

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

Date: Tuesday, 19 July 2022
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 19 July 2022



Sarah Philpott
Chief Executive Officer
15 July 2022

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1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

That the apology from Cr Paul Jenner be received.

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 21 June 2022](#)

[Special Council Meeting - 28 June 2022](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 21 June 2022 and the Special Council meeting held on 28 June 2022 be confirmed as an accurate record of the proceedings of the meeting.



5 MAYORAL REPORT

5.1 MAYORAL REPORT - JULY 2022 – REPORT NO. AR21/70999

- Mayor's NAIDOC Week Reception and Community Morning Tea
- Meeting with Phil Morton, Morton Phillips
- With CEO Meeting with Liz Wheeler and Laurie Mann – LC Veterans Services Hub – Wellness Centre
- Elected Member Walkthrough – Riddoch Arts and Cultural Centre
- Elected Members Briefing – Signage Implementation
- LG Equip Update – Behavioural Management Framework (Mayors/Principal Members)
- Meeting with Executive from Soroptimist International Mount Gambier
- CEO Performance Review Committee Meeting and Workshop
- RDALC/LCLGA Regional Growth Plan Workshop and Dinner
- Judging at Grant High School Immersion Week
- Rotary Club of Mount Gambier Lakes Changeover Luncheon
- With GM City and Community Growth, meeting with representatives from Thumb Print Inc
- Elected Members Briefing – Western Border Football League Update
- Fortnightly LCLGA Mayors Virtual Meeting
- Presentation of Sir Robert Helpmann Perpetual Trophy Award – Mount Gambier Dance Eisteddfod



6 REPORTS FROM COUNCILLORS

7 QUESTIONS WITH NOTICE

Nil

8 QUESTIONS WITHOUT NOTICE

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 17/06/2022 TO 15/07/2022 – REPORT NO. AR21/71019

Meeting: Council
CM9 Reference: AF21/496
Author: Melissa Telford, Councillor Support Officer
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/71019 titled 'Elected Member Information/Briefing Sessions from 17/06/2022 to 15/07/2022' as presented on 19 July 2022 be noted.

ATTACHMENTS

1. Elected Member Information/Briefing Session - Record of Proceedings - 05/07/2022 - Signage Implementation Plan [↓](#)
2. Elected Member Information/Briefing Session - Record of Proceedings - 06/07/2022 - Chief Executive Officer KPI's [↓](#)
3. Elected Member Information/Briefing Session - Record of Proceedings - 12/07/2022 - Western Border Football and Netball League Update [↓](#)
4. Elected Member Information/Briefing Session - Record of Proceedings - 12/07/2022 - Wulanda - Update [↓](#)



**INFORMATION / BRIEFING SESSION
SIGNAGE IMPLEMENTATION PLAN
TUESDAY 5 JULY**

RECORD OF PROCEEDINGS
5.45 P.M., TUESDAY 5 JULY 2022
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.

GUESTS:-

Nil

MEMBERS PRESENT:-

Cr Max Bruins
Cr Sonya Mezinac
Cr Paul Jenner
Mayor Lynette Martin

STAFF PRESENT:-

General Manager City and Community Growth
General Manager Corporate and Regulatory Services
General Manager City Infrastructure
Strategic Development and Engagement Coordinator
Strategic Development and Engagement Coordinator
Manager Economy Strategy and Engagement

MEMBERS APOLOGIES:-

Cr Frank Morello
Cr Christian Greco
Cr Ben Hood
Cr Kate Amoroso

STAFF APOLOGIES:-

Chief Executive Officer

LEAVE OF ABSENCE:-

Nil

DISCUSSION:-

Signage Project Implementation Update

Discussion closed at 6.50 p.m.



**INFORMATION / BRIEFING SESSION
CHIEF EXECUTIVE OFFICER KPI's
WEDNESDAY 6 JULY 2022**

RECORD OF PROCEEDINGS
1.30 P.M., WEDNESDAY 6 JULY 2022
Council Chamber, Civic Centre
10 Watson Terrace, Mount Gambier

The session described above will not be held at a place 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:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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.

GUESTS:-

Rebecca Hunt, McArthur

MEMBERS PRESENT:-

Mayor Martin
Cr Frank Morello
Cr Paul Jenner
Cr Sonya Meziniec

STAFF PRESENT:-

Chief Executive Officer
General Manager Corporate and Regulatory Services
Executive Administrator

MEMBERS APOLOGIES:-

Cr Christian Greco

LEAVE OF ABSENCE:-

DISCUSSION:

Discussion on the Chief Executive Officer's KPI's.

Discussion closed at 2:39 p.m.



**INFORMATION / BRIEFING SESSION
WESTERN BORDER FOOTBALL AND NETBALL LEAGUE UPDATE
TUESDAY 12 JULY 2022**

RECORD OF PROCEEDINGS
5.30 P.M., TUESDAY 12 JULY 2022
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.

GUESTS:-

Michael Summers, President, Western Border Football League

MEMBERS PRESENT:-

Mayor Martin
Cr Morello
Cr Mezinac
Cr Bruins
Cr Hood

STAFF PRESENT:-

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

MEMBERS APOLOGIES:-

Cr Amoroso
Cr Jenner
Cr Greco

LEAVE OF ABSENCE:-

DISCUSSION:

Future direction for Western Border Football League update and discussion.

Discussion closed at 5.55 p.m.



**INFORMATION / BRIEFING SESSION
WULANDA - UPDATE
6:00 PM TUESDAY 12 JULY 2022**

RECORD OF PROCEEDINGS
6:00 pm, Tuesday 12 July 2022
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 above will not be held at a place 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:
 - 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

GUESTS:-

Nil

MEMBERS PRESENT:-

Mayor Martin
Cr Morello
Cr Mezinac
Cr Bruins
Cr Hood

STAFF PRESENT:-

Chief Executive Officer
General Manager City and Community Growth
General Manager City Infrastructure

MEMBERS APOLOGIES:-

LEAVE OF ABSENCE:-

DISCUSSION:

Impromptu discussion regarding update on the Wulanda Recreation and Convention Centre project. A subsequent briefing has also been scheduled.

Discussion closed at 6:51 p.m.



13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil



14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 21/06/2022 – REPORT NO. AR21/71037

Meeting: Council
CM9 Reference: AF21/496
Author: Ashlee Pasquazzi, Executive Administrator Corporate and Regulatory Services
Authoriser:

REPORT RECOMMENDATION

1. That Council Report No. AR21/71037 titled 'Council Action Items - 21/06/2022' as presented on 19 July 2022 be noted.

ATTACHMENTS

1. Council Action Items - 21 June 2022 [↓](#)



Division:	21/06/2022
Meeting: Council	Date To: 21/06/2022
Officer:	
Action Sheets Report	Printed: 14 July 2022 9:10 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Wilson, Sally Cernovskis, Barbara	Elected Members Workshops	Elected Member Information/Briefing Sessions from 11/05/2022 to 15/06/2022
RESOLUTION 2022/59			
Moved: Cr Ben Hood			
Seconded: Cr Sonya Meziniec			
1. That Council Report No. AR21/71018 titled 'Elected Member Information/Briefing Sessions from 11/05/2022 to 15/06/2022' as presented on 21 June 2022 be noted.			
CARRIED			
06 Jul 2022 12:13pm Wilson, Sally - Completion			
Action completed by Wilson, Sally			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Wilson, Sally Cernovskis, Barbara	Council Action Items	Council Action Items - 17/05/2022
RESOLUTION 2022/60			
Moved: Cr Frank Morello			
Seconded: Cr Paul Jenner			
1. That Council Report No. AR21/71036 titled 'Council Action Items - 17/05/2022' as presented on 21 June 2022 be noted.			
CARRIED			
06 Jul 2022 12:13pm Wilson, Sally - Completion			
Action completed by Wilson, Sally			



Division:		Date From:	21/06/2022
Meeting:	Council	Date To:	21/06/2022
Officer:			
Action Sheets Report		Printed: 14 July 2022 9:10 AM	

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Pasquazzi, Ashlee Barber, Darren	Council Assessment Panel Minutes	Minutes of the Council Assessment Panel held on 19 May 2022
RESOLUTION 2022/61			
Moved: Cr Paul Jenner Seconded: Cr Ben Hood			
That the Minutes of the Council Assessment Panel meeting held on 19 May 2022 as previously circulated be noted.			
CARRIED			
06 Jul 2022 10:03am Pasquazzi, Ashlee - Completion			
Action completed by Pasquazzi, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Pasquazzi, Ashlee Barber, Darren	Council Assessment Panel Minutes	Minutes of the Council Assessment Panel held on 15 June 2022
RESOLUTION 2022/62			
Moved: Cr Paul Jenner Seconded: Cr Ben Hood			
That the Minutes of the Council Assessment Panel meeting held on 15 June 2022 as previously circulated be noted.			
CARRIED			
06 Jul 2022 10:03am Pasquazzi, Ashlee - Completion			
Action completed by Pasquazzi, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Pasquazzi, Ashlee Barber, Darren	Audit and Risk Committee Minutes and Recommendatio	Minutes of the Special Audit and Risk Committee held on 6 June 2022
RESOLUTION 2022/63			
Moved: Cr Sonya Meziniec Seconded: Cr Frank Morello			
That the Minutes of the Special Audit and Risk Committee meeting held on 6 June 2022 as attached be noted.			



Division:	Date From: 21/06/2022
Meeting: Council	Date To: 21/06/2022
Officer:	Printed: 14 July 2022 9:10 AM

Action Sheets Report

CARRIED

06 Jul 2022 10:03am Pasquazzi, Ashlee - Completion
 Action completed by Pasquazzi, Ashlee

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Scoggins, Julie Barber, Darren	Reports	2022/2023 Draft Annual Business Plan and Budget
RESOLUTION 2022/64			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Audit and Risk Committee Report No. AR22/35077 titled '2022/2023 Draft Annual Business Plan and Budget' as presented on 06 June 2022 be noted. 2. That the Audit and Risk Committee feedback on Council's Draft 2022/2023 Draft Annual Business Plan and Budget and/or the associated processes and risks, as follows: <ul style="list-style-type: none"> • Note commending the format and structure of the Annual Business Plan and budget • Noting the impact of CPI which will require monitoring throughout the financial year and will be monitored over the next Financial Year in preparation of the next Annual Business plan budget and Long Term Financial Plan • Note there will be value throughout the course of the next Financial Year to undertake a review of rating sustainability including benchmarking • The deficit position and the net financial liabilities ratio are above target but taken account of in the Long Term Financial Plan be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on the 28 June 2022 for consideration of the adoption of the Draft 2022/2023 Annual Business Plan and Budget. 			
CARRIED			
11 Jul 2022 4:03pm Scoggins, Julie - Completion			
Action completed by Pasquazzi, Ashlee			



Division:		Date From: 21/06/2022	
Meeting: Council		Date To: 21/06/2022	
Officer:		Printed: 14 July 2022 9:10 AM	
Action Sheets Report			
Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Scoggins, Julie Barber, Darren	Reports	Draft Long Term Financial Plan 2023-2032
RESOLUTION 2022/65			
Moved: Cr Sonya Meziniec			
Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Audit and Risk Committee Report No. AR22/35078 titled 'Draft Long Term Financial Plan 2023-2032' as presented on 06 June 2022 be noted. 2. That the Audit and Risk Committee feedback on Council's Draft Long Term Financial Plan 2023-2032 and/or the associated processes and risks, as follows: <ul style="list-style-type: none"> • Notes that targets set for 2027 are met but close monitoring of all indicators will be required given the constrained financial capacity over the Long Term Financial Plan • To include interest rate increases in the risk section of the Long Term Financial Plan • Additional scenario/sensitivity analysis in CPI and interest rates are recommended throughout the financial year to test financial resilience • Provide clarity about CPI, LGPI or alternative forecasts as a basis of assumptions for future long term financial plans • Add brief commentary to explain the relationship between the Long Term Financial Plan and the asset management plan in terms of renewals and upgrades/new assets <p>be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 28 June 2022 for consideration of the adoption of the Draft Long Term Financial Plan 2023-2032.</p>			
CARRIED			
11 Jul 2022 4:06pm Scoggins, Julie - Completion			
Action completed by Pasquazzi, Ashlee			



Division:	21/06/2022
Meeting: Council	Date From:
Officer:	Date To: 21/06/2022
Action Sheets Report	Printed: 14 July 2022 9:10 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Cernovskis, Barbara Philpott, Sarah	Reports	Draft Asset Management Plans (AMPs) 2023-2032
RESOLUTION 2022/66			
Moved: Cr Sonya Meziniec			
Seconded: Cr Ben Hood			
<ol style="list-style-type: none"> That Audit and Risk Committee Report No. AR22/36371 titled 'Draft Asset Management Plans (AMPs) 2023-2032' as presented on 06 June 2022 be noted. That the Audit and Risk Committee feedback on Council's Draft Asset Management Plans (AMPs) 2023-2032 and/or the associated processes and risks, as follows: <ul style="list-style-type: none"> To note the work to date Note that the Building Asset Management Plan will require additional information and condition assessments To monitor the depreciation relative to the forecast asset management expenditure be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 28 June 2022 for consideration of the adoption of the Draft Asset Management Plans (AMPs) 2023-2032. 			
CARRIED			
11 Jul 2022 4:06pm Cernovskis, Barbara - Completion			
Action completed by Pasquazzi, Ashlee			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Coote, Tim Philpott, Sarah	Council Reports	Riddoch Art Gallery Crate Loader
RESOLUTION 2022/67			
Moved: Cr Sonya Meziniec			
Seconded: Cr Ben Hood			
<ol style="list-style-type: none"> That Council Report No. AR22/36380 titled 'Riddoch Art Gallery Crate Loader' as presented on 21 June 2022 be noted. That funds be allocated to gallery upgrades including but not limited to gallery wall restoration, movable wall redesign and showcase acquisitions. 			
CARRIED			



Division: Meeting: Council Officer:	Date From: 21/06/2022 Date To: 21/06/2022
Action Sheets Report	Printed: 14 July 2022 9:10 AM

28 Jun 2022 4:46pm Coote, Tim - Completion
Action completed by Chant, Tahlee
28 Jun 2022 4:46pm Chant, Tahlee
Funds have been allocated to gallery upgrades.

Meeting	Officer/Authoriser	Section	Subject		
Council 21/06/2022	Wilson, Sally Cernovskis, Barbara	Council Reports	Local Roads and Community Infrastructure Program Phase 3 - Project Nominations		
RESOLUTION 2022/68					
Moved: Cr Paul Jenner Seconded: Cr Frank Morello					
1. That Council Report No. AR22/38090 titled 'Local Roads and Community Infrastructure Program Phase 3 - Project Nominations' as presented on 21 June 2022 be noted.					
2. That Council endorse the below project nominations for Phase 3 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:					
Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
New Valley Lakes Public Amenities Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area. The scope of this project also includes demolition of two existing old non-compliant toilet blocks.	This will improve safety for children as they currently must cross internal access roads and public car parking areas to access amenities. The new toilets will be designed to increase accessibility for people with disabilities or impairment.	Aug 22	Jun 23	\$490,000	\$490,000
Frew Park Public Amenities Design and construction of new public amenities facility. The scope of this project also includes demolition of the existing toilet block and improvements to the existing RV dump station.	The new toilets will meet compliance standards and be designed to provide accessibility for people with disabilities or impairment. The existing RV dump station has been vandalised on many occasions. The new improvements will reduce	Jul 22	Jun 23	\$350,000	\$350,000



Division:		Date From: 21/06/2022			
Meeting: Council		Date To: 21/06/2022			
Officer:		Printed: 14 July 2022 9:10 AM			
Action Sheets Report					
	vandalism and maintenance costs.				
Shade Sail Structure for 50 metre Outdoor Pool	The previous shade structure in the outdoor aquatic area were removed from site and have been assessed as unsuitable to be refurbished to an accredited standard.	Jul 22	Dec 22	\$133,990	\$133,990
This project is for the design, manufacture and installation of a shade sail structure for the outdoor 50 metre pool at Wulanda.					
The scope of this project also includes electrical access point.					
				TOTAL	\$973,990
CARRIED					
06 Jul 2022 12:15pm Wilson, Sally - Completion					
Action completed by Wilson, Sally					

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Cernovskis, Barbara Philpott, Sarah	Council Reports	Proposed Items of Business 2022 LGA Annual General Meeting
RESOLUTION 2022/69			
Moved: Cr Ben Hood			
Seconded: Cr Paul Jenner			
1. That Council Report No. AR22/40057 titled 'Proposed Items of Business 2022 LGA Annual General Meeting' as presented on 21 June 2022 be noted.			
2. That the following recommendations:			
(a) the Regionalisation Motion;			
(b) the EPA Solid Waste Levy Motion;			
as attached to Report No. AR22/40057 be endorsed for submission as agenda items to the 2022 LGA Annual General Meeting (AGM).			
CARRIED			



Division:	Date From: 21/06/2022
Meeting: Council	Date To: 21/06/2022
Officer:	
Action Sheets Report	Printed: 14 July 2022 9:10 AM

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	McCarthy, Michael Barber, Darren	Council Reports	Cessation of COVID19 Health Emergency (Ministers) Notices
RESOLUTION 2022/70			
Moved: Cr Ben Hood Seconded: Cr Sonya Meziniec			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/36492 titled 'Cessation of COVID19 Health Emergency (Ministers) Notices' as presented on 21 June 2022 be noted. 2. That a revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures be presented for endorsement to the July 2022 Council meeting. 3. Elected Members are permitted to attending Information / Briefing Sessions by virtual means until the revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures has been endorsed. 			
			CARRIED
13 Jul 2022 10:02am McCarthy, Michael - Completion			
Action completed by McCarthy, Michael			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Coote, Tim Philpott, Sarah	Motions with Notice	Notice of Motion - Additional Funding Announced by Premier
RESOLUTION 2022/71			
Moved: Cr Ben Hood Seconded: Cr Paul Jenner			
<ol style="list-style-type: none"> 1. That Council Report No. AR22/40891 titled 'Notice of Motion - Additional Funding Announced by Premier' as presented on 21 June 2022 be noted. 2. That Council write to the Premier Peter Malinauskas and Minister for Tourism Zoe Bettison stating: <ol style="list-style-type: none"> (a) That Council welcomes the additional \$45m funding announced by the Premier on May 25th, 2022 for South Australian Tourism marketing, and; (b) That Council requests that the Government ensures that any campaign equitably features a diverse range of vision and/or imagery of attractions and experiences from all regions within South Australia, including the Mount Gambier region, and; (c) That copies be of the letter be sent to Member for Mount Gambier Troy Bell and Minister for Regional Development the Hon. Clare Scriven MLC. 			
			CARRIED



Division:		Date From: 21/06/2022	
Meeting: Council		Date To: 21/06/2022	
Officer:		Printed: 14 July 2022 9:10 AM	
Action Sheets Report			
Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Wilson, Sally Cernovskis, Barbara	Motion	Motion
RESOLUTION 2022/55			
Moved: Cr Ben Hood			
Seconded: Cr Frank Morello			
<ol style="list-style-type: none"> 1. That Council Report AR22/33907 titled 'Acting Presiding Member' as presented on 21 June 2022 be noted. 2. That nominations be sought from Members present at the meeting to assume the role of acting Presiding Member for this meeting. 3. That, where only a single nomination is received, that Member shall assume the Chair as acting Presiding Member for the remainder of the meeting. 4. That, where more than one nomination is received, the acting Chief Executive Officer shall forthwith conduct a secret ballot for Council to choose the Member to assume the role of acting Presiding Member. The following provisions of the Local Government Act 1999 and Council Policy C410 shall apply to the secret ballot: <ul style="list-style-type: none"> • The acting Chief Executive Officer shall be the returning officer for the secret ballot and will declare the result and draw lots (if/as necessary). • Any Member present at the meeting may be nominated. • A Member not in their seat at the meeting does not vote. • The nominee with the highest number of votes (or where two or more nominees receive the equal highest number of votes, the last name drawn in a lot) shall assume the Chair as acting Presiding Member. • A division cannot be called on a secret ballot. • A motion is not required to endorse, and shall be of no effect, on the declared result of the secret ballot. 			
CARRIED			
06 Jul 2022 12:15pm Wilson, Sally - Completion			
Action completed by Wilson, Sally			



Division:		Date From:	21/06/2022
Meeting:	Council	Date To:	21/06/2022
Officer:		Printed:	14 July 2022 9:10 AM

Action Sheets Report

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Wilson, Sally Cernovskis, Barbara	Mayoral Report	Mayoral Report - June 2022
RESOLUTION 2022/58			
Moved: Cr Sonya Meziniec			
Seconded: Cr Frank Morello			
That the Mayoral report made on 21 June 2022 be received.			
CARRIED			
06 Jul 2022 12:16pm Wilson, Sally - Completion			
Action completed by Wilson, Sally			

Meeting	Officer/Authoriser	Section	Subject
Council 21/06/2022	Coote, Tim Philpott, Sarah	Motion	Motion
RESOLUTION 2022/72			
Moved: Cr Ben Hood			
Seconded: Cr Frank Morello			
1. That Council expresses its concern regarding the lack of radiation treatment services in Mount Gambier.			
2. That noting recent media coverage, Council write to Grant King, CEO LCLHN requesting clarification as to why the LCLHN refused to support the proposal by the former Federal Government to establish a radiation treatment centre located in Mount Gambier to service patients within the Limestone Coast, and why there are no plans to review the current service model that requires residents to travel more than two hours to Warrnambool for radiation treatment.			
3. That a copy of this letter be sent to Independent Member for Mount Gambier Troy Bell MP, Minister for Regional Development the Hon. Clare Scriven, Minister for Health Hon. Chris Picton MP and Federal Member for Barker Tony Pasin MP.			
Carried			
28 Jun 2022 4:13pm Chant, Tahlee - Reallocation			
Action reassigned to Philpott, Sarah by Chant, Tahlee - Action for CEO.			
28 Jun 2022 4:37pm Chant, Tahlee - Reallocation			
Action reassigned to Coote, Tim by Chant, Tahlee - For Tim.			



