



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

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

mountgambier.sa.gov.au

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

Date: Tuesday, 29 November 2022
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

AGENDA

Ordinary Council Meeting 29 November 2022

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

Sarah Philpott
Chief Executive Officer
25 November 2022

Order Of Business

| | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 1 | Acknowledgement of Country | |
| 2 | Declaration of Office - Mayor Lynette Martin OAM | 1 |
| 3 | Declaration of Office - Area Councillors | 3 |
| 4 | Apologies | 4 |
| 5 | Confirmation of Council Minutes | 4 |
| 6 | Mayoral Welcome and Report – Report No. AR21/71004 | 5 |
| 7 | Returning Officer's Report - Outcome of the November 2022 General Elections - Letter from Electoral Commission SA dated 21 November 2022 – Report No. AR22/70861 | 7 |
| 8 | Plebiscite Result | 11 |
| 9 | Policy - Supplementary Elections – Report No. AR22/71222 | 12 |
| 10 | Statutory Returns – Report No. AR22/71249 | 16 |
| 11 | Member Allowances - Remuneration Tribunal Determination 2 and 5 of 2022 – Report No. AR22/71274 | 18 |
| 12 | Policy - Member Allowances and Benefits – Report No. AR22/71292 | 28 |
| 13 | Policy - Member Training & Development – Report No. AR22/71297 | 46 |
| 14 | Conflict of Interest – Report No. AR22/71230 | 68 |
| 15 | Policy - Member Behavioural Management – Report No. AR22/71224 | 71 |
| 16 | Elected Member Requests – Report No. AR22/81142 | 90 |
| 17 | Civil Liability (Protection of Members) – Report No. AR22/71261 | 94 |
| 18 | Principal Office - Place and Hours of Business – Report No. AR22/72231 | 97 |
| 19 | Meetings of Council - Meeting Days and Times – Report No. AR22/72234 | 99 |
| 20 | Items Laid on the Table – Report No. AR22/72255 | 101 |
| 21 | Council Policies - Periodical review – Report No. AR22/72419 | 103 |
| 22 | Determination to have a Deputy Mayor – Report No. AR22/72270 | 105 |
| 23 | Mayor and Chief Executive Officer as Council Representatives – Report No. AR22/72295 | 107 |
| 24 | Council Decision Making Structure and Representatives – Report No. AR22/72311 | 109 |
| 25 | Subsidiaries - Membership of Regional Subsidiaries – Report No. AR22/72404 | 112 |
| 26 | Authorised Banking Signatories – Report No. AR22/72412 | 114 |
| 27 | Auditor - Confirmation of Appointment of Council's external auditor – Report No. AR22/72414 | 116 |
| 28 | Strategic Management Plans – Report No. AR22/72417 | 118 |
| 29 | Acting Chief Executive Officer - Leave of Absence – Report No. AR22/72443 | 120 |
| 30 | Register of Interests – Senior Officers – Report No. AR22/80985 | 122 |
| 31 | 2021/2022 Annual Report – Report No. AR22/72421 | 124 |
| 32 | Meeting Close | 126 |



| | |
|-------------------------------------------------------------------------|------------|
| Minutes and Reports / Attachments | 127 |
| Attachments Item 5 Ordinary Council Meeting - 18 October 2022..... | 128 |

1 ACKNOWLEDGEMENT OF COUNTRY

Mrs Bonnie Saunders-Waye to conduct Welcome to 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 DECLARATION OF OFFICE - MAYOR LYNETTE MARTIN OAM

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

The Chief Executive Officer to read out the result of the City of Mount Gambier November 2022 Mayoral Election.

Lynette Martin to be declared elected unopposed as Mayor of the City of Mount Gambier.

Mayor Lynette Martin OAM to read out her Declaration of Office.



Mayor Lynette Martin OAM to take the Chair for the subsequent items of business.

ATTACHMENTS

Nil



3 DECLARATION OF OFFICE - AREA COUNCILLORS

| | |
|-----------------------|----------------------------------------------------------|
| Meeting: | Council |
| CM9 Reference: | AF21/496 |
| Author: | Michael McCarthy, Manager Governance and Property |
| Authoriser: | Sarah Philpott, Chief Executive Officer |

The Chief Executive Officer to read out the results of the City of Mount Gambier November 2022 Area Councillor Election.

Following the allocation of preferences the following candidates were declared elected to fill the 8 Area Councillor positions:

Cr Ben Hood
Cr Max Bruins
Cr Sonya Meziniec
Cr Josh Lynagh
Cr Paul Jenner
Cr Frank Morello
Cr Kate Amoroso
Cr Mark Lovett

The Chief Executive Officer to thank unsuccessful candidates for their nominations and participation in the councillor election process.

The following Elected Members to read out their respective Declarations of Office:

Cr Ben Hood
Cr Max Bruins
Cr Sonya Meziniec
Cr Josh Lynagh
Cr Paul Jenner
Cr Frank Morello
Cr Kate Amoroso
Cr Mark Lovett

ATTACHMENTS

Nil



4 APOLOGIES

That the apology(ies) from Cr Paul Jenner be received.

