

Work undertaken or in progress

- Development of a compliance / licensing register
- Development or identification of Contaminated Land Register and submit to LGRS

1.8 Major Infrastructure

An external asset valuation review was undertaken in late 2022 to assess the organisational major assets and ensure adequate insurance is provided. This resulted in a significant increase in values which was mainly attributed to the change in the overall property valuation market.

The Wulanda Convention and Recreation Centre was independently assessed for valuation prior to practical completion to ensure the organisation had no period of exposure between contract value and actual value.

Actions:

- Development of Asset Renewal Plan that incorporates budgetary processes

1.9 Governance Compliance and Legislation



Work undertaken or in progress:

- Further information to be obtained from Manager of Governance

1.10 Political Risk and Stability

A review of all governance policies and procedures was completed prior to the November Local Government election period undertaken by the Governance Team.

Work undertaken or in progress:

- Ongoing monitoring of the elected body relationship with the organisation.

1.11 Economic Development**Work undertaken or in progress**

- Further information to be obtained from Manager Economic Strategy and Development on the review of the Economic Growth Strategy.

1.12 Contractor Management, Procurement and Project Management

The 2021 Risk Evaluation audit identified the organisations strong position in relation to effective contractor management and procurement practices.

2022 saw the Procurement Officer role become vacant after a long period of occupancy, and whilst this role is being backfilled by an external subcontractor the organisation must recruit a suitably qualified individual to ensure the continued effectiveness of procurement practices and ensure this does not present an increased risk.

Work undertaken or in progress:

- Ongoing Recruitment of a suitably qualified Procurement Business Partner to support current and reviewed business practices
- Ongoing development of employees in project management methodologies and procurement processes

1.13 Relationship Connection and Engagement with Community**Work undertaken or in progress**

- Further information to be obtained from Manager Economic Strategy and Development on the review of the Economic Growth Strategy.

Summary

The City of Mount Gambier continues to develop and build on structured Risk Management practices within the organisation which will result in raising the risk profile and maturity of the organisation.

The utilisation key industry data through partners such as Local Government Risk Services and JLT Public Sector will assist with a targeted approach to the review and assessment of the organisational framework in identified areas and minimise the potential risk exposure.



PROPOSAL

The City of Mount Gambier provide the Audit and Risk Committee with regular reporting on the organisational Risk Management Action Plan as part of the Risk Management Framework.

LEGAL IMPLICATIONS

Section 125 of the Local Government Act 1999 ('LG Act') requires Council to ensure that appropriate policies practices and procedures of internal control are implemented and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives.

Section 132A of the LG Act requires Council to ensure that appropriate policies, practices, and procedures are implemented and maintained to ensure compliance with statutory requirements and achieve and maintain standards of good public administration.

Section 134(4) (b) of the LG Act requires Council to adopt risk management policies

STRATEGIC PLAN

nil

COUNCIL POLICY

The Risk Management Framework will support Council Policy - Risk Management.

ECONOMIC IMPLICATIONS

nil

ENVIRONMENTAL IMPLICATIONS

nil

SOCIAL IMPLICATIONS

nil

CULTURAL IMPLICATIONS

nil

RESOURCE IMPLICATIONS

nil

VALUE FOR MONEY

nil

RISK IMPLICATIONS

The organisation will continue to work on adopting and regularly monitoring its risks through effective policies, procedures, and frameworks.

EQUALITIES AND DIVERSITY IMPLICATIONS

nil

ENGAGEMENT AND COMMUNICATION STRATEGY

Nil

IMPLEMENTATION STRATEGY

The 2022 Risk Management Action Plan has been completed with the 2023 planning process underway.

This process will be completed conjunction with the LGRS to ensure the City of Mount Gambier adequately addresses the opportunities for improvement.



CONCLUSION AND RECOMMENDATION

The City of Mount Gambier must provide the Audit and Risk Committee with regular reporting on organisation's Risk Management Action Plan as part of the Risk Management Framework.

ATTACHMENTS

Nil