15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

COMMITTEE IN RECESS

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

Nil

18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS

Nil



19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

19.1 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 6 JULY 2022 - [Go to Attachment](#)

RECOMMENDATION

That the Minutes of the Chief Executive Officer Performance Review Committee meeting held on 6 July 2022 as attached be noted.



20 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil



21 COUNCIL REPORTS

21.1 RIDDOCH ARTS AND CULTURAL TRUST (RACT) INCORPORATED - UPDATE - REPORT NO. AR22/43898

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/43898
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Tim Coote, General Manager City and Community Growth
Summary:	This report provides an update on the inaugural Board meeting of the Riddoch Arts and Cultural Trust and presents some associated matters for determination.
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. AR22/43898 titled 'Riddoch Arts and Cultural Trust (RACT) Incorporated - Update' as presented on 19 July 2022 be noted.
2. In accordance with the power in clause 22.2 of the Constitution of the Riddoch Arts and Cultural Trust Incorporated the Council, as sole and founding member, resolves (and such resolution shall constitute a Member resolution) that:
 - (a) the appointed Board Observer for the Riddoch Arts and Cultural Trust (in addition to the positions of Gallery Director and Council Representative named in the Constitution) be:
 - Timothy Coote
 - (b) the Council Representative for the Riddoch Arts and Cultural Trust be the Chief Executive Officer for the purpose of Special and Ordinary General Meetings of the Riddoch Arts and Cultural Trust Incorporated, and otherwise may be the Chief Executive Officer or their nominated representative as notified in writing to the Riddoch Arts and Cultural Trust Board from time to time.
 - (c) Council's Manager Governance and Property, Mr Michael McCarthy is endorsed as Public Officer of the Riddoch Arts and Cultural Trust Incorporated.
 - (d) application be made for an Australian Business Number upon confirmation that each RACT Board Member has obtained a Director Identification Number.
 - (e) Audit services be identified and appointed for the Riddoch Arts and Cultural Trust and notified to the Riddoch Arts and Cultural Trust Board.
 - (f) The Riddoch Arts and Cultural Trust Board be authorised to approach Norman Waterhouse Lawyers to prepare and lodge on behalf of the Association an application to the Australian Charities and Not for Profit Commission/Australian Taxation Office

(ACNC/ATO) for Deductible Gift Recipient (DGR) status for the Riddoch Arts and Cultural Trust.

- (g) Council acknowledges the power in clause 7.2 of the Constitution that the Chief Executive Officer as Council Representative may exercise all powers the Council could exercise at a General Meeting or voting on a resolution, such as those exercised in resolutions (2)(a)-(#).

Such powers be only to the Chief Executive Officer as Council Representative and not extended to the Chief Executive Officers nominated representative as may be appointed from time to time for Board Observer purposes under resolution (2)(b).



TYPE OF REPORT

Other

BACKGROUND

The Riddoch Arts and Cultural Trust Incorporated is preceded by former bodies that were interested in the continued maintenance and development of the Riddoch Art Gallery and its associated collections, including the Riddoch Art Gallery Incorporated, Riddoch Foundation, South East Cultural Arts Trust and Friends of the Riddoch.

In July 2016, management of the Riddoch Arts and Cultural Centre was transferred to the City of Mount Gambier. In the following years, the Riddoch Arts and Cultural Trust was formed, with registration occurring in August 2021.

PROPOSAL

The inaugural Board meeting of the Riddoch Arts and Cultural Trust (RACT) was held at the Riddoch Arts and Cultural Centre (RACC) on Wednesday, 25 May 2022 at 2pm. Present were Trustee Board Members Rory McEwen, Cr Sonya Meziniec and Maz McCann, while also in attendance were Board Observers Georgina Davison (Manager Library and Community Services) and Timothy Coote (General Manager City and Community Growth), and COMG Council Representatives Michael McCarthy, Manager Governance and Property (Council Appointee), and Diana Warnes, Manager RACC (Gallery Director).

Maz McGann was appointed Chairperson; Cr Meziniec as Deputy Chairperson and Secretary; and Rory McEwen as Treasurer. The Treasurer's first role will be to setup and manage financial issues, such as developing a business plan and negotiating a service level agreement with Council.

Amongst the formalities of the meeting the RACT Board called upon the City of Mount Gambier as the sole founding Member of the RACT to address a number of housekeeping matters that are summarised as follows:

Board Observers

It was noted that the Board Observer provisions in the RACT Constitution had been misinterpreted as providing for 3x Council Board Observers in addition to the Gallery Director and Council Representative (i.e. the Chief Executive Officer). The three additional Board Observers previously appointed are Tim Coote, Georgina Davison and Michael McCarthy.

It was noted that a correct interpretation of the Constitution was that Council could appoint 3x Board Observers inclusive of the Gallery Director and Council Representative.

It is intended that the Gallery Director be present at RACT Board meetings, but that the Chief Executive Officer only be in attendance for Special and Ordinary General Meetings of the Association and otherwise as required.

Accordingly, it is proposed Council amend its Board Observer Appointments to include only one additional person (i.e. in addition to the Gallery Director and the Council Representative).

It is also proposed that the Council Representative appointment (the Chief Executive Officer) be extended to include a nominee, enabling the Chief Executive Officer to nominate a representative for board observation purposes, but limiting attendance and voting at Association meetings (AGM's/SGM's) and exercise of formalities to the Chief Executive Officer.

Alternatively, the Council Representative could be determined from time to time by Council resolution, however this would be inefficient from an administrative perspective, whereas the proposed arrangement would enable the Chief Executive Officer to appoint a representative with experience relevant to the meeting agenda items (e.g. Governance, Finance etc).

Public Officer



It was noted that it is the role of the Association Member (i.e. City of Mount Gambier) to appoint a Public Officer in accordance with Associations Incorporations Act 1985 requirements.

Upon initial establishment of the RACT Gallery Director Dr Melentie Pandilovski was notified to the Corporate Affairs Commission as interim Public Officer pending the inaugural meeting of the RACT Board and appointment of a replacement Public Officer.

With Dr Pandilovski having relocated and making him no longer eligible as a Public Officer of a South Australian incorporated association Council's Manager Governance and Property, Mr Michael McCarthy was notified to the State Corporate Affairs Commission as a replacement interim Public Officer.

It being necessary that the Public Officer be a natural person, and to ensure that the appointee has a position of continuing responsibility and trust to the Member (i.e. the City of Mount Gambier) it is proposed that Council's Manager Governance and Property, Mr Michael McCarthy, remain and be formally endorsed as Public Officer by the City of Mount Gambier as the sole founding Member of the RACT incorporated association.

An alternative Public Officer may be notified to the State Corporate Affairs Commission at any time, such as if the incumbent is no longer eligible or the Association Member determines.

Australian Business Number (ABN)

Similarly as for the Public Officer, it was noted that it is a matter for the RACT Association to make application for an Australian Business Number (ABN), and so the RACT Board has requested that the City of Mount Gambier as sole founding member make such application when the Board Members have confirmed that they have each obtained Director Identification Numbers as required for making application for an ABN and further dealings with Commonwealth bodies.

Engagement of Auditor

Accounting services are to be included as part of a service level agreement arrangement to be negotiated and entered into between the City of Mount Gambier and the Riddoch Arts and Cultural Trust.

As the sole and founding association member of the Riddoch Arts and Cultural Trust it is appropriate that the City of Mount Gambier appoint an auditor. Accordingly, it is proposed that Council include auditing services for the Riddoch Arts and Cultural Trust as an additional component of its audit contract, or otherwise engage separate audit services for this purpose.

In addition to the abovementioned matters the administration is also assisting the Riddoch Arts and Cultural Trust Board, consistent with earlier Council resolutions in regard to support, with organising banking and insurance arrangements with Local Government Risk Services, and will be commencing to prepare a service level agreement for the provision of administrative and financial/accounting.

Further, the Gallery Director (Manager Riddoch Arts and Cultural Centre) will work with the Riddoch Arts and Cultural Trust Board to develop aligned marketing and branding strategies and an annual business plan/budget for the 2023/2024 financial year.

LEGAL IMPLICATIONS

It is necessary that both the Riddoch Arts and Cultural Trust (as an incorporated association) and Council operate in accordance with their respective governing legislation, including in relation to any activities conducted by each and together. Particularly in the early establishment period it is incumbent on the RACT Board to ensure that its administration and operations are compliant with the Associations Incorporations Act 1985 and any other relevant legislation.

STRATEGIC PLAN

The Riddoch Arts and Cultural Trust shares a range of strategic objectives with Council that have led to its establishment and support.



COUNCIL POLICY

Further work is necessary to address Council and RACT policies that interrelate to the activities of the RACT and the Riddoch Arts and Cultural Centre business unit.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Resource implications associated with operations and administration of the Riddoch Arts and Cultural Trust are yet to be determined and will form part of the annual business plan and budget preparation for the 2023/2024 year, and are to be accommodated within the approved Riddoch Arts and Cultural Centre budget for the 2022/2023 year in accordance with prior Council resolutions.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

The support of operations and administration of an incorporated association present new risks for Council, mitigated by the establishment of a separate entity managed by a Board with its own policy and decision making structure and associated liability coverage.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

The Council administration will continue to work with the Riddoch Arts and Cultural Trust Board to develop an engagement and communication plan as part of its marketing and branding strategy.

IMPLEMENTATION STRATEGY

As a newly established entity with limited resourcing the initial focus of the Riddoch Arts and Cultural Trust and its Board is on ensuring governance and administrative matters associated with the operation of an incorporated association are satisfactorily met, whilst planning for further bodies of work to support its objectives.

CONCLUSION AND RECOMMENDATION

Having noted the holding of the inaugural meeting of the Riddoch Arts and Cultural Trust Board, Council may now consider the actions proposed to be conducted by Council in support of the RACT as the sole and founding member of the incorporated association.

Further reports will be presented to Council to provide updates and any other matters for consideration in association with the progress of the Riddoch Arts and Cultural Trust operations.

ATTACHMENTS

Nil



21.2 VALLEY LAKE ALGAL CONTROL UPDATE – REPORT NO. AR22/38040

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/38040
CM9 Reference:	AF21/496
Author:	Aaron Izzard, Environmental Sustainability Officer
Authoriser:	Barbara Cernovskis, General Manager City Infrastructure
Summary:	Over the summer period the Valley Lake often experiences algal blooms, which negatively impact on the recreational value of the water body. Council went to tender to seek technology that will eliminate these blooms. The preferred tenderer recommended a two-phase approach, consisting of an analytical investigation phase, and an implementation phase. This report summarises the initial findings of the analytical investigation phase and contains recommendations for the implementation phase.
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. AR22/38040 titled 'Valley Lake Algal Control Update' as presented on 19 July 2022 be noted.



TYPE OF REPORT

Corporate

BACKGROUND

At the 21/09/2021 Council meeting the following resolution was passed:

2. *That Council accepts the two-phase submission of preferred tenderer 5:*
 - (a) *to complete project phase one (analytical investigation) with an allocation of \$13,325.00 in the current 2021-2022 budget; and*
 - (b) *complete the second implementation phase with a commitment of \$150,000.00 to the 2022-2023 budget for the works to be completed as identified in project phase one.*

Photon Water were the preferred tenderer and undertook the first phase of the project, commencing in mid-January 2022. This involved installing two floats on to the Valley Lake – one monitors various water quality parameters in real time and reports them remotely. The other contains equipment that can deliver ultrasonic waves through the water – to control cyanobacteria (also called blue green algae), and many algae varieties.

Cyanobacteria are a group of bacteria that can photosynthesize. Algae are small plant like organisms. Cyanobacteria are unicellular, while algae are mostly unicellular but can also be multicellular.

The ultrasonic system actively targets gas vesicles of cyanobacteria, prevents colonisation of biofilm bacteria, and disrupts the cell wall of green algae. Application of this technology disturbs the buoyance and structural integrity of specific the cyanobacteria and green algae species identified, ultimately preventing reproduction, and degrading the algae. Other aquatic life is not impacted by the ultrasonic control approach.

During the first phase, the monitoring float measured the water quality parameters. Photon staff also came to site on three occasions to take physical water samples, which were sent to a laboratory for analysis. The ultrasonic technology was tested and saw an excellent trend with chlorophyll and phycocyanin reduction. Phycocyanin is similar to chlorophyll and occurs in cyanobacteria.

PROPOSAL

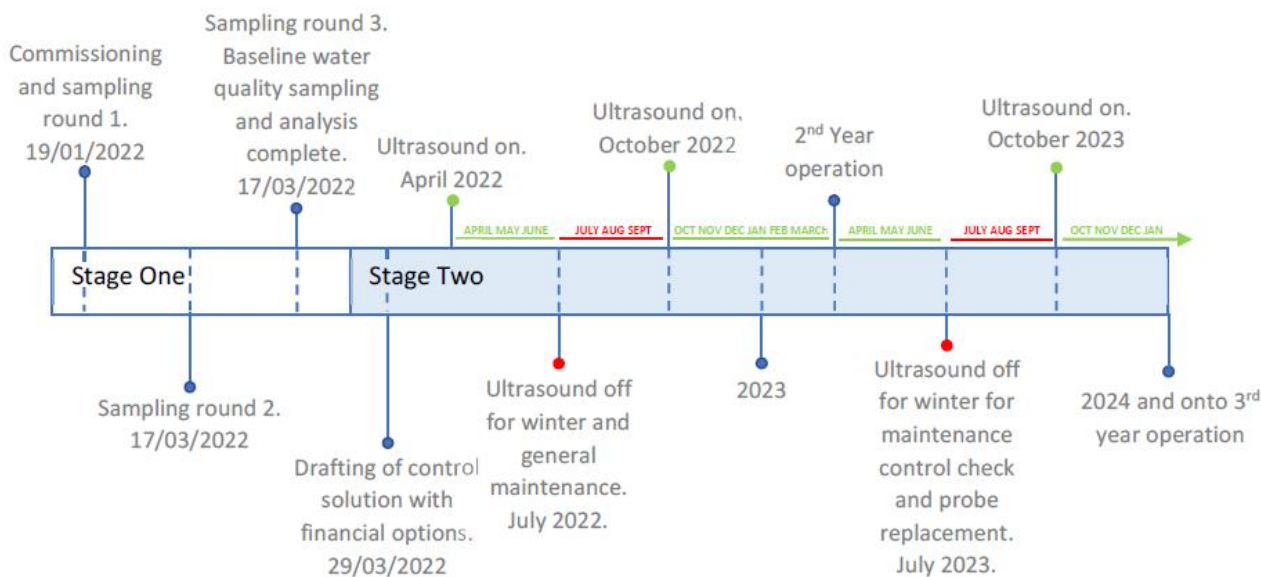
Photon recommend that the float system remains on the Valley Lake for at least three years, and the ultrasonic system energized. Operating the ultrasonic system over the vegetation season will actively target problem cyanobacteria and algae species.

It is recommended that from July to September the ultrasound should be turned off given the inactivity in algal growth. Standard maintenance and cleaning will be conducted at this time. From September 2022 into 2023 the ultrasound should be in operation, with the **aspiration** of providing a wider range of aquatic recreational uses in January 2023. Photon have been asked to provide comment on bacteria levels in the lake, which may impact on some aquatic recreational uses in areas frequented by water fowl.

Monitoring and operating the dual float system over a year period will provide a complete characterisation of the stratification associated with seasonal changes and shifting thermoclines. In addition to real-time monitoring, it is recommended 3-4 laboratory sampling rounds be conducted. This ultrasonic operation control proposed should be repeated annually for a minimum of three years but may continue as necessary. Should reassessment during the July-September winter maintenance period detail a less than expected reduction in cyanobacteria and green algae count, beneficial bacteria or phosphate precipitation controls can be implemented. An updated financial plan would be provided at that time including the additional chemical procurement costs. At this stage ultrasonic control strategies are deemed sufficient. After two years of operation, it would be recommended to remove the float for a complete maintenance and control check with the replacement of probes undertaken at this time.



Stage 2 Monitoring & Control



All works are being undertaken within the allocated budget.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

This project links to the following goals within the Strategic Plan:

Goal 1 – Our People

Goal 2 – Our Location

Goal 3 – Our Diverse Economy

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

COUNCIL POLICY

[P420 Procurement, & Disposal of Land and Assets](#)

ECONOMIC IMPLICATIONS

If the Valley Lake is able to be treated to a level that allows a wider range of aquatic recreational uses, then it will stimulate economic activity within the municipality. Council would be able to advertise the aquatic recreational uses of the lake, and so attract more visitors to the town.

ENVIRONMENTAL IMPLICATIONS

Treatment of the algal blooms will lead to a healthier lake and natural environment. Reduction of algal blooms would be beneficial for fish and invertebrate species that inhabit the lake.

SOCIAL IMPLICATIONS

Opening the Valley Lake up to a wider range of aquatic recreational uses will allow the community more options for aquatic recreation. It would provide a good 'natural' location to undertake these activities and compliment the new Wulanda Recreation & Convention Centre.

CULTURAL IMPLICATIONS

N/A



RESOURCE IMPLICATIONS

Photon Water will manage the water quality floats, with little impact on Council resources.

VALUE FOR MONEY

Investigations and the tender process have shown this to be a cost-effective method of controlling algal levels in the lake. Other technologies are in excess of \$150,000.

RISK IMPLICATIONS

The risk of not continuing this project is that the underlying causes of the algal blooms in the Valley Lake will not be determined or treated.

There is a risk that the ultrasonic technology will not be adequate. This is unlikely given the advice from Photon, as they have undertaken similar projects in many other water bodies. If the ultrasonic technology is not sufficient then natural chemicals that target algae and/or phosphorus could be considered.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

The project involves the utilisation of monitoring floats deployed on the lake. The existence and purpose of these devices should continue to be communicated to the community as necessary. If the ultrasonic technology is successful in reducing algal levels, and so enabling the lake to be utilised for a wider variety of aquatic recreational purposes, then this should also be communicated to the community and visitors.

IMPLEMENTATION STRATEGY

The program will continue to be managed and implemented by Photon Water.

CONCLUSION AND RECOMMENDATION

The water quality monitoring and algal control is progressing well at this stage. Further updates will be brought back to Council as the project progresses.

ATTACHMENTS

Nil



21.3 FOLLOW UP REPORT - RESERVE - CORNER OF WEHL STREET NORTH AND WIRELESS ROAD WEST – REPORT NO. AR22/39064

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/39064
CM9 Reference:	AF21/496
Author:	Abdullah Mahmud, Manager of Operations & Engineering
Authoriser:	Barbara Cernovskis, General Manager City Infrastructure
Summary:	This report presents the concept design for landscaping development on the reserve at the corner of Wehl Street North and Wireless Road West.
Strategic Plan Reference:	Goal 2: Our Location

REPORT RECOMMENDATION

1. That Council Report No. AR22/39064 titled 'Follow Up Report - Reserve - Corner of Wehl Street North and Wireless Road West' as presented on 19 July 2022 be noted.
2. Noting the Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS) do not identify the site as a priority for recreational development, that Council not progress with implementing the concept design for landscaping development on the reserve at the corner of Wehl Street North and Wireless Road West at public expense.



TYPE OF REPORT

Corporate

BACKGROUND

As part of the land division to create residential allotments within the subject locality of Wehl Street North and Wireless Road West, approximately 6500m² of land became available to be developed as a reserve. This land has been vested to Council and the land has been maintained to a low standard with minimal improvements for a lengthy period.

A land division has recently been approved creating 44 residential allotments (DA 381/D010/2020). As part of the approval for this land division the developer was required to pay \$137,104 into the Council Open Space Fund (44 allotment @ \$3,116/allotment) rather than the provision of additional land to be developed as open space.

The developer by letter dated 30 March 2021 requested a meeting with Council to discuss a concept design for the reserve on the corner of Wehl Street North and Wireless Road West. At this time the developer also requested if part of the open space fee could be reduced or contributed towards the proposed development of the reserve.

Council is unable to reduce the payment to Council's Open Space Fund as this is a legislated requirement implemented as part of the development approval for the Land Division. However, Council can use the money within the Open Space Fund towards improvements and the development of public open spaces.

Subsequent to this meeting, a report was presented to the Economic and Environment Committee (*Report No. AR22/39064 titled 'Follow Up Report - Reserve - Corner of Wehl Street North and Wireless Road West'*).

At the ordinary Council Meeting held on 18 May 2021, Council endorsed the following resolution.

"RESOLUTION 2021/130

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

- 1. That Economic and Environment Committee Report No. AR21/24351 titled 'Reserve - Corner of Wehl Street North and Wireless Road West' as presented on 03 May 2021 be noted.*
- 2. Council engage a suitably qualified landscape architect up to the value of \$10,000 to prepare a design for the development of the reserve as proposed by the developer in consultation with the developer and for the further consideration of Council prior to its implementation.*
- 3. That the designs and quotes from the landscape architect be presented as a report to Council to assess any financial contribution."*

Council Officers have undertaken the actions arising from this resolution as presented in this report.

PROPOSAL

Council Engaged "Outerspace" as a landscaping architect to undertake consultation with the developer and Council Officers to produce a design plan for the reserve within the budget allowance limit. The total cost of the design consultancy was \$8780.00 (exc. GST).

A concept plan has now been developed (attached to this report) with a probable cost estimation of \$300,000-\$350,000, where the significant proportion of the cost is for irrigation, instant turf and paved paths.



Concurrent to this design work being undertaken Council have adopted the Sport, Recreation and Open Space Strategy (SROSS). The SROSS is to guide the future of open space development in the City of Mount Gambier.

This document can be viewed at [Mount Gambier Sport Recreation and Open Space Strategy SROSS](#).

In this strategy, the mentioned open space located at the corner of the Wehl Street and Wireless Road West (Wireless Road West Reserve; P-33) has been identified for no further improvements.

This position is not inconsistent with the existing Community Land Management Plan (CLMP) which identifies this site as an area of reserved land that may be utilised for future community needs of a recreational nature.

LEGAL IMPLICATIONS

N/A

STRATEGIC PLAN

Goal 2: Our Location

2.1.2 Continuing to work on projects that improve residential amenity.

COUNCIL POLICY

[P420 Procurement, & Disposal of Land and Assets](#)

[L130 Land Divisions](#)

ECONOMIC IMPLICATIONS

This is unbudgeted work that is at variance to both the Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS). Neither document identify the site as a priority for recreational development.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

This is unbudgeted and unplanned work that is at variance to both the Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS). Neither document identify the site as a priority for recreational development.