5 CONFIRMATION OF COUNCIL MINUTES

[Ordinary Council Meeting - 18 October 2022](#)

RECOMMENDATION

That the minutes of the Ordinary Council meeting held on 18 October 2022 be confirmed as an accurate record of the proceedings of the meeting.



6 MAYORAL WELCOME AND REPORT – REPORT NO. AR21/71004

Mayor Lynette Martin OAM to welcome all in the gallery. Congratulations to all Members and welcome to Council.

Mayoral Report for November 2022:

- Official Launch of Community Garden
- Roundtable Discussion with Member for Barker, Mr Tony Pasin MP, re Radiation Treatment Centre for Mount Gambier
- Introductory Meeting – MIND Australia (Virtual)
- Mayor for the Day Activities – Mount Gambier High School Students
- Attendance with CEO at 2022 LGA Conference and AGM
- Attendance with CEO at Session 2: Regional and Remote: Planning System Implementation Review
- Attendance with CEO at McArthur South Australia Dinner
- With CEO, Meeting with Hon Geoff Brock, MP, Minister for Local Government
- Special SAROC Committee Meeting in Adelaide
- Meeting with Federal Department of Infrastructure, Trade and Regional Development
- LCLGA Board Dinner
- LCLGA Board Meeting
- Rural Youth Ambassadors Meeting in Mount Gambier Library
- Friendship Force Welcome
- UniSA Alumni Networking Event
- Remembrance Day Ceremony and Wreath Laying
- Opening of Illumident, Mount Gambier Dental Practice
- Science Alive – Mount Gambier Showgrounds
- Launch of Circular Economy Opportunities Limestone Coast
- Stand Like Stone – A Year in Review
- Say No to Violence Breakfast – Sunset Kitchen
- Tenison Woods College Senior School Awards Ceremony
- Mount Gambier High School PLP, Community Member Panel Assessment
- Mount Gambier Family Truck Show
- One FortyOne Blue Lake Fun Run Presentation
- Anglican Church – Nine Cultures and Carols
- LCLHN Governing Board Annual Public Meeting 2022
- Mount Gambier Christmas Parade Presentation Night



REPORT RECOMMENDATION

That the Mayoral welcome and report made on 29 November 2022 be received.



**7 RETURNING OFFICER'S REPORT - OUTCOME OF THE NOVEMBER 2022
GENERAL ELECTIONS - LETTER FROM ELECTORAL COMMISSION SA
DATED 21 NOVEMBER 2022 – REPORT NO. AR22/70861**

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/70861 titled 'Returning Officer's Report - Outcome of the November 2022 General Elections - Letter from Electoral Commission SA dated 21 November 2022' as presented on 29 November 2022 be noted.



BACKGROUND

The Chief Executive Officer to present the Returning Officer's report on the outcomes of the November 2022 City of Mount Gambier Mayoral and Area Councillor Elections.

DISCUSSION

The Returning Officer for the 2022 Local Government Elections, the Electoral Commissioner of South Australia, Mr Mick Sherry provided a letter (**Attachment 1**) on the City of Mount Gambier Mayoral and Area Councillor elections by letter dated 21 November 2022.

The letter confirms the provisional declarations and certifies the results for the following elections, with the following candidates being elected:

| | |
|--------------------------------------|-------------------|
| Mayor | Vacancies 1 |
| MARTIN, Lynette | Elected Unopposed |
| | |
| Election for Area Councillors | Vacancies 8 |
| HOOD, Ben | Elected 1 |
| BRUINS, Max | Elected 2 |
| MEZINEC, Sonya | Elected 3 |
| LYNAGH, Josh | Elected 4 |
| JENNER, Paul | Elected 5 |
| MORELLO, Frank | Elected 6 |
| AMOROSO, Kate | Elected 7 |
| LOVETT, Mark | Elected 8 |

This certification concluded the 2022 City of Mount Gambier Mayoral and Area Councillor elections.

CONCLUSION

That the Returning Officers report on the outcome of the November 2022 City of Mount Gambier Mayoral and Area Councillor Elections be noted.

ATTACHMENTS

1. Mount Gambier LGA 2022 Election results Electoral Commissioners Certification Letter [↓](#) 



OFFICIAL



21/11/2022

Ms Sarah Philpott
Chief Executive Officer
PO Box 56
MOUNT GAMBIER 5290

Level 6, 60 Light Square
Adelaide SA 5000
GPO Box 646
Adelaide SA 5001
T +61 8 7424 7400
W ecsa.sa.gov.au
ABN 99 891 752 468

sphilpott@mountgambier.sa.gov.au

Dear Ms Philpott

Re: 2022 Council Election Results

In accordance with section 50 of the *Local Government (Elections) Act 1999* (the Act), I enclose the results for the November 2022 council elections.

The council elections were conducted by post and telephone assisted voting for blind and low vision electors, and electors who are interstate or overseas. Voting material comprising of ballot papers, candidate profiles, a postal voting guide, a ballot paper envelope containing the elector's declaration and return envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5pm on Thursday 10 November with the scrutiny and count commencing at 9am on Saturday 12 November 2022 at Chamber Reception Area, Civic Centre Level 4, 10 Watson Terrace Mount Gambier.