VALUE FOR MONEY

This does not represent value for money and is at variance to both the Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS). Neither document identify the site as a priority for recreational development.

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 presents the concept design requested at the ordinary Council Meeting held on 18 May 2021. The Community Land Management Plan (CLMP) and the Sport, Recreation and Open Space Strategy (SROSS) do not identify the site as a priority for recreational development, therefore this report recommends that Council not progress with implementing the concept design for landscaping development on the reserve at the corner of Wehl Street North and Wireless Road West at public expense.

ATTACHMENTS

1. Final Concept Plan - Reserve - Corner of Wehl Street North and Wireless Road West, Mount Gambier [↓](#)





Project: Reserve Wehl St and Wireless Road
Client: City of Mount Gambier
Drawing: Concept Plan

**PRELIMINARY
NOT FOR CONSTRUCTION**

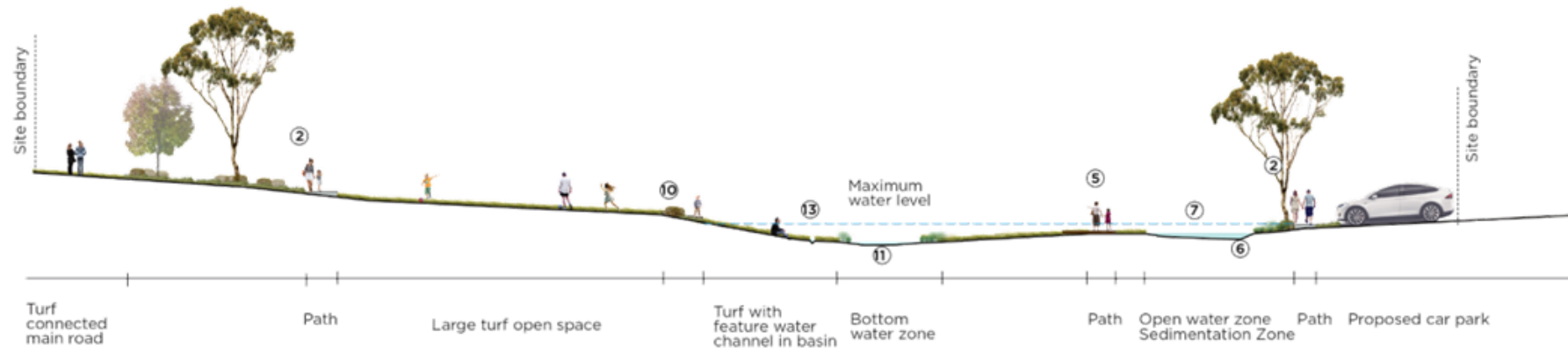


Date: 26/05/2022 Drawn By: AZ
Dwg No.: OS2126_CP01 Checked By: KB
Revision: B Approved By: KB

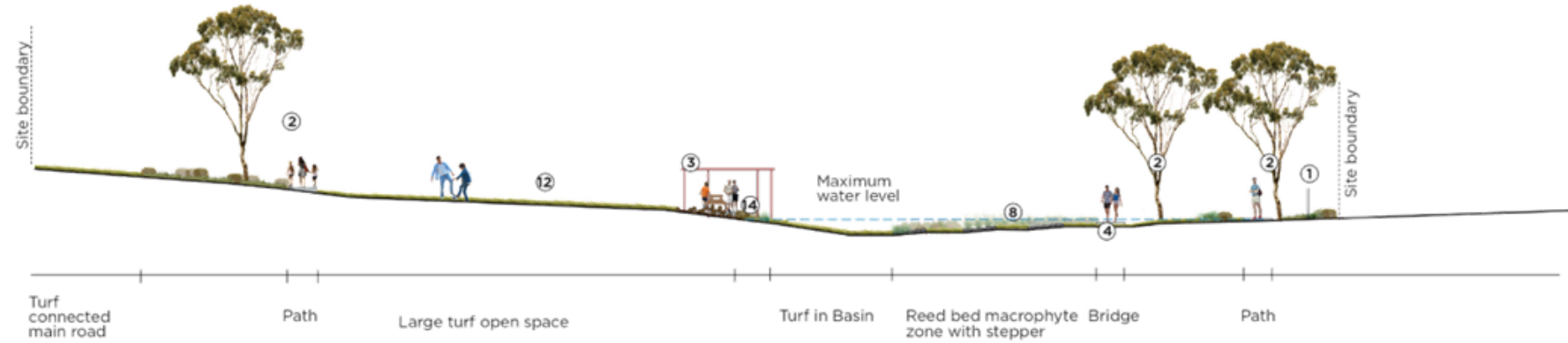


Wetland Concept Plan

Wetland Long Section A-A'



Wetland Long Section B-B'



Design Notes

- ① Interpretive signage at entry points to wetland and at points of interest along the trail
- ② Native trees with open canopy to provide shade to path
- ③ Gathering area with shelter and picnic table
- ④ Footbridge across stepped distribution plants for filtering water
- ⑤ Timber viewing deck over basin
- ⑥ Sedimentation Zone 600mm deep
- ⑦ Open Water Zone 200-400m deep
- ⑧ Reed bed macrophyte zone 200-300mm deep
- ⑩ Natural play area with timber logs bordering.
- ⑪ Detention basin has been designed to have enough capacity to handle flood event.
- ⑫ Open space has been designed for meeting various activities
- ⑬ Water channel is connected to reed bed macrophyte zone and bottom water zone
- ⑭ Small play space



Project: Reserve Wehl St and Wireless Road
Client: City of Mount Gambier
Drawing: Sections

PRELIMINARY
NOT FOR CONSTRUCTION



Date: 26/05/2022 Drawn By: AZ
Dwg No.: OS2126_CP02 Checked By: KB
Revision: B Approved By: KB



PRECEDENT IMAGES



Wetland system



Wetland edge planting



Natural play area



Turf



Paths



Viewing Deck



Foot-bridges



Stepping stones



'Mini Creek'



Planting area on the slope



PLANT PALETTE

Trees



Eucalyptus leucoxylon
SA Blue Gum
H: 15m W: 8m



Eucalyptus porosa
Mallee Box
H: 15m W: 8m



Eucalyptus odorata
Peppermint Box
H: 10m W: 6m



Allocasuarina verticillata
Drooping She-Oak
H: 6m W: 4m



Melaleuca halmaturorum
Swamp Paper Bark
H: 8m W: 5m



Banksia marginata
Silver Banksia
H: 8m W: 5m

Shrubs



Rhagodia crassifolia
Fleshy Saltbush
H: 1m W: 1m



Westringia fruticosa
'Blue Gem'
Coastal Rosemary
H: 1.5m W: 1.5m



Chrysocephalum apiculatum
Everlasting Daisy
H: 0.5m W: 0.5m



Leucophyta brownii
Cushion-bush
H: 0.7m W: 0.7m



Tecticornia arbuscula
Shrubby Glasswort
H: 1m W: 1m



Frankenia pauciflora
Southern Sea-heath
H: 0.5m W: 2m

Groundcovers



Villarsia reniformis
Running Marsh Flower
H: 0.3m W: 0.5m



Carpobrotus rossii
Native Pigface
H: 0.2m W: 1.5m



Enchylaena tomentosa
(prostrate)
Ruby Saltbush
H: 0.3m W: 1m



Rhagodia spinescens
'Aussie Flat Bush'
Spiny Saltbush
H: 0.2m W: 1.5m



Threikeldia diffusa
Wallaby Saltbush
H: 0.2m W: 2m



Sarcocornia quinqueflora
Beaded Glasswort
H: 0.5m W: 0.5m

Sedges and Rushes



Cyperus vaginatus
Stiff Flat-Sedge
H: 0.5m W: 0.5m



Juncus kraussii
Salt March Rush
H: 0.9m W: 0.5m



Ficinia nodosa
Knobby Club Rush
H: 1m W: 1m



Carex tereticaulis
Rush Sedge
H: 0.4m W: 0.4m



Lomandra longifolia
'Tanika'
Mat-rush
H: 0.7m W: 0.5



Cyperus gymnocaulis
Spiny Flat Sedge
H: 0.8m W: 0.5m



Project: Reserve Wehl St and Wireless Road
Client: City of Mount Gambier
Drawing: Materials and Plant Palette

PRELIMINARY
NOT FOR CONSTRUCTION

Date: 26/05/2022
Dwg No.: OS2126_CP03
Revision: B
Date: 26/05/2022
Drawn By: AZ
Checked By: KB
Approved By: KB



21.4 SA REGIONAL ORGANISATION OF COUNCILS (SAROC) - MEMBERSHIP NOMINATIONS – REPORT NO. AR22/45486

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/45486
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Executive Administration
Authoriser:	Sarah Philpott, Chief Executive Officer
Summary:	This report presents information on the process and eligibility requirements for nomination to the SA Regional Organisation of Councils (SAROC) for the term from 2022 to 2024.
Community Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/45486 titled 'SA Regional Organisation of Councils (SAROC) - Membership Nominations' as presented on 19 July 2022 be noted.
 2. That the nomination of the incumbents of the Limestone Coast Local Government Association President and Vice President positions are supported for the two Limestone Coast representative positions on the SA Regional Organisation of Councils.
 3. That, for the purpose of voting in any election to appoint two Limestone Coast representatives to the SA Regional Organisation of Councils, Council supports the following proposed nominees in order of preference:
 - LCLGA President
 - LCLGA Vice President
- 1.



BACKGROUND

Nominations are sought every two years for members of the SA Regional Organisation of Councils (SAROC), for a 2 year term appointment.

The role of the SA Regional Organisation of Councils (SAROC) is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the SAROC Region.

On behalf of the Local Government Association, the Limestone Coast Local Government Association (LCLGA) seek nominations to fill two positions on SAROC to represent the Limestone Coast region.

DISCUSSION

To be eligible for a SAROC membership position a nominee must be a Council Member representative of the relevant Regional Grouping of members. For the City of Mount Gambier this grouping is the seven Councils comprising the Limestone Coast region represented by the LCLGA.

Accordingly, the LCLGA region may appoint 2 eligible nominees to SAROC following a nomination (and if necessary, an election) process.

SAROC nominations must be notified by the LCLGA Executive Officer to the Local Government Association (LGA) Chief Executive Officer as Returning Officer by 5pm Monday, 19th August 2022, and are sought to be provided by each constituent Council to the LCLGA by or at the LCLGA Board meeting on 12 August 2022.

It has been customary for the LCLGA to support the nomination of the LCLGA President and Vice President, with a proposed change to the LCLGA rules being to incorporate this in lieu of a periodical nomination (and as necessary, election) process.

As representatives of the peak local government body for the Limestone Coast region this report recommends that Council endorse these two positions (LCLGA President and Vice President) in order of preference by position.

Whilst not a requirement, any other Council Members nominating for SAROC are recommended to do so with the endorsement of a Council resolution to enable voting preferences to be determined in the event that an election is required to selected the two Limestone Coast representatives.

Further information including LGA Constitution and SAROC Terms of Reference are accessible from the LGA website [here](#), with a copy of the Call for Nominations letter, extract from SAROC Terms of Reference and 2022 Nomination Form and Candidate Information Sheet attached (**Attachment 1**).

Accordingly, if a City of Mount Gambier Council Member proposes to nominate for SAROC it is suggested that the attached 2022 Nomination Form and Candidate Information Sheet be completed and submitted to the Chief Executive Officer and/or Mayor prior to the commencement of the 19 July 2022 Council meeting.

CONCLUSION

Council may now consider its endorsement of the LCLGA President and Vice President or City of Mount Gambier Council Member nominees (if any) for submission via the LCLGA Executive Officer by 12 August 2022, and voting preferences for proposed nominees should an election be necessary.

ATTACHMENTS

1. LCLGA - Call for Nominations for Members of SAROC 2022 [↓](#)





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In reply please quote our reference: ECM 778271 TN/SR

4 July 2022

Tony Wright
Executive Officer
Limestone Coast Local Government Association
Level 1, 9 Bay Road
MOUNT GAMBIER SA 5290
Emailed: eo@lclga.sa.gov.au

Dear Tony

Call for Nominations for Members of SAROC

As you would be aware the terms of the current members of South Australian Regional Organisation of Councils (SAROC) expire at the 2022 LGA Annual General Meeting (AGM). I am seeking your assistance to call for nominations for two (2) members of SAROC from your regional grouping for a term commencing from the 2022 AGM and to remain in office until the 2024 AGM. A nomination form to be completed for each nominee to the position of member of SAROC is attached and must be received by me, no later than **5pm Friday 19 August 2022**.

The SAROC Terms of Reference (TOR) (extract attached) outlines the process as to how an election will occur. More specifically, the SAROC TOR requires that the LGA CEO write to each SAROC Regional Grouping calling for nominations for positions of members of SAROC. It is my understanding that each regional grouping has a slightly different method of nominating/selecting a member(s) to represent them on SAROC. As such, I hereby request that you:

- liaise with each council in your regional grouping and (where necessary) coordinate a meeting for the purpose of calling for nominations for two positions on SAROC; and
- notify me of the regional groupings' nominations for the two positions on SAROC, by submitting the attached nomination form for each nominee, no later than **5pm Friday 19 August 2022**.

To assist in this process, I have attached a nomination form, a candidate information sheet and the relevant extract from the SAROC TOR. I will also send a copy of this letter to your member council Mayors and CEOs.

Should an election be required in your regional grouping, I will be in contact with you to discuss the timing and method of conducting the election in accordance with the SAROC TOR.

Key (indicative) timings and SAROC TOR provisions are outlined in the following table:

Indicative Timing	Headline	SAROC TOR Provision
	Returning Officer	Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1)
18 July 2022	Nominations Called	CEO to write to SAROC Regional Groupings calling for nomination for position of members of SAROC at least 3 months before AGM (Clause 4.3.2)
19 August 2022	Nominations Close	Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination (Clause 4.3.4)
n/a	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)
5 September 2022	Ballot papers prepared and posted	In the event of an election being required, the regional groupings in consultation with the Chief Executive shall conduct an election (Clause 4.4.5)
17 October 2022	Voting closes	In the event of an election being required, the regional groupings in consultation with the Chief Executive shall conduct an election (Clause 4.4.5)
18 October 2022	Counting of votes	The Chief Executive, in consultation with the SAROC Regional Grouping shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.6)
28 October 2022	Final declaration of result	CEO shall declare the candidate(s) with the most votes elected at the AGM (Clause 4.4.6(b))
28 October 2022	Voting for Board Members	SAROC should meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4.1 and 6.4.2) who's term of office commences after the AGM.

Timing of LGA Election

The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.

It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM



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there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.

Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.

LGA Board Appointments

Under the LGA Constitution and the SAROC TOR, once members are elected to SAROC, these members will then elect a Chair and three SAROC members to form the LGA Board of Directors. These SAROC LGA Board Directors will be accompanied by their equivalent from GAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.

If you have any questions in relation to the election process, please contact me or LGA Program Leader Governance Tami Norman on 8224 2037 or tami.norman@lga.sa.gov.au.

Yours sincerely

Clinton Jury

Chief Executive Officer / LGA Returning Officer

Telephone: (08) 8224 2039

Email: clinton.jury@lga.sa.gov.au

Copy: SAROC Councils (Limestone Coast) - city@mountgambier.sa.gov.au, council@wattlerange.sa.gov.au, council@robe.sa.gov.au, office@tatiara.sa.gov.au, council@nlc.sa.gov.au, info@dcgrant.sa.gov.au, info@kingstondc.sa.gov.au

Attachments:

- 1 Extract from LGA SAROC TOR
- 2 2022 Nomination Form – SAROC
- 3 Candidate Information Sheet

Extract – SAROC Terms of Reference

Clause 4 – SAROC

4.1. Role

The role of SAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the SAROC Region.

4.2. Membership

Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clauses 4.3 and 4.4 from the Members of the Regional Grouping of Members, 2 Council Members as members of SAROC provided that each person elected is from a different Member.

4.3. Nominations for election to SAROC

- 4.3.1. The members of SAROC will be elected biennially.
- 4.3.2. In the year in which SAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the SAROC Regional Grouping, as listed in the schedule, calling for nominations for the membership of SAROC.
- 4.3.3. Each Member of the SAROC Regional Grouping may nominate a candidate for membership of SAROC, provided that:
 - 4.3.3.1. a person nominated as a member of SAROC must be a representative of a Member on the relevant Regional Grouping of Members; and
 - 4.3.3.2. only a Council Member can be nominated to SAROC.
- 4.3.4. A nomination of a person as a member of SAROC must be received by the Chief Executive Officer not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

4.4. Election to SAROC

- 4.4.1. The Chief Executive shall be the returning officer for any election of members to SAROC.
- 4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of SAROC nominated by the Regional Grouping of Members.
- 4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2 then the Chief Executive will declare those persons duly elected to those membership positions.
- 4.4.4. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in clause 4.2, then an election for the purpose of clause 4.2 must be held in accordance with this clause.

- 4.4.5. In the event of an election being required, the SAROC Regional Grouping in consultation with the Chief Executive shall conduct an election.
- 4.4.6. The Chief Executive, in consultation with the SAROC Regional Grouping shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present:
- (a) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
 - (b) in respect of an election for the purposes of clause 4.2, the 2 candidates from a Regional Grouping of Members with the most votes shall be deemed elected and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
 - (c) in the case of candidates for membership positions described in clause 4.2 receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.
- 4.4.7. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.
- 4.4.8. The Chief Executive may, in his or her discretion, delegate any of his or her powers, functions or duties to an Executive Officer of a Regional Grouping of Members who shall act accordingly for the conduct of elections for the purpose of clause 4.2 in respect of the Regional Grouping of Members relevant to that Executive Officer.

4.5. Term of office

The term of office for members of SAROC shall commence after the Annual General Meeting of the year in which the member is elected. Each member of SAROC will serve for a period of 2 years or until a circumstance causing a casual vacancy as described in clause 4.7.2 occurs.

4.6. Duties

- 4.6.1. Each member of SAROC must:
- (a) undertake his or her role as a SAROC member honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;
 - (b) not make improper use of information acquired by virtue of his or her position as a SAROC member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;
 - (c) not make improper use of his or her position as a SAROC member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and
 - (d) not act in any matter where the SAROC member has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the members of SAROC will not be an interest giving rise to a conflict of interest).



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South Australian Regional Organisation of Councils (SAROC) 2022 Nomination Form

Nominee's Council	<i>(insert name of council)</i>
Nominee's Name (full name)	<i>(insert title, first name and surname)</i>
Name of Region	<i>(Select one)</i> <input type="checkbox"/> Southern & Hills Councils <input type="checkbox"/> Eyre Peninsula <input type="checkbox"/> Legatus Councils Eyre Peninsula <input type="checkbox"/> Limestone Coast <input type="checkbox"/> Murraylands & Riverland <input type="checkbox"/> Spencer Gulf Cities
Declaration and signature of nominee	I hereby accept such nomination. Signature:
Signature and name of Regional EO	Signature: (insert name)
Dated	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer
 Close of nominations 5:00pm Friday 19 August 2022**





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South Australian Regional Organisation of Councils (SAROC) 2022 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"><i>(insert)</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"><i>(insert)</i>
Other information	<ul style="list-style-type: none"><i>(insert details of leadership, board, corporate governance experience etc)</i>

This form must accompany the Nomination Form



21.5 INTERNAL REVIEW OF COUNCIL ACTIONS 2021/2022 – REPORT NO. AR21/65244

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR21/65244
CM9 Reference:	AF20/446
Author:	Elisa Solly, Property Support Officer
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report presents information that Council is required by Section 270(8) of the Act to consider on an annual basis and include in the Annual report of Council in relation to applications for internal review of Council actions or decisions.
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. AR21/65244 titled 'Internal Review of Council Actions 2021/2022' as presented on 19 July 2022 be noted.
2. That the background and proposal contained in Council Report No. AR21/65244 relating to Section 270 of the Local Government Act 1999 be included in Council's 2021/2022 Annual Report.



TYPE OF REPORT

Legislative

BACKGROUND

Section 270 of the Local Government Act 1999 (the Act) relates to the internal review of council actions or decisions.

Council is required by Section 270(8) of the Act to initiate and consider a report on an annual basis that relates to the:

- Number of applications received under the provisions of Section 270; and
- Kinds of matters to which the applications relate; and
- Outcome of applications.

The Local Government (General) Regulations further prescribes that the report required under section 270(8) is material that is to be included in the annual report of the Council.

PROPOSAL

During the 2021/2022 Financial Year, there was one application received in relation to section 270 of the Act or Council's [Internal Review of Council's Decisions Policy C290](#).

This application related to Council Resolution 2021/154 regarding Lagunaria Trees located along the western side of Mitchell Street.

At the conclusion of the Financial Year, this matter was with an external reviewer to conduct a review under section 270 of the *Local Government Act 1999* in accordance with Council Resolution 2022/66 – Request for Internal Review of Council Decision.

The outcome of this Internal Review will be included in a report for the 2022/2023 financial year for publication in the 2022/2023 Annual Report.

LEGAL IMPLICATIONS

This report and the publication of information in Council's 2021/2022 Annual Report will fulfill the requirement to report on applications for internal review as required by section 270(8) of the Act.

STRATEGIC PLAN

N/A

COUNCIL POLICY

This report relates to applications made under Council's [Internal Review of Council's Decisions Policy C290](#).

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

The content of this report will be published in Council's 2021/2022 Annual Report.

IMPLEMENTATION STRATEGY

The content of this report will be published in Council's 2021/2022 Annual Report.

CONCLUSION AND RECOMMENDATION

It is proposed that the background and proposal sections of this report relating to section 270 of the Local Government Act 1999 be included in Council's 2021/2022 Annual Report in fulfillment of the legislative/regulatory requirements.