In accordance with section 50 of the Act, I, Mick Sherry, Returning Officer, confirm the provisional declarations and certify the results for the following elections, with the following candidates being elected:

| | |
|-----------------|-------------------|
| Mayor | Vacancies 1 |
| MARTIN, Lynette | Elected Unopposed |

| | |
|--------------------------------------|-------------|
| Election for Area Councillors | Vacancies 8 |
| HOOD, Ben | Elected 1 |
| BRUINS, Max | Elected 2 |
| MEZINEC, Sonya | Elected 3 |
| LYNAGH, Josh | Elected 4 |
| JENNER, Paul | Elected 5 |
| MORELLO, Frank | Elected 6 |
| AMOROSO, Kate | Elected 7 |
| LOVETT, Mark | Elected 8 |

OFFICIAL



OFFICIAL

All candidates will be notified in writing of the results of the elections. Copies of the reports and copies of the full scrutiny and count details are available on the ECSA website.

Yours sincerely



Mick Sherry
RETURNING OFFICER

OFFICIAL



8 PLEBISCITE RESULT

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

The Chief Executive Officer to read out the results of the plebiscite to ask the community the following question:

'Do you support the examination of the amalgamation of the District Council of Grant and the City of Mount Gambier into a single council?'

Plebiscite results were declared as follows:

District Council of Grant

| <i>Ward</i> | <i>Yes</i> | <i>No</i> | <i>Informal</i> | <i>Total</i> |
|-------------------------------|-------------------|------------------|------------------------|---------------------|
| <i>Central</i> | 219 | 2254 | 7 | 2480 |
| <i>Tarpeena</i> | 42 | 297 | 2 | 341 |
| <i>Port MacDonnell</i> | 17 | 362 | 1 | 380 |
| <i>Total</i> | 278 | 2913 | 10 | 3201 |

City of Mount Gambier

| <i>Council</i> | <i>Yes</i> | <i>No</i> | <i>Informal</i> | <i>Total</i> |
|-----------------------------|-------------------|------------------|------------------------|---------------------|
| <i>Mount Gambier</i> | 2663 | 4041 | 40 | 6744 |

It is anticipated that the Minister for Local Government will make a recommendation to the State Government based on the Plebiscite result.

ATTACHMENTS

Nil



9 POLICY - SUPPLEMENTARY ELECTIONS – REPORT NO. AR22/71222

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71222 titled 'Policy - Supplementary Elections' as presented on 29 November 2022 be noted.
2. That Council adopt the Policy - Supplementary Elections as attached to Report No. AR22/71222.



BACKGROUND

Section 6(2) of the *Local Government (Elections) Act 1999* (the 'Act') provides that a supplementary election will not be held to fill a casual vacancy in an office (other than a vacancy in the office of Mayor) if:

- a) the vacancy occurs within 12 months before polling day of a periodical election or a known general election; or,
- b) if there is no other vacancy in an office of a Council not divided into wards, it is a policy of the Council that it will not fill such a vacancy until the next general election.

Under local government reform changes implemented during 2022 section 6(2)(c) now also provides for a 'recount' under section 6A of the Act and regulation 3A of the Local Government (Elections) Regulations 2010 where a vacancy in office arises within 12 months after the conclusion of a periodic election or a designated supplementary election.

DISCUSSION


Given the considerable cost of a supplementary election and the capacity for the Council to continue operating effectively with a single vacancy, it is recommended that the Council adopt a policy to give effect to Section 6(2)(b), noting the provisions of Section 6 relating to when a supplementary election will be held (i.e. where there is more than 1 vacancy greater than 12 months before the next, and after the last, periodic election).

A draft policy 'Supplementary Elections' is presented for consideration by Council (**Attachment 1**) which, if adopted, will have the effect of avoiding a supplementary election to fill only a single vacancy in the office of an Area Councillor arising in the period greater than 12 months before (and after) the next (and last) periodic election.

CONCLUSION

That Council adopt the Policy - Supplementary Elections as attached to this report (Attachment 1).

ATTACHMENTS

1. DRAFT Council Policy - Supplementary Elections [↓](#) 



| | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | COUNCIL POLICY SUPPLEMENTARY ELECTIONS | Version No: | 3 (Draft) |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

1. INTRODUCTION

The purpose of this policy is to confirm the position of this Council with respect to holding a supplementary election to fill any single vacancy in office other than the office of the Mayor.

2. SCOPE

Council may determine to have a policy not to fill a single casual vacancy in an office (other than that of the Mayor) giving effect to an exemption contained in Section 6(2)(b) of the *Local Government (Elections) Act 1999* ("Act") to the filling of a single Area Councillor vacancy.

This policy does not apply to exempt the holding of a supplementary election or a recount as may otherwise be required under Section 6 or 6A of the Act.

3. POLICY STATEMENT

Section 54 of the *Local Government Act 1999* sets out the circumstances in which a casual vacancy may arise in the office of a member.

Sections 6 and 6A of the Act set out the circumstances in which a supplementary election or recount will be held to fill a vacant office, and provides an exemption for the filling of a single vacancy (other than in the office of Mayor) during the period greater than 12 months prior (or after) the next (or last) election, where it is the policy of the Council that such a vacancy not be filled until the next general election.