ATTACHMENTS

Nil



**21.6 COUNCIL MEMBER BEHAVIOURAL MANAGEMENT FRAMEWORK - CONSULTATION
– REPORT NO. AR22/42090**

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/42090
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	The Local Government Association is seeking feedback on a revised Council Member Behaviour Management Framework and Model Member Behaviour and Support 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. AR22/42090 titled 'Council Member Behavioural Management Framework - Consultation' as presented on 19 July 2022 be noted.
2. That Council note that the administration will provide a submission to the Local Government Association on the Model Member Behaviour and Support policies associated with the Member Behaviour Framework to apply from November 2022, and incorporate feedback as contained in Report No. AR22/42090 as well as:
 - (a) *INSERT ANY OTHER MEMBER FEEDBACK*



TYPE OF REPORT

Legislative

BACKGROUND

Members have engaged in consultation and briefings on Local Government reforms that first commenced in September 2021 and continue to be implemented in tranches.

It is anticipated that an updated Member Behaviour Framework will commence with the new Council term following the November 2022 Local Government elections.

The Framework is expected to comprise of:

- Ministers Behavioural Standard (refer Final Draft in Appendix 3 of **Attachment 1**)
- Behavioural Management Policy – (refer Proposed Model in Appendix 1 of **Attachment 1**)
- Behavioural Support Policy (discretionary – refer Model in Appendix 2 of **Attachment 1**)

The Ministers Behavioural Standard is expected to replace the Code of Conduct for Council Members as gazetted in August 2013, incorporating most of the relevant conduct provisions from the code. Like the code, the Ministers Behavioural Standard will be gazetted and will apply to all South Australian Councils/ Council Members and must be complied with.

The legislative provisions (refer Appendix 4 of **Attachment 1**) require that a Council must adopt a Behavioural Management Policy that must not be inconsistent with the Ministers Behavioural Standard and the *Public Interest Disclosure Act 2018* or procedures, and must comply with any requirement specified by the Ministers Behavioural Standard.

Whilst a Council must review a Behavioural Management Policy within 12 months of each periodic election, it is anticipated that the Proposed Model Behavioural Management Policy (refer Appendix 1 of **Attachment 1**) will be adopted by the Minister as a transitional regulation to apply to all Councils from the November 2022 Local Government elections until a Council has considered and adopted any alternative policy position.

The legislative provisions (refer Appendix 4 of **Attachment 1**) also require that a Council must consider, within 6 months after the conclusion of each periodic election, whether a Behavioural Support Policy (or policies) should be adopted. Whilst it will be required to consider whether to adopt a Behavioural Support Policy, the actual adoption and content of a policy is a discretionary matter for Council subject to such a policy not being inconsistent with any legislative provisions and the Ministers Behavioural Standard.

It has been suggested, but is unconfirmed, whether the introduction of the Member Behaviour Framework will include any other transitional regulations to align timings associated with initial consideration and adoption (as relevant) of policies following the November 2022 elections.

Members should also note that the Member Behavioural Framework also includes the appointment of a Behavioural Standards Panel that will determine its own policy and procedures for member behavioural matters that are referred to the panel.

PROPOSAL

The new Behavioural Framework will have significant consequences for council members and staff. It is important that Councils consider the implications of the two draft policies and the Behavioural Management Framework generally.

Accordingly, the Local Government Association is seeking feedback on the Member Behavioural Framework and Proposed Model Behavioural Management (BM) Policy and Model Behavioural Support Policy as attached to this report (**Attachment 1**).

In particular, the Local Government Association has posed the following questions to assist Councils with consideration of the two policies:



1. *It will be mandatory for all councils to have a BM Policy. Having regard to the requirements set out in section 262B of the Local Government Act:*
 - *is the draft BM Policy appropriate as the initial version of this document, which will apply from November 2022 until a council replaces it with their own BM Policy?*
 - *what improvements could be made that will be suitable for all 68 councils?*
2. *Councils can choose to adopt a Support Policy.*
 - *Do you have suggestions for improving the draft LGA Model Support Policy?*

Together with other Councils via the Governance and Policy Network (GPON) several administrative matters have been identified with the Model Behavioural Management and Support policies.

However it is recommended that Council Members focus attention and feedback on those matter that relate directly to Member Behaviour, such as:

Model Behavioural Management Policy

- *Clause 5.3 Council Members – references Member concerns about employees which is beyond the scope of the Member Behaviour Framework*
- *Clause 5.4 Stages of Action – refers to formal action if a complainant believes the matter to be serious enough. Such determination should be a decision of the person responsible for the matter.*
- *Clause 5.6.1 Receipt of a Complaint – ‘timely manner’ should be defined as 6 months from the date of the alleged behaviour to align with other complaint/review mechanisms.*
- *Clause 5.6.3 Formal Consideration – refusal to participate in a timely manner (or at all) should be elevated to a more serious breach referred to the Behavioural Standards Panel in recognition of the dual breach of the Ministers Behavioural Standard that Members comply with all applicable Council policies, codes, procedures, guidelines and resolutions.*
- *Clauses 5.5 & 6 – purport certain delegations to the Mayor and other Council Members which appear to exceed the delegation powers in s44 of the Local Government Act 1999.*
- *Other – recognition that certain behavioural matters may trigger public officer reporting obligations (i.e. to Office of Public Integrity / Independent Commission Against Corruption)*
- *Other – clarification of role of Mayor as principle person*
- *Other – clarity of the leadership role of the Mayor under s58 of the Local Government Act 1999 and being the ‘person responsible for managing/dealing with a complaint’ except where an alternative person is responsible (e.g. the Deputy Mayor or referral to Panel).*

Model Behavioural Support Policy

- *Clause 4.2 Media – apparent prohibition on Council Members publicly disagreeing with a Council decision*
- *Clause 6 Definitions – Definition of ‘Council meeting’ differs to the legislative definition*

Upon review Members may identify other concerns with the Model Behavioral Management and Support Policies. Members are encouraged to bring any such concerns to the attention of Council’s Manager Governance and Property either:

- directly to Council’s Manager and Governance – by email
- by discussion/resolution with the agenda item associated with this report
- directly to the Local Government Association through their online consultation

Member concerns raised with Council’s Manager Governance and Property will be collated with other administrative feedback for provision to the Local Government Association by the submission deadline of 6 August 2022.



LEGAL IMPLICATIONS

The Member Behaviour Framework referenced in this report and attachments has not yet commenced application, with commencement anticipated to align with the November 2022 Local Government elections.

Whilst Council is not obligated to make any formal submission to the consultation on the Member Behaviour Framework, the administration will provide feedback on matters that affect the efficient management of the framework.

Upon adoption by the Minister the Member Behaviour Framework will not be discretionary, and will apply to the City of Mount Gambier and all other Council's/Council Members across the State.

STRATEGIC PLAN

N/A

COUNCIL POLICY

The Member Behaviour Framework and Member Behaviour and Support policies referenced in this report are expected to replace the existing Code of Conduct for Council Members and [Policy M265 Members Complaint Handling Procedure](#) from the November 2022 Local Government elections.

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

Relevant procedures and information sharing with Members associated with the Member Behaviour Framework will be implemented following the November 2022 Local Government elections and adoption by the Minister and the making of relevant regulations to support the framework and Member Behaviour and Support policies in their final form.



CONCLUSION AND RECOMMENDATION

Having considered the report and Member Behaviour Framework and Model Member Behaviour and Support policies as attached, Council may now consider any specific feedback that it wishes to add to an administrative submission to the Local Government Association on the model documents.

ATTACHMENTS

1. LGA Member Behaviour Framework Consultation Paper and Model Policies [↓](#)





LG Equip

**Local Government
Behavioural Management
Framework**

- Behavioural Management Policy
- Behavioural Support Policy

**Consultation Paper and Model
Policies**

June 2022



NOTE: This Consultation Paper and Model Policies are not endorsed. The documents have been prepared for consultation purposes only and are subject to consideration by the LGA Board of Directors.

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.

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Introduction

In 2021, the State Parliament passed¹ a package of significant changes to the *Local Government Act 1999* (the Local Government Act). The amendments included major changes to laws relating to the behaviour of council members. These concerns were raised by those in the local government sector, Parliamentarians and the public. Council member behaviour remains an ongoing source of criticism of the sector.

During consultation with the sector leading up to the local government reform amendments, many specific concerns were expressed about the existing regime for managing behaviour. Criticisms included:

- The system did not help the Mayor or council to diffuse or resolve issues.
- The system 'weaponised' complaints, enabling individual council members to use the complaints system to attack their political opponents.
- There was ongoing confusion about the process that should be followed, resulting in many councils engaging lawyers, which led to public criticism.
- For the more serious breaches of behaviour requirements, there was no body that could effectively enforce the rules and there were no real consequences for council members who breached the rules.
- The SA Ombudsman, whilst well-intentioned, took a very long time to investigate matters and had no real enforcement tools to give effect to his findings.

The changes to the Local Government Act relating to behaviour largely reflect the submissions made by the LGA on behalf of the sector². These sections of the Local Government Act were passed with the broad support of all parties in Parliament.

The various reforms are commencing at different times, to enable councils to consider and make changes to policies and practices. Based upon LGA consultation with member councils, the State Government agreed that the amendments relating to council member behaviour will commence in November 2022, following the local government elections.

Some parts of the new legislative scheme are already settled (see table below). This discussion paper relates specifically to the:

- Mandatory Behavioural Management Policy (s.262B); and the
- Optional Behavioural Support Policy (s.75F)

To facilitate commencement of the new provisions, it is anticipated that transitional regulations will be made that designate the LGA Behavioural Management Policy as the applicable policy for all

¹ *Statutes Amendment (Local Government Review) Act 2021*

² The concerns about the current scheme were widely shared across the sector. There was less unanimity about precisely what arrangements should replace the old scheme. For example, there was support from a large majority of councils for a body that could impose sanctions on a council member who breached requirements. There was a diversity of views about which body or officer should perform that function. Based on a majority of council submissions, the LGA Board supported a new, low cost, low formality Panel that could hear and resolve matters quickly.

councils from commencement. Councils will then have a period of time to consider and adopt their preferred Behavioural Management Policy, which may be the LGA Policy, some variation of that document or an entirely different policy (subject to the policy meeting the legislative requirements).

Section 75F(7) requires councils to consider, within six months after the conclusion of each periodic election, whether a behavioural support policy (or policies) should be adopted. The Secretariat has prepared a Model Behavioural Support Policy to assist with this consideration.

The Secretariat is also liaising with the Office of Local Government in relation to the six-month requirement for consideration of adoption of behavioural support policies following the commencement of section 75F, with a view to aligning the initial timeframe with the transitional regulations relating to the Behavioural Management Policy. If successful, this would only apply for the first consideration of behavioural support policies and following future periodic elections councils would need to complete this consideration within the six-month timeframe.





LGA consultation process

This consultation paper is seeking feedback from member councils on the proposed Behavioural Management Policy, noting it will be the applicable policy for all councils in the first instance. It is also seeking feedback on the Model Behavioural Support Policy, which councils may choose to adopt.

To support councils' understanding of the documents and the broader behavioural management framework, the LGA will hold three LG Equip Zoom Update sessions on the dates set out below. These sessions will outline the issues and provide participants with a significant opportunity to ask questions.

The first session is designed for CEOs, Governance Officers and other staff advising council members.

The second session is designed for elected members of council.

As the various behavioural management reforms provide new leadership responsibilities for Mayors, a third session will be held, specifically for Mayors and other Principal Members of council.

The LGA consultation timeframes are as follows:

LGA Discussion Paper released Week beginning 13 June 2022
 LGA CEO email to Mayors

LG Equip Update - Behavioural Management Framework - <u>CEOs & Governance Officers</u> - <u>Council members</u> - <u>Mayors/Principal Members</u>	Tuesday, 28 June at 10am Monday 4 July at 6pm Tuesday 5 July at 6pm
Deadline for feedback to the LGA Secretariat	Friday 6 August at 4pm
LGA update draft Behavioural Management Policy and Behavioural Support Policy based upon member feedback.	August 2022
Minister approves Behavioural Management Policy and prepares a transitional regulation to give effect to it. Councils informed about proposed regulations.	As early as possible in September-October 2022
Commencement of new Behavioural Management Framework	November 2022

The new Behavioural Framework will have significant consequences for council members and for many staff interacting with their council. It is important that all councils consider the implications of the two draft policies that are the subject of this paper and the Behavioural Management Framework generally.

Council responses and copies of submissions can be provided to Andrew Lamb, LGA Local Government Reform Partner at andrew.lamb@lga.sa.gov.au.



The new legislative scheme

There are several elements of the new Behavioural Management Framework (BM Framework).

- **Legislation and Regulations.** The legislative requirements within which all council members must operate. A copy of relevant sections is included as Appendix 4.
- **The Behavioural Standards,** approved by the Minister for Local Government, which will apply to all council members in South Australia. The Minister has approved a Final Draft of the Proposed Behavioural Standards for Council Members, but the Standards will not commence until Government *Gazetta*, expected shortly before commencement of the BM Framework. A copy of the Final Draft approved by the Minister is included as Appendix 3.
- **A Behavioural Management Policy (BM Policy).** Each council must have a BM Policy. The Minister intends to make a transitional regulation deeming that the LGA's proposed BM Policy will apply to all councils, commencing at the 2022 local government elections and applying until such time as council substitutes its own BM Policy. A copy of the proposed BM Policy is included as Appendix 1.
- **A Behavioural Support Policy (Support Policy).** Each council can choose to adopt a Support Policy, which would supplement the Behavioural Standards. A draft Model Support Policy, prepared by the Secretariat, is included as Appendix 2.
- The new **Behavioural Standards Panel** (the Panel). The Panel has now been appointed and determines its own policy and procedures. The Secretariat is working closely with the Panel and the Office of Local Government to ensure Panel and council procedures synchronise effectively.

The following table summarises the various elements of the behavioural framework.

Element of BM Framework	Is this the main subject of this Discussion Paper	Mandatory for all councils?	Comments
Legislation and Regulations	No.	Yes.	The sections of the Local Government Act relating to council member behaviour will commence in November 2022. Regulations (including Transitional Regulations) supporting the Bill will be made before that date.
Behavioural Standards	No.	Yes.	The Minister has provided the LGA with a Final Draft of the Proposed Behavioural Standards, which is based closely on the LGA proposed document. The Behavioural Standards will not commence until they are <i>Gazetted</i> . These are set out in Appendix 3, to help councils understand the related policies, which form part of the overall BM Framework.
Behavioural Management Policy	Yes.	Yes.	Each council must have a BM Policy. It is expected that the draft BM Policy submitted by the LGA to the Minister (based upon this consultation process) will be incorporated into a transitional regulation and will apply to all councils.
Behavioural Support Policy	Yes.	No.	Each council can elect to adopt a Support Policy. The LGA encourages all councils to do so.
Behavioural Standards Panel	No.	N/A	The Local Government Minister appointed members to the Panel recommended by the LGA board, after an advertised, merit-based selection process.

Behavioural Management Policy

Each council must have a Behavioural Management Policy (BM Policy) which must set out how a council will manage complaints about council member behaviour.

The draft LGA BM Policy was developed by the Secretariat with close cooperation of officers of the LG Mutual Schemes and the Office of Local Government.

The shared aims of this working group were to develop a template BM Policy that:

- Meets the detailed legislative requirements so that if a council follows the steps set out in the BM Policy, their actions will comply with those requirements, and they will minimise the likelihood they will breach the rights of any person.³
- Contain a suite of procedures that will build confidence and trust that the council will handle complaints in a manner that is fair, respectful, and appropriate.
- Encourage councils, where possible, to address behavioural issues early before they escalate.
- Focuses on building, maintaining and improving relationships between council members.
- Seeks to adopt measures aimed at improving councillor capacity and skills.
- Ensures an efficient process.
- Enables councils to make some procedural decisions about managing complaints at the outset of a council term and not during a complaint process. For example: the draft BM Policy:
 - Delegates authority for the Mayor (or person managing the complaint) to make defined spending decisions to procure services (such as an investigator or mediator).
 - Authorises the CEO to provide information to the Behavioural Standards Panel, where the council is obligated to comply with a Panel request.
- Addresses confidentiality issues, striking a balance between the objectives of transparency, protecting the reputations of council members, individuals' rights of procedural fairness, as well as the objectives set out above.
- Ensures that, apart from where required by legislation, the council CEO is not required to make value-judgements about the behaviour of council members nor make decisions about how behaviour complaints would be handled. Instead, the role of a CEO is largely administrative, giving effect to the decisions of the council, the requirements of the BM Policy and the directions of the Behavioural Standards Panel.
- Aims to give councils capacity to manage a complaint about a council member's behaviour without the need to obtain (and pay for) legal advice.

As a result of proposed transitional regulations, the BM Policy prepared by the LGA will likely apply to all councils from November 2022. At any time after that, a council can amend this document or substitute their own BM Policy. The LGA will produce a guideline to identify the options that councils might need to consider and provide advice about these options and the way in which a council may customise the BM Policy.

³ Prior to submitting a final version to the Minister for Local Government a review of the proposed Behavioural Management Policy by Legal Connect partners, Norman Waterhouse Lawyers will be sought.

Behavioural Support Policy

A council can choose to adopt its own Behavioural Support Policy (Support Policy). A Support Policy allows councils to supplement the Behavioural Management Framework to incorporate additional behavioural requirements, applying to council members.

A Support Policy is an opportunity for a council to set out the principles it intends to follow and the expectations it has set about council member behaviour.

The LGA's template Support Policy provides a draft set of principles and 'member commitments', which councils can adopt or use as the basis for development of its own, tailored Support Policy.

In particular, the Support Policy is an opportunity for council members to set out their shared expectations in relation to:

- How council members will communicate with each other
- How council information will be shared
- Interaction between council members and council employees
- Dealing with the media and social media.

Note that if a policy requirement is included in the Support Policy, then a breach of the requirement will be dealt with pursuant to the Behavioural Management Policy and, if repeated breaches occur, may be referred to the Behavioural Standards Panel.

A council can amend or replace its Support Policy at any time after public consultation⁴. A council must, within six months after each periodic election, review their Support Policy (if they have one) and (if not) consider whether it should adopt a Support Policy.

⁴ Section 75F(6), *Local Government Act 1999*.

Consultation questions for councils

The LGA welcomes feedback on the two draft policies. the following questions are posed to assist councils with consideration of the two policies:

1. It will be mandatory for all councils to have a BM Policy. Having regard to the requirements set out in section 262B of the Local Government Act, is the draft BM Policy appropriate as the initial version of this document, which will apply from November 2022 until a council replaces it with their own BM Policy? What improvements could be made that will be suitable for all 68 councils?
2. Councils can choose to adopt a Support Policy. Do you have suggestions for improving the draft LGA Model Support Policy?

Summary

The new Behavioural Management Framework presents the local government sector with a significant opportunity to improve the regulatory arrangements for dealing with council member behaviour.

The Behavioural Management Framework has tried to address perceived weaknesses in the previous regime and introduce mechanisms for overcoming the problems of the past.

The Behavioural Management Framework concentrates on establishing and maintaining an effective culture and nurturing relationships between council members. It tries to encourage and support councils and council members to make choices that contribute to constructive relationships and effective decision making.

In circumstances where there have been repeated breaches of the Behavioural Standards, or a failure to comply with a council Behavioural Management or Behavioural Support Policy matters may be referred to the new Behavioural Standards Panel, which has powers to investigate and resolve issue, including powers to sanction council members.

It is hoped that the mere presence of this new body will act as a strong deterrent to departures from behaviour requirements.



LG Equip

Appendix 1 – Proposed Behavioural Management Policy





Local Government Association
of South Australia

LG Equip

Model Behavioural Management Policy

Consultation Draft

June 2022



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

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.

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LG Equip

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Foreword

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

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

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

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

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established⁵ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the 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.

⁵ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*

Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the BMF requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)⁶ and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the Local Government Act.

⁶ Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.

Behavioural Management Policy

Strategic Reference	
File reference	
Responsibility	
Revision Number	
Effective date	
Last revised date	
Minutes reference	
Next review date	
Applicable Legislation	Local Government Act 1999 s262B
Related Policies	
Related Procedures	

1. Introduction

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the approach to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members and/or any Behavioural Support Policy adopted by the Council (***the behavioural requirements***).

This Policy also sets out the steps councils will take to resolve behavioural issues and in doing so keep the culture between the elected body, staff and the community under continual review.

2. Glossary

behavioural requirements – in this document ***behavioural requirements*** refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.



3. Principles

Council members recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated, to avoid such disputes threatening the effective operation of Council.

The following principles will apply:

- When behaviour that is inconsistent with the **behavioural requirements** occurs, all council members should respectfully and constructively provide feedback at the earliest opportunity;
- If a complaint is not resolved at an early stage, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint as that person endeavours to perform their duties and resolve the matter successfully;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;
- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all Council Members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter or the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

Council will keep this policy and related procedures under review, making adjustments where enhancements could have resulted in a better outcome for a matter dealt with under this Policy or where another Council's experiences are worthy of consideration for adjustment.

Council must, within 12 months after the conclusion of each periodic election review the operation of this Behavioural Management Policy.

4. The complaints management process

This Policy has been designed to facilitate the resolution of issues by the council itself and to provide support for those council members and council employees with a role to play in these processes.

From time to time, resolution of behavioural issues may be facilitated through the engagement of external qualified advisers.

It is the expressed desire of the Council to, where appropriate, engage persons with skills and experience in resolving behavioural issues among Council Members and to adopt procedural fairness in the complaints process. Council may utilise resources made available through the Local Government Association (LGA), Local Government Risk Services (LGRS) and other sources to engage appropriate persons to support the implementation of this Policy.

This Policy authorises the engagement of external resources to assist with investigation and resolution of matters. To this end, this Policy authorises the engagement of:

- A contractor on the LGA approved service providers list
- Other contractors pre-approved pursuant to council's Procurement policy

Persons engaged will have an in depth understanding of the roles and responsibilities of Council Members and Employees and the manner in which the Local Government sector makes decisions and interacts with communities.

It is not the desire of the Council to engage lawyers in the resolution of behavioural matters, however, those engaged in assisting the Council may have access to legal advice, as required.