It is the policy of this Council that, where if a single casual vacancy occurs in the office of Area Councillor, such office will not be filled until the next general election unless a subsequent vacancy occurs.

It is noted that pursuant to Section 6(3) of the *Local Government (Elections) Act 1999*, where two (2) or more vacancies (or a vacancy in the office of Mayor) occur greater than 12 months before polling day of a periodic election or known general election, a supplementary election may need to be held.

4. REVIEW & EVALUATION

This Policy is scheduled for review by Council in December 2026; however, will be reviewed as required by any legislative changes which may occur prior.

5. AVAILABILITY OF POLICY

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

Electronic version on TRIM is the controlled version.

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

Page 1 of 2



| | | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | COUNCIL POLICY SUPPLEMENTARY ELECTIONS | Version No: | 3 (Draft) |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

| | |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| File Reference: | AF18/51 |
| Applicable Legislation: | Local Government (Elections) Act 1999 s6, 6A Local Government (Elections) Regulations 2010 r3A Local Government Act 1999 s54 |
| Reference: | |
| Related Policies: | |
| Related Procedures: | |
| Related Documents: | |

DOCUMENT DETAILS

| | |
|---------------------------|----------------------------------------------------------------|
| Responsibility: | Manager Governance and Property |
| Version: | 3.0 |
| Last revised date: | November, 2022 |
| Effective date: | 29 th November, 2022 |
| Minute reference: | 29 th November, 2022 Council - Item # Resolution ## |
| Next review date: | December, 2026 |
| <u>Document History</u> | |
| First Adopted By Council: | 25 th November 2014 |
| Reviewed/Amended: | 22 nd November 2018, 29 th November 2022 |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 2 of 2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|



10 STATUTORY RETURNS – REPORT NO. AR22/71249

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71249 titled 'Statutory Returns' as presented on 29 November 2022 be noted.



BACKGROUND

Pursuant to provisions of the *Local Government Act 1999* and *Local Government (Elections) Act 1999* Elected Members (and candidates) are required to submit certain statutory returns.

DISCUSSION

Register of Interest - Primary / Ordinary Returns

Elected Members are required to complete and submit to the Chief Executive Officer of the Council:

- A Register of Interests, to be submitted to the Chief Executive Officer of the Council in accordance with section 64-72 and Schedule 3 of the *Local Government Act 1999*:
 - Primary Return - within six (6) weeks of election
 - Ordinary Return – within 60 days after the 30 June in each year

Newly appointed Elected Members must complete a Primary Return, and with the period for submission ending during the Christmas/New Year break period, it is recommended that this form be completed and submitted as a matter of priority before Christmas. As Local Government Reform changes commencing on 17 November 2022 included subtle changes to the Primary/Ordinary Return provisions, an updated form will be provided to new Members as part of the post-election induction process to complete and return within the prescribed period.

For returning Elected Members, an Ordinary Return was submitted in July/August 2022, and a further Ordinary Return must be submitted within 60 days of 30 June 2023. New Elected Members will also be required to submit an Ordinary Return within 60 days of 30 June 2023.

All Elected Members should note that an updated return must be provided within one month of any material change in a Member's interest occurring.

The Administration will provide an Ordinary (or Primary) Return at the commencement of each period for submission, and a reminder toward the end of the submission period for Members whose forms are outstanding. Members should note however that the requirement to submit a Primary/Ordinary Return is a Member obligation, with neither the Chief Executive Officer or Administration being responsible for a Members failure to submit correctly or within the requisite period.

The Register (i.e. the content of Primary/Ordinary Returns) must be published on the Council website in accordance with section 70 of the *Local Government Act 1999*.

Election Returns – Campaign Donation / Large Gifts

All election candidates, including Elected Members, are required to submit campaign donation and large gift returns to the returning officer for the election (i.e. the Electoral Commissioner of SA).

The forms, disclosure periods and prescribed times for furnishing these returns would have been previously advised directly to all candidates as part of the election process.

These documents should not be submitted to the Chief Executive Officer of the Council. If received, these will be returned to the candidate/Elected Member to submit to the Electoral Commissioner.

CONCLUSION

That the report on candidate/Elected Member statutory return requirements be noted.

ATTACHMENTS

Nil



11 MEMBER ALLOWANCES - REMUNERATION TRIBUNAL DETERMINATION 2 AND 5 OF 2022 – REPORT NO. AR22/71274

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71274 titled 'Member Allowances - Remuneration Tribunal Determination 2 and 5 of 2022' as presented on 29 November 2022 be noted.
2. That Member (Councillor / Mayoral) Allowances be paid monthly (2 weeks in advance / 2 weeks in arrears).
3. That:
 - (a) Sitting Fees for a Councillor (other than the Mayor, Deputy Mayor or Presiding Member of a prescribed committee) who is the Presiding Member of a committee that is not a prescribed committee, or
 - (b) Mayoral Allowance for a Deputy Mayor who undertakes the duties of Mayor for a period of one month or longer,be paid quarterly in arrears commencing at the end of the first quarter 2023.