The legislative scheme does not generally impose obligations on council chief executive officers to manage council member behavioural issues, however CEOs do have access to a range of relevant information (for example, legislative, insurance, procurement of external parties, governance advice). Accordingly, whilst the CEO may not have a formal decision-making role it will often be useful for the person responsible for managing a complaint to keep the CEO informed of progress on the management of the issue and to consider advice provided by the CEO from time to time.

5. The Behavioural Management Process

Issues with behaviour may arise in a range of ways. Not all of those will result in a formal complaint being made. This Policy provides a range of strategies to manage behaviours and contribute to the effective performance of council members. This Policy recognises the wide range of personalities involved and the various scenarios that may arise and aims to provide Mayors and other persons involved in the behaviour management process a neutral and constructive path to achieve resolution.

Complaints and other concerns regarding behaviours that are inconsistent with the **behavioural requirements** may be raised by:

- Community members
- Council members
- Council employees

Individuals raising concerns or making a complaint will be made aware of:

- the Behavioural Management Framework applicable to council members
- their rights and obligations for making a complaint
- to whom and how a complaint should be made
- the manner in which a complaint will be investigated
- how they will be engaged in the process
- their access to assistance or support throughout the process
- remedies, penalties and potential outcomes that may arise from the complaint

5.1. Community members

This Policy is intended to set out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

If a community member wishes to raise a complaint about a decision of their council, long standing procedures are available pursuant to section 270 of the Local Government Act and Council has a policy setting out how this applies.

For the avoidance of doubt, this Policy is not the mechanism for:

- Providing feedback in response to consultation or engagement on council projects
- Requesting service or information from the council
- Complaining about council service provision

A community member can make a complaint about a council member pursuant to this Policy, however, this is limited to circumstances where the community member believes the council member has breached **behavioural requirements** and not merely where there is a disagreement about a council decision or a member's view point on a particular matter.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

5.2. Council employees

This Policy recognises and supplements the duty of care of a Council to the welfare of staff under Section 19 of the *Work Health and Safety Act 2012* and section 75G—Health & safety duties of council members under the Local Government Act.

This process does not replace the existing industrial relations framework or work, health and safety legislation, rather this Policy is focussed on addressing circumstances where the behaviour of a council member is inconsistent with the **behavioural requirements**. If an issue is raised that relates to the health and safety of an employee then this information will need to be communicated to the CEO, even in circumstances where council members would prefer the matter be dealt with confidentially.

An employee may wish to engage a support person in the process of the consideration/investigation of the complaint. This support person may be from the employee's industrial association, although that is not a requirement.

The Local Government Act requires the Behavioural Standards Panel to provide a copy of a report related to a matter it deals with involving an employee to the relevant industrial association. The Behavioural Standards Panel may place requirements on that association regarding the release and/or publication of the report.

5.3. Council members

The focus of this Policy is promoting constructive ongoing relationships between council members for the betterment of the Council and community. If a matter can be raised and resolved informally, council members are encouraged to do so. If the matter is of a higher level of seriousness, it may be more appropriate for a formal complaint to be made in accordance with this Policy.

Council members with concerns regarding the conduct of council employees should raise those directly with the CEO. The CEO remains responsible for the management of council employees and contractors.

5.4. Stages of Action

This Policy has three distinct parts regarding the approach that will be taken to address concerns about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved by the parties and is not of a serious nature.
- Part 2: Formal Action: Where the matter is perceived by the complainant to be serious enough to warrant a formal process of consideration.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

The above steps are not linear and the nature of the matter may determine at what step the process commences.

The Policy highlights the records management, confidentiality and access to support for the persons involved in a complaint or behavioural concern.

5.5. Part 1: Informal action

Where a Council Member has behaved in a way that another person considers is outside of the **behavioural requirements** they are encouraged to raise it with the Council Member and to seek to resolve the matter directly.

If the person is uncomfortable speaking directly with the council member, they are encouraged to speak to the Mayor and raise awareness of the behaviour. If the concerns relate to the conduct of the Mayor the person should speak to the Deputy Mayor (if appointed) or other council member identified by the council for dealing with complaints.

Council employees are encouraged to raise concerns with council member conduct with the CEO in the first instance.

Consistent with the leadership role of the Mayor set out in section 58 of the Local Government Act, the Mayor can play an important role in the development of positive and constructive working relationships between council members through informal discussions and by making observations regarding behaviour/conduct.

The Mayor is authorised to provide access to resources (if required) to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.

In many instances, by raising the matter informally, concerns can be aired and solutions can be identified. The parties involved may reach an understanding that will avoid future occurrences of the behaviour.

An informal process may not always be appropriate, for example when the matter is particularly serious or involves a breach of section 75G—Health and safety duties a member of council.

This Part also enables, with the approval of the person affected, to have a matter move to a formal complaint and dealt with under Part 2.

It is a reasonable expectation for the council member or council employee to have their concerns dealt with promptly and confidentially⁷, depending on the circumstances, or where confidentiality agreed.

5.5.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties, but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) could play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct has potentially been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

5.5.2. Informal action – record keeping⁸

Where the Mayor provides assistance with the management of informal action, a record should be made. Appendix 1 sets out the information that should be captured where a matter is managed informally.

⁷ There are circumstances in the WHS Act where information must be disclosed, for example where the health and safety of an employee is at risk.

⁸ Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.

The Mayor should consult with the parties regarding the confidentiality of this record and may provisionally determine to keep the record confidential if this will assist in resolution of the matter. However, if this process does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

5.6. Part 2: Formal action

This Part sets out how the response to formal complaints regarding the behaviour of council members.

The approach set out in this Part addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

5.6.1. Receipt of a Complaint

A complaint made under the Behavioural Management Policy must be received in writing and must provide the information specified by council to allow an assessment of the complaint to occur. Appendix 3 sets out the information that must be provided when making a complaint.⁹

Council encourages the lodgement of complaints in a timely manner, however, it acknowledges that in some circumstances, due to the impact of the behaviour on the complainant, there may be a delay in the lodgement of the complaint.

In the first instance, the CEO or delegate will manage the receipt of the complaint to ensure the appropriate records are captured and considerations are given to confidentiality requirements. For example, if the complainant requests their identity be withheld, the CEO or delegate may take appropriate action. For clarity this step is merely an administrative process for receipt of the complaint and the CEO or delegate should not undertake an assessment of the merits of the complaint about council member behaviour.

Subject to an alternative resolution of the Council, a complaint should be marked with "Council Member Complaint" and forwarded to:

- (via email) emailaddress@councilname.sa.gov.au
- (hard copy) **insert council physical/postal address**

⁹ Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.

Receipt of the complaint will be acknowledged within 48 hours or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed as follows:

- If the matter relates to a Council Member – to the Mayor
- If the matter relates to the Mayor – to the Deputy Mayor or other council member identified by the Council

A complainant may withdraw their complaint at any stage. The person complained about will be provided with a brief summary of the complaint unless the complaint was withdrawn before the matter was referred to the person responsible for managing the complaint.

5.6.2. Initial complaint assessment

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their functions as a public official.

In undertaking the assessment the person responsible for managing the complaint will have regard to matters such as whether:

- the person that is making the complaint has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith
- the complaint has been lodged with another authority
- it is unnecessary or unjustifiable for the Council to deal with the complaint.

If the person making the complaint does not have sufficient interest in the matter, or any of the remaining matters are relevant then the person responsible for managing the complaint should make a determination that there will be no further action in relation to the complaint. However, if the person responsible for managing the complaint believes that the principles set out in Section 3 of this Policy will be best served by continuing consideration of the matter then the person may determine to continue to the next stage of the process.

The person responsible for managing the complaint will determine what action will result from the initial assessment, which may include pursuant to section 262B(2)(b):

- a decision to refuse to deal with the complaint¹⁰
- proceeding to formal consideration
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation etc.)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing.

¹⁰ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint

Decision not to proceed

Where the person responsible for managing the complaint makes a decision not to proceed the following steps should be taken:

- the complainant must be provided written reasons explaining the decision¹¹
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding. The identity of the complainant may be provided, subject to the consent of the complainant.
- A record of these steps and the decision not to proceed should be made. This record would remain confidential subject to this Policy and any requirements of the Behavioural Standards Panel.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills and facilitate positive relationship development.

Decision to proceed:

Where the person responsible for managing the complaint makes a decision to proceed the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
 - the specific provision(s) of the **behavioural requirements** alleged to have been breached; and
 - the circumstances where this breach is alleged to have occurred.
- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

Decision to refer to alternative resolution mechanism:

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint and/or restore council member relationships is to implement an alternative resolution mechanism such as facilitated discussion, mediation or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach. If so, the person responsible for managing the complaint should take steps to facilitate access to the alternative resolution mechanism. The person responsible for managing the complaint may facilitate access to external or third party support (not being a legal practitioner) for parties to the complaint, where requested.

¹¹ Section 262D, *Local Government Act 1999*

5.6.3. Formal consideration

Where it has been determined that a complaint requires formal consideration the person responsible for managing the complaint will determine how to proceed. Options include:

- The person responsible for managing the complaint makes a decision that they are the appropriate person to formally consider the complaint
- The person responsible for managing the complaint makes a decision to engage third party expertise to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, will arrange and participate in meetings in a timely manner.

Refusal to participate in a timely manner may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act.

Further consideration by the person responsible for managing the complaint, may involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During this phase of managing the process, the person responsible for managing the complaint should form a view as to whether an agreement between the parties involved is appropriate and capable of being reached to resolve the matter.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

5.6.4. Report

Following formal consideration of a matter a draft report¹² should be prepared by the person responsible for managing the complaint summarising the matter and setting out their conclusions and recommendations.

¹² Details of records and information provision requirements throughout this Policy are subject to the Behavioural Standards Panel Practice Directions and Guidelines. Once those documents are finalised by the Behavioural Standards Panel changes to this Policy may be required.

An investigation report will generally include a range of possible solutions to the complaint for the parties to consider and/or participate in such as, but not limited to:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint should have regard to any submissions made in preparing a final report.

Outcome – agreed actions

Where the complainant and the person complained about¹³ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The parties will sign a written agreement reached. A copy of the agreement will be retained by each party and a copy held in Council records.

Outcome – no agreed action

Where the parties to the complaint have failed to reach agreement as to the resolution of the matter the final report should be presented to Council for consideration. The CEO should be requested to ensure the final report is included in the Council Agenda as soon as practicable.

5.6.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be raised with the Council. It is at this time that the Council will determine the actions to be taken which may include:

¹³ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

- taking no further action
- passing a censure motion in respect of the Member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;
- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

In determining the actions that a Council will take, the matter must be considered at a meeting open to the public.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- (a) the ground that the subject matter of the complaint is trivial; or
- (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
- (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- (f) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

5.7. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

Councils are required to pay for the costs of the Panel's deliberations. This Behavioural Management Policy, therefore, has been designed to ensure matters are dealt with efficiently and Council and Panel processes integrate as seamlessly as possible.

Behavioural matters are dealt with by Councils at first instance. In section 262C(1) of the *Local Government Act 1999* Councils have limited powers to take action in response to council member behavioural matters. Misbehaviour occurs where:

Legislative definition	Plain language explanation
<p>misbehaviour means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p> <p>(c) a council member fails to comply with an agreement reached pursuant to this policy</p>
<p>repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;</p>	<p>A second or subsequent breach of the behavioural requirements</p>
<p>serious misbehaviour means a failure by a member of a council to comply with section 75G.</p>	<p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i></p>

5.7.1. Referral to the Panel

At the time of writing the Behavioural Standards Panel was in the process of drafting Practice Directions guiding the steps required to be taken by persons referring a matter to the Panel. This section will be updated to reflect the requirements of the Practice Directions once finalised.

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.



Following referral of a matter to the Behavioural Standards Panel:

All parties to the complaint will respond to requests made by the Behavioural Standards Panel within the timelines specified and cooperate with Panel processes.

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

The principles set out in this Behavioural Management Policy continue to apply in interactions between parties to the complaint, the council and the Behavioural Standards Panel. In particular, to facilitate timely and efficient resolution and minimisation of costs.

Following referral the Behavioural Standards Panel will manage carriage of the matter in accordance with Practice Directions and legislative requirements.

6. Policy Delegations

The Mayor, Deputy Mayor (if appointed) or other council member identified by the council for dealing with complaints has a delegation under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- provide access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- After consultation with the CEO, engage external resources, either from an LGA approved service provider list or other contractors pre-approved pursuant to Councils Procurement Policy, to assist with investigation and resolution of matters.

The CEO (or delegate) has delegation under this Policy to:

- manage the receipt of a complaint lodged in accordance with this Policy to ensure the appropriate records are captured and considerations are given to confidentiality requirements.

The Behavioural Standards Panel Contact Officer (appointed by the council) has a delegation under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration, even where that information has been deemed by Council or a Council Policy to be confidential.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

Content of Appendices has not been included for consultation purposes

Appendix 1 – record of matter where informal action is taken

Appendix 2 – flow chart of Part 1: Informal Action

Appendix 3 – information required to make a complaint

Appendix 4 – Report outline (following formal consideration)

Appendix 5 – possibly additional details on Actions of Council (4.5.5) – or this content may sit more appropriately in a separate guideline





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Appendix 2 – Model Behavioural Support Policy





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Model Behavioural Support Policy

Consultation Draft

June 2022



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

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.

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Foreword

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

Councils may 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 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.

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 established¹⁴ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the 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.

¹⁴ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*

Behavioural Support Policy

Strategic Reference	
File reference	
Responsibility	
Revision Number	
Effective date	
Last revised date	
Minutes reference	
Next review date	
Applicable Legislation	Local Government Act 1999 s75F
Related Policies	
Related Procedures	

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 Act).

This Behavioural Support Policy forms part of the Behavioural Management Framework for council members and sets out the behaviour that the members of *[insert name of Council]* agree must be observed by all council members in addition to the statutory Behavioural Standards published by the Minister for Local Government.

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. All Councils are expected to provide training and education opportunities that will assist council members to meet their responsibilities under the *Local Government Act 1999*.

3. Policy Statement

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

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.

3.1. 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. If relationships between council members are under stress, all council members will be collegial and constructive in resolving conflict and restoring positive relationships.

To support the undertakings made above, the council members of *[insert name of Council]* additionally commit to:

1. Building rapport by getting to know each other informally – be friendly, not necessarily friends.
2. Participating in activities to monitor and review the team values and behaviours throughout the term of Council
3. Developing leadership effectiveness as part of the Council's "Council Members' Training and Development policy".

4. Specific Council Member Behaviour Requirements

We, the council members of *[insert name of Council]* agree that all council members should comply with the following specific obligations.

4.1. Council Member Training

1. Council members must undertake and complete training in accordance with Council's Training and Development Policy, which must comply with the LGA Training Standards, approved by the Minister under the Local Government Act.
2. Council's Training and Development Policy' details the support provided to Council members for leadership and professional development, relevant to Council members role and responsibilities.

4.2. Media

1. The Local Government Act provides that the Mayor is the principal spokesperson for Council unless the Council has appointed another council member to act as its principal spokesperson either at all times or on specific issues.
2. Subject to this section, council members should refrain from commenting publicly on any matter that is inconsistent with the resolutions of Council.
3. 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.

4. 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.
5. 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.

4.3. Social Media

1. Council recognises that social media is an important platform for communication and engagement and, as such, council members may establish and maintain their own social media sites.
2. Council's website is the principal source of Council's public information, supported by social medial platforms.
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. Council members should refrain from linking or disseminating information that is inconsistent with the resolutions of Council.

4.4. Communication and engagement

Council is open and transparent in its decision making. Council members, as representatives of Council, will communicate and engage with the community on Councils key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.

5. Sharing information

While there is a clear separation of powers between Council Members and the CEO, good governance and effective Council leadership is dependent upon a shared understanding of Council's priorities and a willingness to work together to achieve outcomes for the community.

Council members understand the value of, and will respectfully attend, scheduled Council briefings and workshops.

Outside of Council meetings and briefings, council members agree to share information in the following ways [**Drafting Note:** *the following table provides examples of a range of communication channels. Councils should modify this table to reflect the communication channels applicable to their respective council*]:



Communication Channel	Purpose
Council briefings	Briefings are an important informal forum for sharing information about Council's strategic priorities and initiatives in preparation for Council's formal consideration of issues. They are a forum for Council member questions, consideration of options and providing feedback but are not a decision-making forum.
Council Service Request	Council Members may request the performance of work or the taking of action by an employee of a council (e.g. to repair a footpath or prune a tree) and must direct such requests through the CEO or in accordance with the requirements of the CEO.
Emails	Emails seeking information should be directed to the CEO or in accordance with the requirements of the CEO.
Phone contact	Phone contact with council employees should be made to the CEO or in accordance with the requirements of the CEO.
Face to face meetings	Meetings may be held with the CEO and Senior Managers from time to time, in accordance with any requirements determined by the CEO. Other staff will attend by invitation from the CEO or nominee.
Councillor Updates	A weekly/fortnightly/monthly [as per X Council frequency] email (or other format) publication for information on events, key projects and operational service updates

Council members are entitled to have access to council information in connection with the performance or discharge of their functions or duties, pursuant to section 61 of the Act. Requests for information should be directed through the CEO.

The CEO or his/her nominated person will provide information sought in a considered, responsive, and timely manner. Council members cannot direct staff, set priorities or deadlines.

6. Definitions

In this Behavioural Support Policy:

'**council meeting**' includes a council committee meeting, a meeting of a council subsidiary and applies to a council member at any other meeting where the person is performing duties as a member of council.

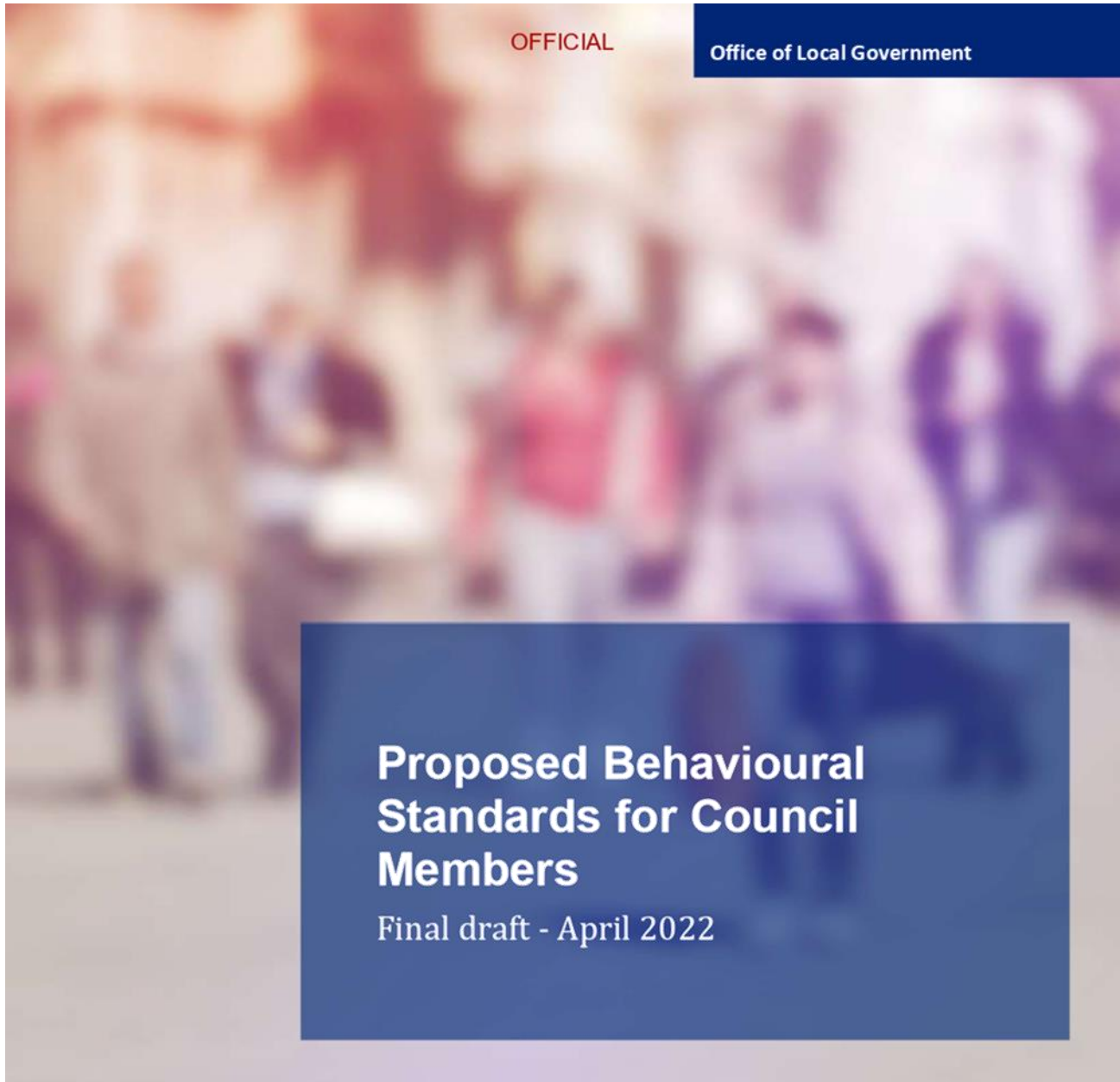
7. Further Information

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.



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Appendix 3 – Final Draft – Proposed Behavioural Standards for Council Members



The proposed Behavioural Standards for Council Members have been developed in preparation for the commencement of the Conduct 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*. These draft Standards have been prepared in close consultation with the Local Government Association.



Government of South Australia
Attorney-General's Department



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The Behavioural Standards are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act. Further information is available at:

<https://www.agd.sa.gov.au/local-government/office-of-local-government>

Statement of Intent

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

Behavioural Standards

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

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These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:

1. General behaviour

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

2. Responsibilities as a member of Council

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.



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- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

3. Relationship with fellow Council Members

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

4. Relationship with Council employees

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.



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Definitions

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) repeatedly behaves unreasonably towards another Council member, or employee; and
- b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

An elected member will be considered to **sexually harass** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another Council member, or employee (the person harassed); or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed,

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Note -

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.



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Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

Council employees include volunteers, persons gaining work experience and contractors.

The following behaviour **does not** constitute a breach of these Standards:

- robust debate carried out in a **respectful** manner between Council Members; or
- A reasonable direction given by the Presiding Member at a council meeting, council committee meeting or other council-related meeting (such as a working group or an information or briefing session); or
- A reasonable direction carried out by the Council CEO/responsible person pursuant to section 75G of the Act in relation to the behaviour of a Council Member that poses a risk to the health or safety of a council employee.

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Appendix 4 – Extract of behavioural management legislative provisions

Division 2—Member behaviour

75E—Behavioural standards

- (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that—
 - (a) specify standards of behaviour to be observed by members of councils; and
 - (b) provide for any other matter relating to behaviour of members of councils.
- (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- (3) A member of a council must comply with the behavioural standards.
- (4) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the behavioural standards.
- (5) The Minister must, before establishing, varying or substituting the behavioural standards—
 - (a) consult with the LGA; and
 - (b) undertake such other consultation as the Minister thinks fit,on the behavioural standards, variation or substitute behavioural standards (as the case may be).
- (6) A notice published under subsection (1) or (4) may come into operation on the day on which it is published in the Gazette or on a later day or days specified in the notice.
- (7) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (4) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (4) (as the case requires)).

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.

Chapter 13—Review of local government acts, decisions and operations

Part A1—Member behaviour

Division 1—Council to deal with member behaviour

...

262B—Behavioural management policy

- (1) A council must prepare and adopt a policy relating to the management of behaviour of members of the council (a *behavioural management policy*).
- (2) Subject to this Division, a behavioural management policy must include the following provisions relating to complaints under this Division:
 - (a) provisions requiring that, on receipt, a complaint will be provided to a person authorised to receive complaints, being a person who is not the person subject of the complaint;
 - (b) provisions authorising the council to deal with complaints as the council considers appropriate, including by—
 - (i) refusing to deal with a complaint; or

- (ii) determining to take no further action on a complaint (having commenced dealing with a complaint); or
- (iii) arranging for mediation, conciliation, arbitration or other dispute or conflict resolution in relation to a complaint;

Note—

Provisions of a behavioural management policy setting out the grounds authorising a council to refuse to deal with a complaint or determine to take no further action on a complaint may include grounds such as—

- (a) the ground that the subject matter of the complaint is trivial; or
 - (b) the ground that the complaint is frivolous or vexatious or is not made in good faith; or
 - (c) the ground that the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint; or
 - (d) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint; or
 - (e) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
 - (f) the ground that the council has dealt with the complaint adequately.
- (c) provisions authorising the council to inquire into a complaint in such manner as the council considers appropriate (subject to the principles of procedural fairness);

Note—

Provisions of a behavioural management policy relating to inquiring into a complaint appropriately may include procedures such as 1 or more of the following:

- (a) provisions relating to parties to the process providing submissions (oral or written);
 - (b) provisions relating to the conduct of interviews;
 - (c) provisions relating to the undertaking of investigations (formal or informal).
- (d) provisions authorising the council to conduct an inquiry itself or delegate the conduct of an inquiry to any person or body (with the agreement of the person or body) the council considers appropriate in the circumstances;

Note—

Examples of the kind of person to whom a council may delegate the conduct of an inquiry include—

- (a) the principal member of the council; or
- (b) the chief executive officer of the council; or

- (c) a delegate of the principal member or the chief executive officer; or
 - (d) a committee of the council (such as a committee established in relation to governance matters); or
 - (e) a person who is not a member or employee of the council.
- (e) provisions authorising the council to take action to resolve a complaint in such manner as the council considers appropriate, including by—
 - (i) requiring the member to undertake training, instruction, counselling, mentoring or coaching; or
 - (ii) taking action under this Division.
- (3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for receiving and dealing with complaints under this Division.
- (4) A behavioural management policy—
 - (a) must not be inconsistent with the behavioural standards; and
 - (b) must not be inconsistent with the *Public Interest Disclosure Act 2018* or a council procedure under that Act; and
 - (c) must comply with any requirement specified by the behavioural standards.
- (5) A member of a council must comply with the council's behavioural management policy.
- (6) A council may from time to time alter a behavioural management policy, or substitute a new policy.
- (7) A council must, within 12 months after the conclusion of each periodic election, review the operation of its behavioural management policy.



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21.7 POLICY REVIEW - COUNCIL POLICY C410 - CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS / MEETING PROCEDURES – REPORT NO. AR22/46979

Committee:	Council
Meeting Date:	19 July 2022
Report No.:	AR22/46979
CM9 Reference:	AF21/496
Author:	Michael McCarthy, Manager Governance and Property
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report represents Council Policy C410 Code of Practice for Access to Meetings to address attendance by Members at information and briefing sessions by telephone and other electronic means.
Strategic Plan Reference:	Goal 5: Our Commitment

REPORT RECOMMENDATION

1. That Council Report No. AR22/46979 titled 'Policy Review - Council Policy C410 - Code of Practice for Access to Meetings & Documents / Meeting Procedures ' as presented on 19 July 2022 be noted.
2. That the updated Council Policy C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures as attached to Report No. AR22/46979 be adopted.



TYPE OF REPORT

Legislative

BACKGROUND

At the 21 June 2022 Council meeting Report No. AR22/36492 presented on the cessation of the COVID19 Health Emergency (Ministers) Notices and the effect on the virtual attendance at meeting provisions in Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures.

In this regard Council resolved:

2. *That a revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures be presented for endorsement to the July 2022 Council meeting.*
3. *Elected Members are permitted to attending Information / Briefing Sessions by virtual means until the revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures has been endorsed.*

Accordingly, this report presents and updated Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures for consideration.

PROPOSAL

Members are aware that, in the absence of the temporary COVID19 emergency variations to the *Local Government Act 1999*, there are no legislative provisions to accommodate virtual attendance of Council Members at Council meetings.

Section 90(7a) of the *Local Government Act 1999* ("the Act") anticipates attendance of committee members at committee meetings by telephone or electronic means, provided the public can hear the discussion between all committee members, and subject to the qualification that Council can direct a committee not to use telephone or electronic means for the purposes of its meetings.

With regard to proceedings at committee meetings, section 89 of the Act provides that the procedures to be observed will be:

- a) as prescribed by regulation;
- b) insofar as the procedure is not prescribed by regulation – as determined by the Council;
- c) insofar as the procedure is not prescribed by regulation ore determined by the Council – as determined by the Council committee itself.

Procedures for attendance at committee meetings by telephone or electronic means are not prescribed and the only current Council committee that would be affected by any Council determined procedures is the Audit and Risk Committee which has relevant provisions in its adopted Terms of Reference. Accordingly, this report is not proposing any provisions in relation to alternate attendance at committee meetings.

With regard to information and briefing sessions the Act is silent on Member attendance by telephone or electronic means. As such forums are not formal meetings Member attendance may be by such means as Council determines, subject to compliance with any other relevant provisions of the Act and the *Local Government (General) Regulations 2013*.

To assist Council in adopting a position on attendance at information and briefing sessions by alternate means the following provisions have been redrafted from earlier committee terms of reference and decisions relating to such attendance for the purpose of inclusion in Policy C410:

Any Member(s) may participate in an information or briefing session despite not being physically present, subject to each of the following conditions, as applicable to the circumstances:



- *a written request to participate in the session by telephone or other electronic means being made to the Chief Executive Officer not less than 12 hours prior to the scheduled commencement time to enable any necessary technologies to be made available and compliant with any relevant provisions of the Local Government Act and Regulations.*
- *all Members and the public being able to hear the discussion between all Members including the Member(s) participating by telephone or other electronic means.*
- *the Member(s) may be disconnected where the Chief Executive Officer determines that the technology being used is causing unreasonable disruption or inconvenience to the session, or that a confidentiality under a s90(3) order may be or become compromised.*
- *should the telephone or other electronic connection fail or be disconnected, any attempt(s) to re-connect being at the discretion of the Chief Executive Officer.*

The proposed procedural conditions have been included in clause 11 commencing on page 6 of Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures (refer **Attachment 1**).

LEGAL IMPLICATIONS

Council has an obligation to comply with, and this report and the proposed policy provisions have been prepared with consideration to the *Local Government Act 1999* and relevant *Regulations*.

STRATEGIC PLAN

N/A

COUNCIL POLICY

This report relates to the proposed amendment of Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

N/A

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

Resource implications are limited to those necessary to implement Member attendance by telephone or other electronic means on a case by case basis.

VALUE FOR MONEY

N/A

RISK IMPLICATIONS

There is a risk that the administration or Members could inadvertently breach relevant meeting procedures and legislative provisions through attendance practices that do not consider the various provisions of the *Local Government Act 1999* or *General/Meeting Procedure Regulations*.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A



ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

Any policy amendments arising from this report would be implemented as resolved, which is anticipated to be on a case by case basis as Member requests to attend information or briefing sessions are received.


CONCLUSION AND RECOMMENDATION

Having considered this report and the proposed procedural conditions for attendance at information or briefing sessions by telephone or other electronic means, this report recommends that Council adopt the updated Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures as presented.

ATTACHMENTS

1. DRAFT (v12) Council Policy C410 - Code of Practice for Access to Meetings [↓](#)



 <p>City of Mount Gambier</p>	COUNCIL POLICY C410	Version No:	12
	CODE OF PRACTICE FOR ACCESS TO MEETINGS & DOCUMENTS / MEETING PROCEDURES	Issued:	19 July 2022
		Next Review:	December 2022

1. Introduction

The model code is to assist Councils to:

- Meet the provisions of section 92 of the *Local Government Act 1999* ("the Act") in the preparation and adoption of a Code of Practice relating to the principles, policies and procedures that a Council must apply for the operation of Parts 3 and 4 of the Act for the purposes of public access to meetings, documents and minutes of Council and Committee meetings.
- Inform and educate the community about public access to Council and Committee meetings, minutes of Council and Committee meetings and other Council documents.
- Ensure that statutory requirements for openness and transparency are observed while providing an opportunity for informal gatherings and discussions among Council Members.
- To provide policy provisions for ancillary matters associated with the conduct of meetings.

2. Confidentiality Guidelines

This model code should be developed and read in conjunction with the LGA's Confidentiality Guidelines which are designed to assist with the application of the provisions in the Act to restrict public access to meetings and or documents. The Confidentiality Guidelines are available on the LGA website at: www.lga.sa.gov.au under the Codes and Guidelines heading.

3. Public Access to the Agenda for Meetings

Public access to Council agendas is encouraged. This provides one of the main opportunities for the community to gain information about the business of Council and Committees. Agendas and associated documents for the meetings are publicly available subject to any indication from the Chief Executive Officer under section 83(5) of the Act or to an order of confidentiality under section 90(3) of the Act.


The following procedures apply to encourage public access to meetings:

- 3.1 At least three 'clear days'¹ before a Council or Council Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee Members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.
- 3.2 The notice and agenda are to be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area² and on Council's website.
- 3.3 The notice and agenda must be kept on public display and continue to be published on the website until the completion of the relevant meeting.
- 3.4 Items listed on the agenda are to be described accurately and in reasonable detail.

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- 3.5 Copies of the agenda documents and non-confidential reports that are to be considered at the meeting must be made available to members of the public at the meeting. A reasonable number of copies are to be available for public inspection as soon as practicable after they are supplied to the members of Council.
- 3.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 3.7 Distribution of agenda papers to members of Council, or members of a Committee, may include advice from the CEO of the Council (after consultation with the Principal Member of the Council, or in the case of a Committee - the presiding member) that a document or report on a particular matter be considered in confidence with the public to be excluded. Where this occurs, the CEO must specify the basis under which the order could be made in accordance with section 90(3) of the Act. [see sections 83(5) (Council) and 87(10) (Committee) of the Act]

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting. eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.

² Sections 84(1a) and 88(1a) Local Government Act 1999.

4. Public Access to Meetings

Council and Council Committee meetings are open to the public and attendance is encouraged, except where a Council (or the Council Committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision making.

Council must encourage public attendance at meetings of the Council and Committees through public notification of meetings.

In accordance with section 90A of the Act, a Council, or the Chief Executive Officer of a Council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an **information or briefing session** – refer Part 11).

5. Public Access to Minutes

Minutes of a meeting of Council or a Council Committee must be publicly available, including on the internet, within 5 days after the meeting.


6. Public Access to Documents

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

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A Council or Council committee should only order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary in the broader community interest.

A Council or Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) a Council or Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

7. Review of Confidentiality Orders

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for a Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public. At this point in time it is important that the Council make this information publicly available and also include it on the Council's website. It is recommended that the Code include a provision as to when the confidentiality orders will be reviewed.

The Model Confidential Items Register contained in the Meeting Confidentiality Guidelines will also provide assistance with the review of confidentiality orders.

Orders that exceed 12 months must be reviewed annually and a Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive Officer and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council **cannot** delegate the power to apply sections 90(3) and 91(7) of the Act.

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

If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. A Council or Council Committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

8. Accountability and Reporting to the Community

A report on the use of sections 90(2) and 91(7) by a Council and Council Committee must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

This information should also be considered in any review of the Code.

9. Availability of the Code

The public may inspect a copy of the Code, without charge, at the offices of a Council during office hours, and may obtain a copy for a fee fixed by Council. The Code should also be available on the Internet. The availability of the Code can also be promoted to the local community through the Council's newspaper.

10. Review of the Code

In accordance with section 92(2) of the Act each Council is required to review the Code within 12 months after the conclusion of each periodic election. However, it is recommended that Council undertake a review on an annual basis to ensure that the principle of open government is being applied in a proper manner. The Code of Practice should include when the next scheduled review is due to occur. Each Council has the ability to review the Code at any time if considered desirable.

The Code of Practice should include the date when Council adopted the Code.

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11. Information and Briefing Sessions

Information and briefing sessions provide a valuable opportunity to enhance Council decision-making processes by providing opportunities for Council members to become better informed on issues and seek further clarification. Information and briefing sessions, however, must not be used, or be seen to be used, as a replacement for full debate and decision-making at Council meetings or Council committee meetings. Open and transparent Council meetings and Council committee meetings underpin representative democracy and ensure public confidence in Council's decision-making processes.

The policy aims to ensure that the statutory requirements for openness and transparency in Council decision-making are observed; while providing an opportunity for confidential discussions among Council members where this is warranted by the nature of the session or subject matter to be discussed.

Scope

These provisions apply to information and briefing sessions of the Council or a Council Committee held or arranged by Council, or the Chief Executive Officer (not being a formal meeting of a Council or Council Committee) to which more than 1 member of the Council or a Council Committee is invited to attend or be involved in for the purposes of providing information or a briefing session to attendees.

A matter must not be dealt with at a Council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the Council or a Council Committee.

An information or briefing session that is not held or arranged by the Council or Chief Executive Officer, or to which only a single member is invited or involved, or which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not an information or briefing session.

Information and briefing sessions to be open to the public, except in special circumstances

A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.

However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

Procedures applying to information and briefing sessions

Both the Chief Executive Officer and the Council are responsible for ensuring information and briefing sessions are conducted in accordance with the Local Government Act.

Information and briefing sessions are not subject to the procedural meeting requirements of the Local Government Act and *Local Government (Proceedings at Meetings) Regulations 2013*.


Information and briefing sessions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the information or briefing session are consistent with section 90 of the Local Government Act.

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Formal minutes will not be recorded of an information or briefing session. Notes of an information or briefing session may be tabled at the Council meeting following the information or briefing session and prescribed information will be published as required by the Local Government Act.

If an information or briefing session has been ordered to be a 'confidential information or briefing session', then the information or briefing session may be attended by Council Members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential information or briefing session has been made in respect of only some of the matters to be discussed at an information or briefing session, then these confidential matters will be scheduled to be discussed at the end of the agenda for the information or briefing session. The information or briefing session will be open to the public until immediately prior to the discussion on confidential matters commencing.

Publication of information relating to information and briefing sessions

A Council or the Chief Executive Officer of a Council must comply with any requirements of the regulations relating to the following:

- (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
- (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session

For all information and briefing sessions, the following information will be published on the Council's website:

- (i) the place, date and time at which the information or briefing session will be held;
- (ii) the matter that is to be discussed at the information or briefing session;
- (iii) whether or not the information or briefing session is to be held at a place open to the public.
- (iv) any prescribed information required to be published under the Local Government Act or Regulations.

Where a confidential order applies to an information or briefing session, the reason for the information or briefing session being held entirely or partially in confidence must be published on the Council's website.

Attendance by telephone and other electronic means


Any Member(s) may participate in an information or briefing session despite not being physically present, subject to each of the following conditions, as applicable to the circumstances:

- *a written request to participate in the session by telephone or other electronic means being made to the Chief Executive Officer not less than 12 hours prior to the scheduled commencement time to enable any necessary technologies to be made available and compliant with any relevant provisions of the Local Government Act and Regulations.*
- *all Members and the public being able to hear the discussion between all Members including the Member(s) participating by telephone or other electronic means.*
- *the Member(s) may be disconnected where the Chief Executive Officer determines that the technology being used is causing unreasonable disruption or inconvenience to the session, or that a confidentiality under a s90(3) order may be or become compromised.*
- *should the telephone or other electronic connection fail or be disconnected, any attempt(s) to re-connect being at the discretion of the Chief Executive Officer.*

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12. Other Meeting Practices & Procedures

12.1. FILMING AND AUDIO RECORDING DEVICES

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

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

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

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

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

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

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

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

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

12.2. PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

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

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


Should a Presiding Member of any Committee not be in attendance at a Committee Meeting, but is in attendance at the Council meeting at which the Committee Minutes and Recommendations are to be presented, then the Presiding Member of the Committee shall present the Committee Minutes, but may elect to refer any item of

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business to the Member that presided over the Committee Meeting, or to another Member who attended the Committee meeting, for presentation of the item to Council.

12.3. VOTING 'EN-BLOC'

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

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

12.4. APPOINTMENT AND ROLE OF DEPUTY MAYOR

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

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

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

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

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

The following shall apply to the determination of Deputy Mayor:

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

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


In the Council Chamber, the Deputy Mayor shall assume no precedence, except in the absence of the Mayor, when the Deputy Mayor shall act in the office of Mayor. Outside the Council Chamber, the Deputy Mayor shall be given precedence, immediately following the Mayor.

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12.5. APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

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

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

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

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

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

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


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

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- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

Limestone Coast Local Government Association Positions

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

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

Payment of Allowances/Sitting Fees

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

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

Roles of Nominees/Appointees

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

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

Attendance by Non-Appointed Persons

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

Independence of Bodies/Organisations

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

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



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

13. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.mountgambier.sa.gov.au.

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

14. REVIEW & EVALUATION

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

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

15. GRIEVANCE

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

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

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the Internal Review of Council Decisions Procedure established by Council.

The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site www.mountgambier.sa.gov.au.

16. FURTHER INFORMATION

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


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

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File Reference:	AF18/51		
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013 Freedom of Information Act 1991		
Strategic Reference:			
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions		
Related Procedures:			
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2016) Council Meeting Procedures Handbook (2016) Minute Takers Handbook for Local Government (2014) Freedom of information - Information Statement Confidential Items Register		

DOCUMENT DETAILS


Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	12.0
Last revised date:	19 July 2022
Effective date:	20 July 2022
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<u>Document History</u>	
First Adopted By Council:	November 2014 Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 th March, 2015
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Model Code of Practice for Access to Council Meetings and Documents

1. ADOPTION

This Code was adopted by the Council on 19 July 2022

2. STATEMENT OF PRINCIPLE

In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework prescribed by the Local Government Act 1999, the City of Mount Gambier is fully committed to the principle of open and accountable government. However, Council also recognises that on a limited number of occasions it may be necessary, in the broader community interest, to restrict public access to discussion/decision and/or documents.

3. INTRODUCTION

This Code sets out the commitment of City of Mount Gambier to provide public access to Council and Council committee meetings and documents and outlines the policies and procedures contained within the *Local Government Act 1999*, to restrict public access. The Code includes:

- information on the relevant provisions of the Act;
- Council's policy on public access and participation;
- the process that will be adopted where public access to a meeting or a document is restricted;
- grievance procedures to be followed if a member of the public believes that the Council has unreasonably restricted public access on a particular matter.

This Code sets out the policy of Council for access to meetings and documents and includes information relating to:


- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the code; and
- grievances about the use of the code by Council.

4. PUBLIC ACCESS TO THE AGENDA FOR MEETINGS

- 4.1 At least three clear days³ before the Council or Council committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written notice of the meeting to all Council/Committee members setting out the date, time and place⁴ of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

³ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday.



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- 4.2 Notice of meeting and agenda will be placed on public display at each office of the Council that is open to the public for the general administration of Council business within its area at 10 Watson Terrace, Mount Gambier and on Council's website www.mountgambier.sa.gov.au.
- 4.3 Items listed on the agenda will be described accurately and in reasonable detail.
- 4.4 Notice and agenda will be kept on public display and continue to be published on the website until the completion of the relevant Council or Council committee meeting.
- 4.5 The agenda documents and non-confidential reports that are to be considered at the meeting will be made available to members of the public in attendance. A reasonable number of copies will also be available for public inspection as soon as practicable after they are supplied to the Members of Council.
- 4.6 Members of the public may obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with a Council's schedule of fees and charges.
- 4.7 Where the CEO of the Council (after consultation with the principal member of the Council, or in the case of a Committee - the presiding member) believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with section 90(3) of the Act will be specified. [see sections 83(5) (Council) and 87(10) (Committee) of the Act.]

5. PUBLIC ACCESS TO MEETINGS

Council and Council Committee meetings are open to the public and attendance is encouraged, except where the Council (or the Council committee) believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, decision) of a particular matter.

The public will only be excluded when considered proper and necessary i.e. the need for confidentiality outweighs the principle of open decision-making.

Council encourages public attendance at meetings of the Council and Committees through public notification of meetings by *[list promotional activities eg. a sign and/or notice in a local paper indicating the date and time of the next meeting]*.


A Council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the Council or a Council Committee is discussed at the session.