BACKGROUND

Section 76 of the Local Government Act 1999 provides that an Independent Remuneration Tribunal will determine the level of allowances for all Council Members. The Tribunal is required to make its determination at least 2 weeks before the close of nominations for Local Government elections.

In making its determination, the Tribunal has regard to:

- the role of Members of Council as Members of the Council's governing body and as representatives of the Council's area;
- the size, population and revenue of the Council, and any relevant economic, social, demographic and regional factors in the Council area;
- such an allowance is not intended to amount to a salary for a Member;
- such an allowance should reflect the nature of a Member's office; and
- the Act's provisions to provide for reimbursement of Member's expenses.

DISCUSSION

The current determinations of the Remuneration Tribunal are:

- Determination 2 of 2022 made on 5 July 2022 - (Attachment 1)
- Determination 5 of 2022 made on 15 November 2022 (Attachment 2)

As they relate to the City of Mount Gambier the determinations provide as follows:

| | |
|----------------------------------------------------|------------------------------------------|
| COUNCIL: | Group 2 classification (out of 6 Groups) |
| GROUP 2: | Base is \$19,110 |
| Mayoral Allowance: | 4 times the \$19,110 = \$76,440 |
| Deputy Mayoral Allowance: | 1.25 times the \$19,110 = \$23,887.50 |
| Presiding Member Allowance: (Prescribed Committee) | as for Deputy Mayoral Allowance |
| Councillors: | \$19,110 |

NOTE: A Council Member is entitled to decline payment of the Allowance (see section 76(7) of the Act). If a Council Member does decline payment of the allowance it must still be recorded in the Register of Allowances and Benefits.

Immediately prior to the November 2022 election Council had only a single active committee meeting the criteria of a 'prescribed committee' (being of an enduring nature and responsible for the areas set out in the Remuneration Tribunal Determination) being the Audit and Risk Committee. As an independent Presiding Member has been appointed to the Audit and Risk Committee the 'prescribed committee' member allowance provisions have no application in this regard.

Council's former prescribed committees (Economic and Environment Committee and People and Place Committee) were previously placed in recess and are considered to have lapsed as a result of their non-resumption and the subsequent election.

Council may determine to review its decision making/committee structure and if doing so should consider the 'prescribed committee' allowance and sitting fees provisions as applicable.



Payment of Member Allowances / Sitting Fees

In the past Member Allowances have been paid monthly (2 weeks in advance/2 weeks in arrears) via Electronic Funds Transfer direct to an Elected Member's bank account.

The Remuneration Tribunal Determination 2 of 2022 includes a Sitting Fee to a Councillor (other than the Mayor, Deputy Mayor or Presiding Member of a prescribed committee) who is the Presiding Member of a committee that is not a prescribed committee, as follows:

- \$188 per meeting limited to an aggregate amount of allowance of \$1,129 per annum.

Determination 5 of 2022 also includes payment of a mayoral allowance to a Deputy Mayor who undertakes the duties of Mayor for a period of one month or longer.



It is proposed that Sitting Fees for the Presiding Member of a committee that is not a prescribed committee, and mayoral allowance to a Deputy Mayor who undertakes the duties of Mayor for a period of one month or longer, be paid quarterly in arrears with the first payment being made at the end of the first quarter 2023.

The Fees and Allowances set out in the Determination will be adjusted annually on the first, second and third anniversaries of the 2022 local government elections to reflect changes in the Consumer Price Index as defined at section 76(15) of the Local Government Act 1999.

CONCLUSION

This report recommends the practice of paying ordinary member allowances monthly (2 weeks in arrears and 2 weeks in advance) be continued, with other sitting fees and allowances that are payable being reconciled and paid quarterly in arrears.

ATTACHMENTS

1. Remuneration Tribunal Determination 2 of 2022 [↓](#) 
2. Remuneration Tribunal Supplementary Report and Determination 5 of 2022 [↓](#) 





No. 2 of 2022

**DETERMINATION OF THE REMUNERATION TRIBUNAL
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS**

SCOPE OF DETERMINATION

1. The Remuneration Tribunal has jurisdiction under section 76 of the *Local Government Act 1999* ("the Act"), to determine the allowance payable to members of Local Government Councils constituted under that Act.
2. This Determination applies to the members of Councils constituted under the Act, but does not apply to members of the Adelaide City Council.

INTERPRETATION

3. In this Determination, unless the contrary appears:
 - "**Committee**" means a committee established by a council in terms of section 41 of the Act.
 - "**Councillor**" means a person appointed or elected as a member of a local government council under the Act.
 - "**Principal Member**" means a principal member under the Act.
 - "**Prescribed Committee**" means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:
 - Audit
 - Chief Executive Officer performance review
 - Corporate services
 - Finance
 - Governance
 - Infrastructure and works
 - Risk management
 - Strategic planning and development.

ALLOWANCES

4. **Councillors**

The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member of a prescribed committee shall be as follows:



| Council Group | \$ per annum |
|----------------------|---------------------|
| Group 1A | \$25,838 |
| Group 1B | \$22,828 |
| Group 2 | \$19,110 |
| Group 3 | \$15,381 |
| Group 4 | \$10,955 |
| Group 5 | \$7,192 |

Council Groups are provided in Appendix 1.