However, the Council or Chief Executive Officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the Council or Chief Executive Officer (as the case requires) considers it to be necessary and appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

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6. PROCESS TO EXCLUDE THE PUBLIC FROM A MEETING OR INFORMATION OR BRIEFING SESSION

The practice of the City of Mount Gambier is as follows:

- for the convenience of the public present at a meeting, where it is ordered to consider a matter in confidence, this matter may be deferred until all other business has been dealt with rather than ask the public to leave the room and wait for however long it takes until the matter is concluded and then allow the public to return to the meeting room with the possibility of the same process being repeated for a subsequent matter.

Before a meeting or session orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then order to exclude the public while dealing with that particular matter. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. For the operation of section 90(2) a member of the public does not include a member of Council.

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

Once discussion on that particular matter is concluded, the public are then permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

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

7. MATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED


In accordance with the requirements of section 90(3) of the Act, Council, or a Council Committee, may order that the public be excluded in the following circumstances:

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (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;*
- (c) *information the disclosure of which would reveal a trade secret;*
- (d) *commercial information of a confidential nature (not being a trade secret) the disclosure of which—*

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- (i) *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; and*
- (ii) *would, on balance, be contrary to the public interest;*
- (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *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, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
 - (i) *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 of the Council, or a person engaged by 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;*
- (l) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act; or*
- (m) *information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991.*
- (o) *information relating to a proposed award recipient before the presentation of the award.*


The Act provides for a definition of “personal affairs”, being a person’s financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person’s employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

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

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council; or
- cause a loss of confidence in the Council or Committee.
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism. [s.90(4)]

If a decision to exclude the public is taken, the Council or the Council committee is required to make a note in the minutes of the making of the order and the grounds on which it was made. Sufficient detail of the grounds on which the order was made will be included in the minutes. For for an information or briefing session, to publish the prescribed information.

8. PUBLIC ACCESS TO MINUTES

Minutes of a meeting of Council or a Council committee will be publicly available, including on the internet, within 5 days after the meeting.

9. USE OF THE CONFIDENTIALITY PROVISIONS

Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting or session will require the identification of one or more of the grounds listed within section 90(3) of the Act and the factual reasons for the relevance and application of the ground(s) in the circumstances. These are listed in paragraph 7 of this Code.

The following principles/processes are intended as a guide from which individual Councils can select those which they consider to be relevant:

The policy approach of the City of Mount Gambier is that:


- The principle of open and accountable government is strongly supported;
- Information of the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting – the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given;
- Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document associated with this agenda item (including minutes) remain confidential. In determining this, the meeting will have regard to the provisions of section 91 and in particular section 91(8) which details when a Council must not order that a document remain confidential;
- If the meeting determines that it is proper and necessary to keep a document confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with section 91(7) of the Act;
- The Council will not consider a number of agenda items “in confidence” together i.e. en bloc. It will determine each item separately and consider the exemptions relevant to each item.
- Once discussion of the matter is concluded and the public have returned, the decision of the meeting in relation to this matter will be made publicly known unless the Council has resolved to order that some information remain confidential. Details relating to any order

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to keep information or a document confidential in accordance with section 91(7) are also to be made known. When making an order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the section 91(7) order is to apply for a period exceeding 12 months, then this order must be reviewed every 12 months from the date it was made. This along with the making of the order pursuant to section 90(2) and the grounds pursuant to section 90(3) on which it was made are also to be recorded in the minutes.

- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications; and
- Where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

10. PUBLIC ACCESS TO DOCUMENTS

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

The Council or the Council committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

In accordance with section 91(8) the Council or the Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or
- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:


- the grounds for confidentiality; and

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- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer who is *[include their name and phone number]*.

11. REVIEW OF CONFIDENTIALITY ORDERS

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

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

A review of the reports or documents that were considered under the provision of sections 90(3) and 91(7) of the Act will be conducted every 3 months to ensure that items are released in accordance with the resolution of Council, when the confidential provision no longer applies.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential.

The conduct of the annual review can be delegated to the Chief Executive office and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act.

While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

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


If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

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12. ACCOUNTABILITY AND REPORTING TO THE COMMUNITY

A report on the use of sections 90(2) and 91(7) by the Council and Council committees must be included in the annual report of a Council as required by Schedule 4 of the Act. This supports commitment to the principle of accountability to the community. The reporting should include the following information, separately identified for both Council and Council committees:

1. Number of occasions each of the provisions of sections 90(2) and 90(3) were utilised;
2. Number of occasions each of the provisions of sections 90(2) and 90(3) and section 91(7) were utilised, expressed as a percentage of total agenda items considered'
3. An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion e.g. a proposal to acquire a parcel of land was considered on 3 separate occasions;
4. Number of occasions that information originally declared confidential has subsequently been made publicly available; and
5. Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

13. AVAILABILITY OF THE CODE

The public may inspect a copy of the Code, without charge, at the offices of Council during office hours, and may obtain a copy for a fee fixed by Council. The Code is also available on the Council website www.mountgambier.sa.gov.au.

14. REVIEW OF THE CODE

The Council is required to review this code within 12 months after the conclusion of each periodic election.

15. GRIEVANCE

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

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

Should a person be aggrieved about public access to either a meeting or a document then they can lodge an application for review of that decision under the procedures established by Council.

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.

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22 MOTIONS WITH NOTICE

Nil

23 URGENT MOTIONS WITHOUT NOTICE



24 CONFIDENTIAL ITEMS OF COMMITTEES

24.1 CONFIDENTIAL ITEMS OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE HELD ON 6 JULY 2022

24.2 Independent Review of Chief Executive Officer and Remuneration Review

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, discussion and consideration in confidence of Agenda Item 24.2 AR22/43771 Independent Review of Chief Executive Officer and Remuneration Review.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott 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 5.1 AR22/43771 Independent Review of Chief Executive Officer and Remuneration Review and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) and (g) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.
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*.



25 NEW CONFIDENTIAL ITEMS

25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #19 - AS AT 05/07/2022 – REPORT NO. AR22/46752

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, discussion and consideration in confidence of Agenda Item 25.1 AR22/46752 Project Control Group (PCG) Progress Report #19 - As at 05/07/2022.

The Council is satisfied that, pursuant to section 90(3) (b), (d), (g) and (h) 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

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 contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the 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 project delivery on behalf of the community.

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 25.1 AR22/46752 Project Control Group (PCG) Progress Report #19 - As at 05/07/2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) and (h) be kept confidential and not available for public inspection until 12 months after completion of the project.
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*.

25.2 TENDER AF21/283 - DESIGN, SUPPLY & INSTALLATION OF SOLAR LIGHTING ON RAIL TRAIL – REPORT NO. AR22/45083

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, discussion and consideration in confidence of Agenda Item 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (k) 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
- 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 the matter to be considered relates to tenders that have been issued and are presented for consideration and include commercially sensitive pricing information and technical specifications the premature disclosure of which could jeopardise the commercial position of the third parties who provided the information and the commercial position of Council in obtaining best value for the community.

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 25.2 AR22/45083 Tender AF21/283 - Design, Supply & Installation of Solar Lighting on Rail Trail and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.
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*.

**25.3 TENDER - SUPPLY CONTRACTS FOR CITY INFRASTRUCTURE WORKS – REPORT
NO. AR22/46711**

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, discussion and consideration in confidence of Agenda Item 25.3 AR22/46711 Tender - Supply Contracts for City Infrastructure Works.

The Council is satisfied that, pursuant to section 90(3) (b), (d) and (k) 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
- 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 the matter to be considered relates to tenders that have been issued and are presented for consideration and include commercially sensitive pricing information and technical specifications the premature disclosure of which could jeopardise the commercial position of the third parties who provided the information and the commercial position of Council in obtaining best value for the community.

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 25.3 AR22/46711 Tender - Supply Contracts for City Infrastructure Works and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (k) be kept confidential and not available for public inspection until 12 months after the completion of the contract works, with the name of the successful tenderer and the tender contract value to be released immediately upon execution of a contract.
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*.

25.4 CHIEF EXECUTIVE OFFICER KPI'S 2022 – REPORT NO. AR22/46872

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, discussion and consideration in confidence of Agenda Item 25.4 AR22/46872 Chief Executive Officer KPI's 2022.

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 the subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott 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 25.4 AR22/46872 Chief Executive Officer KPI's 2022 and its attachments, the discussion and the 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 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period.
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*.

**25.5 COUNCIL MEMBER TRAINING STANDARD - CONSULTATION – REPORT NO.
AR22/42078**

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, discussion and consideration in confidence of Agenda Item 25.5 AR22/42078 Council Member Training Standard - Consultation.

The Council is satisfied that, pursuant to section 90(3) (g) 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
- 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 disclosure of this information would, on balance, be contrary to the public interest because it is in the public interest for the Council to be able to communicate on a confidential basis with the LGA about proposed training standards for council members and thereby act cooperatively with the LGA in achieving positive outcomes for the local government sector.

Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

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 25.5 AR22/42078 Council Member Training Standard - Consultation and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (g) and (j) be kept confidential and not available for public inspection until 31 August 2022.
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*.

26 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 JUNE 2022 AT 6.00 P.M.**

PRESENT: Cr Sonya Meziniec, Cr Max Bruins, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mrs A Watson
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Executive Administrator	- Ms S Wilson

APPOINTMENT OF ACTING PRESIDING MEMBER - REPORT NO. AR22/33907

RESOLUTION 2022/55

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council Report AR22/33907 titled 'Acting Presiding Member' as presented on 21 June 2022 be noted.
2. That nominations be sought from Members present at the meeting to assume the role of acting Presiding Member for this meeting.
3. That, where only a single nomination is received, that Member shall assume the Chair as acting Presiding Member for the remainder of the meeting.
4. That, where more than one nomination is received, the acting Chief Executive Officer shall forthwith conduct a secret ballot for Council to choose the Member to assume the role of acting Presiding Member. The following provisions of the Local Government Act 1999 and Council Policy C410 shall apply to the secret ballot:
 - The acting Chief Executive Officer shall be the returning officer for the secret ballot and will declare the result and draw lots (if/as necessary).
 - Any Member present at the meeting may be nominated.
 - A Member not in their seat at the meeting does not vote.
 - The nominee with the highest number of votes (or where two or more nominees receive the equal highest number of votes, the last name drawn in a lot) shall assume the Chair as acting Presiding Member.
 - A division cannot be called on a secret ballot.
 - A motion is not required to endorse, and shall be of no effect, on the declared result of the secret ballot.

CARRIED

ACTING PRESIDING MEMBER

The General Manager City Infrastructure invited nominations for the position of Acting Presiding Member for this meeting.

Cr Hood nominated Cr Bruins as Acting Presiding Member for this meeting.

There being no further nominations Cr Bruins was nominated Acting Presiding Member and took the Chair for the remainder of the meeting.

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES**RESOLUTION 2022/56**

Moved: Cr Sonya Mezinac

Seconded: Cr Paul Jenner

That the apologies from Mayor Lynette Martin, Cr Kate Amoroso and Cr Christian Greco be received.

CARRIED**3 LEAVE OF ABSENCE**

Nil

4 CONFIRMATION OF COUNCIL MINUTES**RESOLUTION 2022/57**

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

That the minutes of the Ordinary Council meeting held on 17 May 2022 and the Special Council meeting held on 14 June 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED**5 MAYORAL REPORT****5.1 MAYORAL REPORT - JUNE 2022**

- National Volunteer Week Morning Tea
- WHS Presentation at Works Depot
- Mayoral Reception for Tour of Honour for 2022 South Australians of the Year
- Presentation at Australia Day Council of South Australia – Tour of Honour Forum at Tenison Woods College
- Weekly Virtual LCLGA Mayor’s Meeting
- With CEO and GM City and Community Growth, Introductory Virtual Meeting with Mr Allan Sommerville, Regional Manager SA & NT – Qantas Airways
- Presentation of Awards at 100 Mile Cycling Classic
- Innovation Ecosystem Leadership Dinner
- Launch of Pop Up Drop In Community Support Space
- Citizenship Ceremony
- 2022 ac.Care Limestone Coast National Reconciliation Week Celebration
- Reconciliation Week Smoking Ceremony and Introduction to Cultural Governance
- Reconciliation Week Introduction to Bunganditj Language
- Elected Member Briefing: Economy, Strategy and Engagement
- Virtual LCLGA Mayor’s Meeting
- Morning Tea - Women’s Support Groups with Hon Katrine Hildyard MP, Minister for Women & the Prevention of Domestic and Family Violence
- Meeting with Minister Nat Cook, Minister for Human Services
- Meeting with Mr Rodney Harrex, CE South Australian Tourism Commission
- Meeting with Minister Chris Picton, Minister for Health and Wellbeing
- Meeting with Minister Joe Szakacs – Minister for Police, Emergency Services
- Site Visit to Wulanda Recreation and Convention Centre with Minister Katrine Hildyard – Minister for Recreation, Sport and Racing
- With District Council of Grant, Meeting with Minister Tom Koutsantonis, Minister for Infrastructure
- Country Cabinet Meeting
- Meeting with Hon Peter Malinauskus MP, Premier
- Country Cabinet Premier’s Afternoon Tea at the Gambier Club
- Green Triangle Timber Industry Awards Event
- Welcome to 2022 Australian Highland Cattle Society 30th National Show
- Special Council Meeting – Annual Business Plan and Budget – Community Consultation Submissions 2022/2023
- GIJ Improvised Encore Event
- LCLGA Board Meeting – Naracoorte Lucindale Council
- With CEO, attendance at 2022 ALGA National General Assembly in Canberra

RESOLUTION 2022/58

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the Mayoral report made on 21 June 2022 be received.

CARRIED

6 REPORTS FROM COUNCILLORS

Cr Meziniec	Exhibition Opening 'Take Me With You' Riddoch ACC, 175 Year Digital Timeline at Mount Gambier, Pop Up Drop In Community Support Space Launch, Workshop to co-design a suicide prevention response framework for Mount Gambier, Riddoch Arts and Cultural Trust meeting, Disability Inclusion training, Smoking Ceremony and Introduction to Cultural Governance, Introduction to Bunganditj language, Meeting (dinner) with Nat Cook Minister for Human Services, Housing for All meeting with Minister Nat Cook, Wulanda Tour - Katrine Hildyard Minister for Recreation Sport and Racing, Country Cabinet Forum, Consumer Engagement Training for HAC members.
Cr Hood	RDALC, Leadership Program Planning Workshop, Van Schaik Bio Gro, Generations in Jazz Gala Concert, Wulanda Tour.
Cr Jenner	National Volunteer Week - City Hall, Australia Day Council of SA - Tour of Honour with recipients, 85 th Mount Gambier Cycling Club - 100 Mile Cycling Classic, Public Lighting Working Group meeting in Adelaide at LGA House, Reconciliation Week - Cultural Ceremony, Governance, Care for Country and Seasonal Calendar, Introduction to Bunganditj language, Liz Wheller - wellbeing advocate RSL Veterans, South Australia Country Cabinet Meeting - Limestone Coast Community BBQ and Forum - Blue Lake Golf Club, LCLGA Regional Waste Management SC Meeting, Generations in Jazz at Sir Robert Helpmann Theatre, District Council of Grant Council Meeting, Group Training Employment Board Meeting.
Cr Morello	Reconciliation Week - Introduction to Bunganditj language, Country Cabinet - Community Forum.
Cr Bruins	Exhibition Opening at Riddoch, Dinner - Innovation Hub, Green Triangle/Limestone Coast.

7 QUESTIONS WITH NOTICE**7.1 LOCAL FOOTBALL AND NETBALL LEAGUES**Question:

Can Council be provided with an update from the Western Border Football and Netball Leagues as well as representatives from the four Mount Gambier based clubs regarding the future of the leagues, potential impacts on clubs and subsequently Council assets and services?

Answer:

The General Manager City and Community Growth has met with the President of the Western Border Football League and have been advised there have been meetings with the SANFL on

propositions for an expanded competition to strengthen the league and the regional profile of Australian Rules Football.

Although in current discussion, there would be no change to the City of Mount Gambier teams in the competition, the opportunity to present an overview of discussions and potential impacts to the Elected Members in an upcoming briefing has been organised for 12 July 2022 at 5:30pm.

7.2 MEDICAL PRACTITIONERS IN REGIONAL AREAS

Question:

What discussion and agreement was made with regards to retaining GP's in regional areas (especially Mount Gambier) with the Minister of Health and Wellbeing, with regard to what both the State Government and the City of Mount Gambier might do to achieve a better outcome. Did any of the thoughts have financial implications that need to be looked at for Council's Budget?

Answer:

This response has been provided for the Agenda as the Mayor and CEO (who were in attendance at the meeting with Minister Picton) are apologies for the Council meeting as they are representing Council at the ALGA General Assembly in Canberra.

The Mayor and CEO arranged a meeting with Minister Picton (and member of his departmental and ministerial team) to discuss a number of health related matters, which reflect Council's advocacy position as outlined in the *Partnership Priorities and Advocacy* document adopted by Council in November 2021. Minister Picton outlined the State Government's position on immediate priorities for our regional hospital, including emergency presentations, mental health and ambulance services, which have all been the subject of budget allocations and announcements.

The matter of workforce attraction and retention was also discussed, including the State Government's intentions to undertake various recruitment campaigns to attract nursing and medical practitioners to the entire state.

With regard to the role for local government, the discussion with the Minister centred on how best to coordinate retention efforts between the Local Health Network and the City of Mount Gambier in terms of connection and integration into our community. Doctors may find it difficult to connect with other professionals when coming to a new community, and the Minister and Mayor agreed that it is also important that their families are connected into other networks.

Over time, there have been various groups such as Young Professionals networks, and there are also other organisations, such as the Mount Gambier Chamber of Commerce and Women in Business and Regional Development that provide opportunities for professional connection.

The next steps following this discussion will be to arrange a further discussion with the Local Health Network to progress opportunities to support connection and to "wrap around" medical professionals who are new to our community.

In terms of budgetary impact, none is anticipated at this point, as we believe it is more about how we link people into existing services and opportunities and make new community members feel welcome, given their busy and essential roles in supporting the health and wellbeing of our community.

7.3 MOUNT GAMBIER MUSEUM

Question:

What is The City of Mount Gambier's position with building, gathering items for a First Nations and Post-European Settlement Museum?

With previous work that Council has looked at, was there any financial modelling done and worked through with a proper cost benefit analysis?

Answer:

The term 'museum' is used interchangeably with gallery - lots of universities have art museums and collect a range of materials. Museum is an all-encompassing term in Europe and is being increasingly adopted as a term in Australia e.g. Rockhampton Museum of Art; Griffith University Art Museum; Shepparton Art Museum.

The City of Mount Gambier is currently working on a collection management plan. This plan outlines the Riddoch's collecting areas, which does include First Nations materials, however this would be done with considerable consultation to ensure the appropriate level of expertise. The South Australian Museum Aboriginal and Torres Strait Islander Curator has been contacted to assist with a donation offer received of items with unknown provenance.

In expanding the Riddoch's remit to include other museum objects - items of social, or historical significance to the region, The City of Mount Gambier do not currently have the capacity to store, research, catalogue, or display such items. We are in the process of obtaining costing information to undertake a feasibility study for re-housing or providing new storage for the Riddoch collection. An offsite climate controlled, security monitored, pest-free storage facility which could also be used by the Library, for its photography collection would be key to facilitating the management of these collections.

A Museum of Human History proposal initiated and tabled at Council in July 2006 and subsequent proposal of a Mount Gambier Museum in 2011 or ensuing Museum proposals outside of informal conversation have not been resubmitted for financial cost benefit analysis work or applied financial modelling to date.

7.4 CRATER LAKES POST FIRE PLAN

Question:

When can Council expect the Crater Lakes post fire report that was promised soon after the Fire event occurred in our beautiful State Heritage Listed Area?

There has been some work done between the fire and now, however Council is about to approve the 2022/2023 Budget and I believe Councillors need to be aware of work (major or minor) that will be needed to be done, costings and timings. There are still tracks closed that the public need to know approximate timing of any reopening?

Answer:

Preparation is underway for the reopening of Haig Drive and trails within the Blue Gum area. It is anticipated that these areas will be safe to reopen in the next 3-4 weeks. The pine area at the back

of Carinya Gardens and the trail from Centenary Tower to the base of the stairs will remain closed to the public.

The commissioned reports to inform the post fire recovery work for the Crater Lake Precinct have been received. Council Officers are engaging with key stakeholders to review and prepare a report for Council to consider in Budget Review 1.

8 QUESTIONS WITHOUT NOTICE

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 11/05/2022 TO 15/06/2022

RESOLUTION 2022/59

Moved: Cr Ben Hood

Seconded: Cr Sonya Mezinac

1. That Council Report No. AR21/71018 titled 'Elected Member Information/Briefing Sessions from 11/05/2022 to 15/06/2022' as presented on 21 June 2022 be noted.

CARRIED

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS

14.1 COUNCIL ACTION ITEMS - 17/05/2022

RESOLUTION 2022/60

Moved: Cr Frank Morello

Seconded: Cr Paul Jenner

1. That Council Report No. AR21/71036 titled 'Council Action Items - 17/05/2022' as presented on 21 June 2022 be noted.

CARRIED

15 ECONOMIC AND ENVIRONMENT COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

16 PEOPLE AND PLACE COMMITTEE MINUTES AND RECOMMENDATIONS

Committee in Recess

17 COUNCIL ASSESSMENT PANEL MINUTES**17.1 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 MAY 2022****RESOLUTION 2022/61**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

That the Minutes of the Council Assessment Panel meeting held on 19 May 2022 as previously circulated be noted.

CARRIED

17.2 MINUTES OF THE COUNCIL ASSESSMENT PANEL HELD ON 15 JUNE 2022**RESOLUTION 2022/62**

Moved: Cr Paul Jenner

Seconded: Cr Ben Hood

That the Minutes of the Council Assessment Panel meeting held on 15 June 2022 as previously circulated be noted.

CARRIED

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

Nil

19 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS**19.1 MINUTES OF THE SPECIAL AUDIT AND RISK COMMITTEE HELD ON 6 JUNE 2022****RESOLUTION 2022/63**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

That the Minutes of the Special Audit and Risk Committee meeting held on 6 June 2022 as attached be noted.