5. **Principal Member (Mayor / Chairperson)**

The annual allowance for the principal member of a local government council constituted under the Act will be equal to four (4) times the annual allowance for councillors of that council.

6. **Deputy Mayor / Deputy Chairperson**

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council. For the purpose of this clause, the level of allowance is payable at a maximum of 1.25 times only and does not multiply for each of the qualifying criteria.

7. **Presiding Member of a Committee**

A deputy presiding member who undertakes the duties of a presiding member of a committee for a minimum period of one month should receive the presiding member allowance for the entirety of the time they undertake those expanded duties.

8. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member, deputy mayor, deputy chairperson or a presiding member of a prescribed committee) who is the presiding member of a committee that is not a prescribed committee at the following rates:

- a. Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of \$255 per meeting limited to an aggregate amount of allowance of \$1,527 per annum;
- b. Where the councillor is a member of a council in Group 2 or Group 3; an allowance of \$188 per meeting limited to an aggregate amount of allowance of \$1,129 per annum;
- c. Where the councillor is a member of a council in Group 4 or Group 5; an allowance of \$123 per meeting limited to an aggregate amount of allowance of \$731 per annum.

TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS

9. An allowance of \$454 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.
10. An allowance of \$775 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route.
11. An allowance of \$1,162 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route.



12. An allowance of \$1,649 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.
13. The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.
14. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

DATE OF OPERATION

15. As provided for by section 76(8) of the Act, this Determination will come into operation on the conclusion of the 2022 Local Government Elections.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 5th day of July 2022



Appendix 1 – Council Groups

| GROUP 1A |
|-------------------------------|
| City of Charles Sturt |
| City of Onkaparinga |
| City of Port Adelaide Enfield |
| City of Salisbury |

| GROUP 1B |
|------------------------|
| City of Holdfast Bay |
| City of Marion |
| City of Mitcham |
| City of Playford |
| City of Tea Tree Gully |
| City of West Torrens |

| GROUP 2 |
|----------------------------------------|
| Adelaide Hills Council |
| Alexandrina Council |
| Barossa Council |
| Campbelltown City Council |
| City of Burnside |
| City of Mount Gambier |
| City of Prospect |
| City of Norwood Payneham and St Peters |
| City of Unley |
| City of Whyalla |
| District Council of Mount Barker |
| Port Augusta City Council |
| Rural City of Murray Bridge |
| Town of Gawler |

| GROUP 3 |
|--------------------------------------|
| Berri Barmera Council |
| City of Port Lincoln |
| City of Victor Harbor |
| Clare and Gilbert Valleys Council |
| District Council of Loxton Waikerie |
| District Council of The Copper Coast |
| District Council of Yorke Peninsula |
| Light Regional Council |
| Mid Murray Council |
| Naracoorte Lucindale Council |
| Port Pirie Regional Council |
| Tatiara District Council |
| Wattle Range Council |

| GROUP 4 |
|------------------------------------------|
| Adelaide Plains Council |
| Corporation of the Town of Walkerville |
| District Council of Coorong |
| District Council of Grant |
| District Council of Lower Eyre Peninsula |
| District Council of Yankalilla |
| District Council of Renmark Paringa |
| Kangaroo Island Council |
| Northern Areas Council |
| Regional Council of Goyder |
| Wakefield Regional Council |

| GROUP 5 |
|------------------------------------------|
| Barunga West Council |
| District Council of Ceduna |
| District Council of Cleve |
| District Council of Coober Pedy |
| District Council of Elliston |
| District Council of Franklin Harbour |
| District Council of Karoonda East Murray |
| District Council of Kimba |
| District Council of Mount Remarkable |
| District Council of Orroroo Carrieton |
| District Council of Peterborough |
| District Council of Robe |
| District Council of Streaky Bay |
| District Council of Tumby Bay |
| Flinders Ranges Council |
| Kingston District Council |
| Southern Mallee District Council |
| Wudinna District Council |



Appendix 2 – Non – Metropolitan Councils

| | |
|------------------------------------------|----------------------------------|
| Adelaide Hills Council | Port Pirie Regional Council |
| Adelaide Plains Council | Regional Council of Goyder |
| Alexandrina Council | Rural City of Murray Bridge |
| Berri Barmera Council | Southern Mallee District Council |
| Barossa Council | Tatiara District Council |
| City of Whyalla | Wakefield Regional Council |
| Clare and Gilbert Valleys Council | Wattle Range Council |
| District Council of Barunga West | Wudinna District Council |
| District Council of Ceduna | |
| District Council of Cleve | |
| District Council of Coober Pedy | |
| District Council of Coorong | |
| District Council of Elliston | |
| District Council of Franklin Harbour | |
| District Council of Grant | |
| District Council of Karoonda East Murray | |
| District Council of Kimba | |
| District Council of Lower Eyre Peninsula | |
| District Council of Loxton Waikerie | |
| District Council of Mount Barker | |
| District Council of Mount Remarkable | |
| District Council of Ororoo Carrieton | |
| District Council of Peterborough | |
| District Council of Renmark Paringa | |
| District Council of Robe | |
| District Council of Streaky Bay | |
| District Council of The Copper Coast | |
| District Council of Tumby Bay | |
| District Council of Yankalilla | |
| District Council of Yorke Peninsula | |
| Flinders Ranges Council | |
| Kangaroo Island Council | |
| Kingston District Council | |
| Light Regional Council | |
| Mid Murray Council | |
| Naracoorte Lucindale Council | |
| Northern Areas Council | |
| Port Augusta City Council | |





No. 5 of 2022

SUPPLEMENTARY REPORT AND DETERMINATION OF THE REMUNERATION TRIBUNAL

Allowances for Members of Local Government Councils

REPORT

1. On 5 July 2022 the Remuneration Tribunal (**Tribunal**) issued a Report and Determination¹ in respect of the allowances payable to members of Local Government Councils constituted under the *Local Government Act 1999 (Act)*, and a Report and Determination² in respect of the allowances payable to members of the Adelaide City Council.
2. On 8 November 2022 the Local Government Association notified the Tribunal that one of its decisions as set out in the first of these Reports was not reflected in the accompanying Determination. The relevant decision is at paragraph 51 of Report No. 2 of 2022, where the Tribunal stated (emphasis added):

*The Adelaide Hills Council proposed that the allowance amount for deputy mayors be set at two times the annual allowance for members or for this amount to be payable at the mayor's allowance rate when the deputy is undertaking the mayoral role. The Tribunal is not satisfied that there should be an across the board increase to two times the annual allowance for members because evidence about the comparative criteria for deputy mayors has not been provided **but has concluded that, if a deputy mayor is required to undertake the duties of a mayor for a period of at least one month, the mayoral allowance rate should apply.***

3. The Tribunal's intention was for the accompanying Determination to give effect to this, and for the principle to apply to deputy chairpersons as they perform an equivalent function to deputy mayors and receive the same allowance. The Tribunal has accordingly decided to correct the above by issuing a supplementary determination, as follows.

¹ Report of the Remuneration Tribunal No. 2 of 2022 - 2022 Allowances for Members of Local Government Councils; and Determination No. 2 of 2022 - Allowances for Members of Local Government Councils.

² Report of the Remuneration Tribunal No. 3 of 2022 - 2022 Allowances for Members of Adelaide City Council; and Determination No. 3 of 2022 - Allowances for Members of Adelaide City Council.



4. The Tribunal did not receive any submissions from members of the Adelaide City Council or from anyone else in respect of its most recent review. The Tribunal also did not decide whether to apply the abovementioned principle to the circumstances of the Deputy Lord Mayor acting for one month or longer as Lord Mayor. Accordingly, there is no issue to correct in the current Determination for the Adelaide City Council. The appropriate time to consider this issue will be during the next review, in light of any submissions received on the topic.

DETERMINATION

Deputy Mayor / Deputy Chairperson

5. This Determination applies to members of Local Government Councils constituted under the Act, except for members of the Adelaide City Council. It supplements Determination No. 2 of 2022, and should be read in conjunction with that Determination.
6. A deputy mayor who undertakes the duties of a mayor for a period of one month or longer, is entitled to receive the mayor allowance for the entirety of the time they undertake those duties.
7. A deputy chairperson who undertakes the duties of a chairperson for a period of one month or longer, is entitled to receive the chairperson allowance for the entirety of the time they undertake those duties.
8. The mayor / chairperson allowance is to be paid instead of the member's usual allowance, and in proportion to the time the member performs the relevant duties.
9. In accordance with section 76(8) of the Act, this Determination will come into operation upon the conclusion of the 2022 Local Government Elections.



Matthew O'Callaghan
PRESIDENT



Deborah Black
MEMBER



Peter de Cure AM
MEMBER

Dated this 15th day of November 2022



12 POLICY - MEMBER ALLOWANCES AND BENEFITS – REPORT NO. AR22/71292

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71292 titled 'Policy - Member Allowances and Benefits' as presented on 29 November 2022 be noted.
2. That the updated Member Allowances and Benefits Policy as attached (Attachment 1) to this Agenda be adopted to replace the lapsed Policy.
3. The Mayor be approved to use the Mayoral vehicle for private purposes on the condition that all private journeys are recorded in the provided logbook and the Mayor will reimburse Council for private journeys at the cents per kilometre rate determined by the Australian Taxation Office from time to time.



BACKGROUND

Section 77 of the Local Government Act 1999 (“Act”) and the Local Government (Members Allowances and Benefits) Regulations 2010 (“Regulations”) contain provisions relating to prescribed reimbursements (s77(1)(a)), and discretionary re-imburements that may be approved by Council either specifically or under a policy established for the purpose of Section 77(1)(b).

Section 77(2) provides that a policy under Section 77(1)(b) lapses at a general election of the Council, accordingly the former Council Policy M405 Member Allowances and Benefits expired on or about 21 November 2022 and has no further application.

The discretionary reimbursements, benefits and facilities provisions contained in Council’s policy for the November 2018-2022 period have been reviewed, clarified and incorporated into an updated policy based on the updated Local Government Association Model Policy, to ensure compliance with the Act and Regulations.