CARRIED

19.2 2022/2023 DRAFT ANNUAL BUSINESS PLAN AND BUDGET – REPORT NO. AR22/35077**RESOLUTION 2022/64**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/35077 titled '2022/2023 Draft Annual Business Plan and Budget' as presented on 06 June 2022 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft 2022/2023 Draft Annual Business Plan and Budget and/or the associated processes and risks, as follows:
 - Note commending the format and structure of the Annual Business Plan and budget
 - Noting the impact of CPI which will require monitoring throughout the financial year and will be monitored over the next Financial Year in preparation of the next Annual Business plan budget and Long Term Financial Plan
 - Note there will be value throughout the course of the next Financial Year to undertake a review of rating sustainability including benchmarking
 - The deficit position and the net financial liabilities ratio are above target but taken account of in the Long Term Financial Plan

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on the 28 June 2022 for consideration of the adoption of the Draft 2022/2023 Annual Business Plan and Budget.

CARRIED

19.3 DRAFT LONG TERM FINANCIAL PLAN 2023-2032 – REPORT NO. AR22/35078**RESOLUTION 2022/65**

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Audit and Risk Committee Report No. AR22/35078 titled 'Draft Long Term Financial Plan 2023-2032' as presented on 06 June 2022 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft Long Term Financial Plan 2023-2032 and/or the associated processes and risks, as follows:
 - Notes that targets set for 2027 are met but close monitoring of all indicators will be required given the constrained financial capacity over the Long Term Financial Plan
 - To include interest rate increases in the risk section of the Long Term Financial Plan
 - Additional scenario/sensitivity analysis in CPI and interest rates are recommended throughout the financial year to test financial resilience
 - Provide clarity about CPI, LGPI or alternative forecasts as a basis of assumptions for future long term financial plans
 - Add brief commentary to explain the relationship between the Long Term Financial Plan and the asset management plan in terms of renewals and upgrades/new assets

be incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 28 June 2022 for consideration of the adoption of the Draft Long Term Financial Plan 2023-2032.

CARRIED

19.4 DRAFT ASSET MANAGEMENT PLANS (AMPS) 2023-2032 – REPORT NO. AR22/36371

RESOLUTION 2022/66

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Audit and Risk Committee Report No. AR22/36371 titled 'Draft Asset Management Plans (AMPs) 2023-2032' as presented on 06 June 2022 be noted.
2. That the Audit and Risk Committee feedback on Council's Draft Asset Management Plans (AMPs) 2023-2032 and/or the associated processes and risks, as follows:
 - To note the work to date
 - Note that the Building Asset Management Plan will require additional information and condition assessments
 - To monitor the depreciation relative to the forecast asset management expenditurebe incorporated with the public consultation feedback to be presented to the Special Council meeting to be held on 28 June 2022 for consideration of the adoption of the Draft Asset Management Plans (AMPs) 2023-2032.

CARRIED

20 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS

Nil

21 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

22 COUNCIL REPORTS

22.1 RIDDOCH ART GALLERY CRATE LOADER

RESOLUTION 2022/67

Moved: Cr Sonya Meziniec

Seconded: Cr Ben Hood

1. That Council Report No. AR22/36380 titled 'Riddoch Art Gallery Crate Loader' as presented on 21 June 2022 be noted.
2. That funds be allocated to gallery upgrades including but not limited to gallery wall restoration, movable wall redesign and showcase acquisitions.

CARRIED

22.2 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 3 - PROJECT NOMINATIONS

RESOLUTION 2022/68

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR22/38090 titled 'Local Roads and Community Infrastructure Program Phase 3 - Project Nominations' as presented on 21 June 2022 be noted.
2. That Council endorse the below project nominations for Phase 3 of the Local Roads and Community Infrastructure Program (LRCI) grant funding:

Description	Problem being addressed	Commence	Complete	Total project cost	LRCI Program Funding Required
<p>New Valley Lakes Public Amenities</p> <p>Design and construction of new public amenities facility that will be located adjacent to the community playground and bbq area.</p> <p>The scope of this project also includes demolition of two existing old non-compliant toilet blocks.</p>	<p>This will improve safety for children as they currently must cross internal access roads and public car parking areas to access amenities.</p> <p>The new toilets will be designed to increase accessibility for people with disabilities or impairment.</p>	Aug 22	Jun 23	\$490,000	\$490,000
<p>Frew Park Public Amenities</p> <p>Design and construction of new public amenities facility.</p> <p>The scope of this project also includes demolition of the existing toilet block and improvements to the existing RV dump station.</p>	<p>The new toilets will meet compliance standards and be designed to provide accessibility for people with disabilities or impairment.</p> <p>The existing RV dump station has been vandalised on many occasions. The new improvements will reduce vandalism and maintenance costs.</p>	Jul 22	Jun 23	\$350,000	\$350,000
<p>Shade Sail Structure for 50 metre Outdoor Pool</p> <p>This project is for the design, manufacture and installation of a shade sail structure for the outdoor 50 metre pool at Wulanda.</p>	<p>The previous shade structure in the outdoor aquatic area were removed from site and have been assessed as unsuitable to be refurbished to an accredited standard.</p>	Jul 22	Dec 22	\$133,990	\$133,990

The scope of this project also includes electrical access point.					
				TOTAL	\$973,990
					CARRIED

22.3 PROPOSED ITEMS OF BUSINESS 2022 LGA ANNUAL GENERAL MEETING

RESOLUTION 2022/69

Moved: Cr Ben Hood
 Seconded: Cr Paul Jenner

1. That Council Report No. AR22/40057 titled 'Proposed Items of Business 2022 LGA Annual General Meeting' as presented on 21 June 2022 be noted.
2. That the following recommendations:
 - (a) the Regionalisation Motion;
 - (b) the EPA Solid Waste Levy Motion;
 as attached to Report No. AR22/40057 be endorsed for submission as agenda items to the 2022 LGA Annual General Meeting (AGM).

CARRIED

22.4 CESSATION OF COVID19 HEALTH EMERGENCY (MINISTERS) NOTICES

RESOLUTION 2022/70

Moved: Cr Ben Hood
 Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/36492 titled 'Cessation of COVID19 Health Emergency (Ministers) Notices' as presented on 21 June 2022 be noted.
2. That a revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures be presented for endorsement to the July 2022 Council meeting.
3. Elected Members are permitted to attending Information / Briefing Sessions by virtual means until the revised Council Policy - C410 - Code of Practice for Access to Meeting and Documents / Meeting Procedures has been endorsed.

CARRIED

23 MOTIONS WITH NOTICE

23.1 NOTICE OF MOTION - ADDITIONAL FUNDING ANNOUNCED BY PREMIER

RESOLUTION 2022/71

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

1. That Council Report No. AR22/40891 titled 'Notice of Motion - Additional Funding Announced by Premier' as presented on 21 June 2022 be noted.
2. That Council write to the Premier Peter Malinauskas and Minister for Tourism Zoe Bettison stating:
 - (a) That Council welcomes the additional \$45m funding announced by the Premier on May 25th, 2022 for South Australian Tourism marketing, and;
 - (b) That Council requests that the Government ensures that any campaign equitably features a diverse range of vision and/or imagery of attractions and experiences from all regions within South Australia, including the Mount Gambier region, and;
 - (c) That copies be of the letter be sent to Member for Mount Gambier Troy Bell and Minister for Regional Development the Hon. Clare Scriven MLC.

CARRIED

24 MOTIONS WITHOUT NOTICE

24.1 MOTION WITHOUT NOTICE - RADIATION TREATMENT SERVICES IN MOUNT GAMBIER

RESOLUTION 2022/72

Moved: Cr Ben Hood

Seconded: Cr Frank Morello

1. That Council expresses its concern regarding the lack of radiation treatment services in Mount Gambier.
2. That noting recent media coverage, Council write to Grant King, CEO LCLHN requesting clarification as to why the LCLHN refused to support the proposal by the former Federal Government to establish a radiation treatment centre located in Mount Gambier to service patients within the Limestone Coast, and why there are no plans to review the current service model that requires residents to travel more than two hours to Warrnambool for radiation treatment.
3. That a copy of this letter be sent to Independent Member for Mount Gambier Troy Bell MP, Minister for Regional Development the Hon. Clare Scriven, Minister for Health Hon. Chris Picton MP and Federal Member for Barker Tony Pasin MP.

CARRIED

25 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

26 NEW CONFIDENTIAL ITEMS

26.1 EXECUTION OF DEED - FIRST RIGHT OF REFUSAL – REPORT NO. AR22/38437

RESOLUTION 2022/73

Moved: Cr Sonya Mezinec
Seconded: Cr Ben Hood

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 B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson, J McDonald, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.1 AR22/38437 Execution of Deed - First Right of Refusal.

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

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be considered relates to the personal and commercial business affairs of the proponent and negotiation of business arrangements.

CARRIED

RESOLUTION 2022/74

Moved: Cr Ben Hood
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 26.1 AR22/38437 Execution of Deed - First Right of Refusal and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (d) be kept confidential and not available for public inspection until 2 years have elapsed from the execution of arrangements or abandonment of negotiations associated with the proposal.
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**26.2 DELEGATION TO AWARD ELECTRICITY CONTRACT – REPORT NO. AR22/34770****RESOLUTION 2022/75**

Moved: Cr Ben Hood
Seconded: Cr Paul Jenner

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 B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson, J McDonald, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.2 AR22/34770 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 2022/76

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.2 AR22/34770 Delegation to award electricity contract and its attachments, the discussion and the 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**26.3 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #18 - AS AT 07/06/2022
– REPORT NO. AR22/38086****RESOLUTION 2022/77**

Moved: Cr Ben Hood

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 Council Officers B Cernovskis, D Barber, T Coote, M McCarthy, J Scoggins, A Watson, J McDonald, M Brookes and S Wilson be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 26.3 AR22/38086 Project Control Group (PCG) Progress Report #18 - As at 07/06/2022.

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

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected:
 - to prejudice the commercial position of the person who supplied the information, or
 - to confer a commercial advantage on a third party
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:

- breach any law, order or direction of a court or tribunal constituted by law,
- breach any duty of confidence, or
- breach any other legal obligation or duty

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information contained within the report and attachments presents matters relating to contracts between Council and contractors associated with the construction and operation of the Wulanda Recreation and Convention Centre. The disclosure of information contained in this report and attachments could reasonably be expected to prejudice the commercial position of Council or the third parties and is considered on balance to be contrary to the public interest as it could prejudice the Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

The Acting Presiding Member sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To further discuss Project Control Group (PCG) Progress Report #18.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6:48pm.

The Acting Presiding Member determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:11pm.

RESOLUTION 2022/78

Moved: Cr Ben Hood

Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 26.3 AR22/38086 Project Control Group (PCG) Progress Report #18 - As at 07/06/2022 and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d) and (g) be kept confidential and not available for public inspection until 12 months after completion of the project.
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

27 MEETING CLOSE

The Meeting closed at 7:15pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 July 2022.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 28 JUNE 2022 AT 5.30 P.M.**

PRESENT: Cr Christian Greco (Deputy Mayor), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Paul Jenner, Cr Frank Morello

OFFICERS IN ATTENDANCE:	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	General Manager City and Community Growth	- Mr T Coote
	Manager Governance and Property	- Mr M McCarthy
	Manager Financial Services	- Mrs J Scoggins (virtual)
	Media and Communications Coordinator	- Mr J McDonald
	Senior Revenue Officer	- Mrs J Scheidl
	Executive Administrator	- Mrs A Pasquazzi

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

RESOLUTION 2022/79

Moved: Cr Kate Amoroso
Seconded: Cr Sonya Meziniec

That the apology from Mayor Lynette Martin be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 COUNCIL REPORTS

4.1 ADOPTION OF 2022/2023 ANNUAL BUSINESS PLAN, BUDGET AND RATING POLICIES

RESOLUTION 2022/80

Moved: Cr Frank Morello
Seconded: Cr Max Bruins

1. That Council Report No. AR22/40453 titled 'Adoption of 2022/2023 Annual Business Plan, Budget and Rating policies' as presented on 28 June 2022 be noted.
2. That Council, having considered the public submissions at the Special Council meeting on 14 June 2022 and the feedback provided at the Special Audit and Risk Committee on 6 June

2022, adopts the 2022/2023 Annual Business Plan and Budget and Rating Policies as attached to Report No. AR22/40453.

3. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the 2022/2023 Annual Business Plan and Budget document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design that do not materially alter the integrity of the document.

CARRIED

Cr Paul Jenner called a division.

The declaration was set aside.

Voting by division being:

In Favour: Crs Sonya Meziniec, Max Bruins and Frank Morello

Against: Crs Kate Amoroso and Paul Jenner

The Deputy Mayor declared the motion

CARRIED 3/2

4.2 ADOPTION OF VALUATIONS AND RATES DECLARATION YEAR ENDING 30 JUNE 2023

RESOLUTION 2022/81

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

1. That Council Report No. AR22/35210 titled 'Adoption of Valuations and Rates Declaration year ending 30 June 2023' as presented on 28 June 2022 be noted.
2. That, pursuant to Section 167(1) and (2) of the Local Government Act 1999 Council adopts, for rating purposes for the 2022/2023 financial year, the Valuer General's most recent valuations of the capital values applicable to land within the area of the Council, totalling \$4,826,351,100 and that the date of adoption of the valuations is 28th June, 2022.
3. That in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, the attribution of the land uses in the Assessment Record for the 2022/2023 financial year will be in accordance with the categories of land use prescribed by Regulation 14 of the Local Government (General) Regulations 2013.
4. That pursuant to Sections 152 (1)(c), 153 (1)(b) and 156 (1)(a) of the Local Government Act 1999 and in order to raise rates in the amount of \$20,873,500 the Council hereby declares that differential general rates will apply and will vary according to the use of the land and declares the differential general rates for rateable land within the Council area for the 2022/2023 financial year will be as follows:
 - (a) 0.222490 of a cent per dollar of assessed capital value on rateable land of land use category (a) 'Residential', category (g) 'Primary Production' and category (i) 'Other'; and
 - (b) 0.600723 of a cent per dollar of assessed capital value on rateable land of land use category (b) 'Commercial-Shop', category (c) 'Commercial Office', category (d) 'Commercial-Other', category (e) 'Industry-Light', category (f) 'Industry Other' and category (h) 'Vacant Land' use.

5. That pursuant to Section 152 (1)(c)(ii) of the Local Government Act 1999, the Council declares in respect of the 2022/2023 financial year a fixed charge on rateable land within the Council area in the sum of \$532.60.
6. That pursuant to Section 155(2)(a) of the Local Government Act 1999 the Council imposes a Waste Service Charge of \$206.85 for the 2022/2023 financial year on all land to which it provides or makes available the prescribed service in order to raise the amount of \$2,916,585.
7. That in exercise of the powers contained in Section 69 of the Landscape South Australia Act 2019 and Section 154 of the Local Government Act 1999, in order to reimburse to the Council the amount contributed to the Limestone Coast Landscape Board, being \$1,240,568, differential separate rates based on a fixed charge of an amount that depends upon the use of the land on all rateable land in the Council's area and in the area of the said Board for the 2022/2023 financial year as follows:
 - 1) \$81.20 per assessment on rateable land of category (a) 'Residential', category (h) 'Vacant Land' and category (i) 'Other';
 - 2) \$122.00 per assessment on rateable land of category (b) 'Commercial-Shop', category (c) 'Commercial-Office' and category (d) 'Commercial-Other';
 - 3) \$195.00 per assessment on rateable land of category (e) 'Industry-Light' and category (f) 'Industry-Other';
 - 4) \$355.00 per assessment on rateable land of category (g) 'Primary Production'.
8. That pursuant to section 153 (3) of the Local Government Act 1999 and for the financial year ending 30 June 2023 but subject to the criteria set out in the Annual Business Plan 2022/2023 being met, the Council fixes a maximum increase to the general rate of 15% over the amount of the general rate liability for the 2021/2022 financial year in respect of any rateable land that constitutes the principal place of residence of a principal ratepayer and determines that any amount in excess of the 15% be remitted.
9. That pursuant to Section 181(2) of the Local Government Act 1999 the Council declares that quarterly payment of rates and charges in respect of the 2022/2023 financial year be payable on or before:
 - Friday, 9 September 2022
 - Friday, 9 December 2022
 - Friday, 10 March 2023
 - Friday, 9 June 2023

CARRIED

4.3 ADOPTION OF SCHEDULE OF FEES AND CHARGES 2022/23

RESOLUTION 2022/82

Moved: Cr Max Bruins

Seconded: Cr Frank Morello

1. That Council Report No. AR22/21396 titled 'Adoption of Schedule of Fees and Charges 2022/23' as presented on 28 June 2022 be noted.
2. That Council adopts the 2022/23 Schedule of Fees and Charges as attached.
3. That Council notes only prescribed fees can be waived, refunded or reduced by duly authorised (sub)delegates.
4. That Council notes that the statutory fees and charges set by the State Government will be included in the fees and charges schedule made available for public inspection in July 2022 after gazettal by the State Government.
5. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the Schedule of Fees and Charges 2022/23 arising from this meeting, together with any editorial amendments and finalisation that do not materially alter the integrity of the document.

CARRIED

4.4 ADOPTION OF LONG TERM FINANCIAL PLAN (LTFF) 2023-2032

RESOLUTION 2022/83

Moved: Cr Paul Jenner

Seconded: Cr Max Bruins

1. That Council Report No. AR22/40455 titled 'Adoption of Long Term Financial Plan (LTFF) 2023-2032' as presented on 28 June 2022 be noted.
2. That Council notes the individual public submission on the draft Long Term Financial Plan as provided in Attachment 2 and the Audit and Risk Committee feedback as included in the report.
3. That Council adopt the Long Term Financial Plan 2023-2032 as attached to Report No. AR22/40455.
4. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the Long Term Financial Plan 2023-32 document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design that do not materially alter the integrity of the document.

CARRIED

MOTION

RESOLUTION 2022/84

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That Cr Paul Jenner's question and answer be recorded in the minutes.

CARRIED**Question:**

Further to the Draft Annual Business Plan and Long Term Financial Plan consultation feedback from the Special Audit and Risk Committee meeting on 6 June (referenced in this agenda), can Council be advised of the mechanisms that will be used to monitor and bring back to Council the forecast impact of changes in the indexation and interest rates in the during the next financial year.

Answer:

Officers will work across Council to develop quarterly forecasts for 2022/23 that will be brought back to Council as part of the Budget Review processes and as part of the development of the 2023/24 Annual Business Plan and 2024-2033 Long Term Financial Plan as follows:

- Budget Review 1 - to be brought to Council in December;
- Budget Review 2 - to be brought to Council in February;
- Budget/LTFP Workshops - to be held with Elected Members to develop the draft budget and LTFP between February and April (to be confirmed upon agreement of process milestones).

4.5 ADOPTION OF ASSET MANAGEMENT PLANS (AMPS) 2023-2032**RESOLUTION 2022/85**

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/40579 titled 'Adoption of Asset Management Plans (AMPs) 2023-2032' as presented on 28 June 2022 be noted.
2. That Council notes no public submissions were received on the Draft Asset Management Plans 2023-2032.
3. That Council adopt the Asset Management Plans 2023-2032 as attached to Report No. AR22/40579.
4. That Council authorises the Chief Executive Officer or Delegate to make any necessary changes to the Asset Management Plans 2023-2032 documents arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design that do not materially alter the integrity of the document.

CARRIED**APOLOGY**

RESOLUTION 2022/86
Moved: Cr Max Bruins
Seconded: Cr Frank Morello
That Cr Ben Hood be recorded as an apology.

CARRIED

5 MEETING CLOSE

The Meeting closed at 6:08 pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 19 July 2022.

.....
PRESIDING MEMBER

**MINUTES OF CITY OF MOUNT GAMBIER
CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON WEDNESDAY, 6 JULY 2022 AT 12.30 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Paul Jenner, Cr Sonya Meziniec

IN ATTENDANCE: Rebecca Hunt, McArthur

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager Corporate and Regulatory Services	- Mr D Barber
	Executive Administrator	- Mrs A Pasquazzi

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 INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGY(IES)

COMMITTEE RESOLUTION

Moved: Cr Paul Jenner

Seconded: Cr Sonya Meziniec

That the apology from Cr Christian Greco be received.

CARRIED

3 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Sonya Meziniec

Seconded: Cr Paul Jenner

That the minutes of the Chief Executive Officer Performance Review Committee meeting held on 11 May 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

4 QUESTIONS WITHOUT NOTICE

Nil

Sarah Philpott, Chief Executive Officer left the meeting and did not return.

5 CONFIDENTIAL ITEMS

5.1 INDEPENDENT REVIEW OF CHIEF EXECUTIVE OFFICER AND REMUNERATION REVIEW – REPORT NO. AR22/43771

COMMITTEE RESOLUTION

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Chief Executive Officer Performance Review Committee orders that all members of the public, except the Mayor, Councillors and Consultant, R Hunt and Council Officers, D Barber and A Pasquazzi be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 5.1 AR22/43771 Independent Review of Chief Executive Officer and Remuneration Review.

The Chief Executive Officer Performance Review Committee is satisfied that, pursuant to section 90(3) (a) and (g) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information concerning matters that must be considered in confidence in order to ensure that the Council does not:
 - breach any law, order or direction of a court or tribunal constituted by law,
 - breach any duty of confidence, or
 - breach any other legal obligation or duty

The Chief Executive Officer Performance Review Committee 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 subject matter includes information concerning the personal employment affairs of the Chief Executive Officer, Sarah Philpott for which a duty of confidence has been established.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss the Chief Executive Officer Performance Review report

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 12:36 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 1:08 pm.

COMMITTEE RESOLUTION

Moved: Cr Sonya Mezinec
Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 5.1 AR22/43771 Independent Review of Chief Executive Officer and Remuneration Review and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) and (g) be kept confidential and not available for public inspection until 2 years after the initial appointment term and any renewal term of the Chief Executive Officer, Sarah Philpott has lapsed, to be reviewed at least once in every 12 month period, with the exception of the relevant salary register details which are to be updated within 28 days of any change in remuneration.
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

6 MEETING CLOSE

The Meeting closed at 1:14 pm.

The minutes of this meeting were confirmed at the Chief Executive Officer Performance Review Committee held on .

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PRESIDING MEMBER