DISCUSSION

Of particular note to Members, based on legal advice the previous ‘*telecommunication device and data allowances*’ have been relocated into the discretionary reimbursements section of the policy, being expenses captured under section 77(1)(b) rather than a facility or benefit provided by Council. Further, the facilities and benefits section has been updated to more accurately reflect the facilities and benefits actually provided to Members.

The review provisions have also been amended to recognise the legislative provisions that result in policy provisions associated with section 77(1)(b) only (discretionary expense reimbursements) lapsing at a general election, rather than the entire policy lapsing. This addresses the instance where all Member benefits and support (under section 78) cease at the end of the election by virtue of the policy lapsing, however this is not necessary and may be overcome with the policy being reviewed within 6 months after the election, and only the discretionary reimbursements under section 77(1)(b) ceasing at the end of the election in accordance with section 77(2).

It is recommended that Council adopt the updated Policy M405 to enable any Elected Member reimbursements, benefits and facilities to commence, noting that the provision of discretionary reimbursements and other benefits and facilities is reliant on the adoption of a policy or the passing of specific resolutions and that Council may review the Policy at any time.

In considering the updated policy and inclusions Members should note that the *Local Government Act 1999* provides that:

- expenses (for reimbursement) and provision of facilities and benefits must be for the performance or discharge of official functions and duties.
- a Member must not use a facility or service provided by the Council for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the Council and the Member has agreed to reimburse the Council for any additional costs or expenses associated with the use).

It is further recommended that the Council approve the Mayors private use of the Mayoral vehicle conditional upon reimbursement at the cents per kilometre rate determined by the Australian Taxation Office (currently 66 cents per kilometre) to account for fuel and consumables, servicing and wear and tear.

CONCLUSION

This report recommends the adoption of the updated Allowances and Benefits Policy as attached.

ATTACHMENTS

1. DRAFT - Members Allowances and Benefits Policy November 2022  



| | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

1. INTRODUCTION

- 1.1 The City of Mount Gambier ("Council") will ensure that the payment of Council Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the Local Government Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Allowances Regulations").
- 1.2 This Policy sets out the provisions of the Local Government Act and Regulations in respect of Council Member allowances, expenses, and support. This Policy is also provided in accordance with Section 77(1)(b) of the Local Government Act by specifying the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made.
- 1.3 Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the Local Government Act provides that the role of a Council Member, as a member of the governing body of the Council, is:
- (i) to act with integrity;
 - (ii) to ensure positive and constructive working relationships within the council;
 - (iii) to recognise and support the role of the principal member under the Local Government Act;
 - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body;
 - (v) to participate in the deliberations and activities of the council;
 - (vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and
 - (vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;
 - (viii) to ensure, as far as is practicable, that the principles set out in section 8 of the Local Government Act are observed;
 - (ix) to participate in the oversight of the chief executive officer's performance under the council's contract with the chief executive officer; and
 - (x) to serve the overall public interest.
- 1.4 Section 58 of the Local Government Act specifies the role of the Principal Member as leader of the Council is to:
- (a) to provide leadership and guidance to the council; and
 - (b) to lead the promotion of positive and constructive working relationships among members of the council; and

| | | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

- (c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and
- (d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and
- (e) to preside at meetings of the council; and
- (f) to liaise with the chief executive officer between council meetings on the implementation of a decision of the council; and
- (g) to act as the principal spokesperson of the council; and
- (h) to exercise other functions of the council as the council determines; and
- (i) to carry out the civic and ceremonial duties of the office of principal member.

- 1.5 This Policy also explains the information that must be recorded within the Council's Register of Allowances and Benefits to ensure compliance with section 79 of the Local Government Act.
- 1.6 This Policy, in its entirety, will automatically lapse at the next general election of this Council.

2. POLICY OBJECTIVE

- 2.1 To ensure Council Member allowances, the reimbursement of expenses, and the provision of benefits, facilities, and support by the Council are in accordance with the requirements of the Local Government Act and the Allowances Regulations.

3. SCOPE & RESPONSIBILITIES

- 3.1 This Policy applies to all Council Members, who each have an obligation to abide by this Policy.
- 3.2 The Council's Chief Executive Officer has the duty to:
 - (a) maintain the Register of Allowances and Benefits;
 - (b) adjust allowances paid to Council Members (on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI")); and
 - (c) ensure copies of this Policy are published on a website and able to be provided in printed form on request and on payment of a fee (if any) fixed by the Council.
- 3.3 In addition, the Chief Executive Officer is responsible for:
 - (a) implementing and monitoring expense reimbursement procedures in accordance with the Local Government Act, the Allowances Regulations, this Policy and any associated procedure; and

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 2 of 16 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



| | | | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--|-----------------|-------------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

- (b) ensuring a copy of this Policy is provided to all Council Members.

4. POLICY PRINCIPLES

4.1 This Policy is underpinned by the following principles:

- (a) Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- (b) To assist Council Members in performing or discharging their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this policy.
- (c) Facilities and support provided to Council Members will be provided on a uniform basis (other than facilities or services specifically provided for the benefit of the Mayor).
- (d) Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging official Council functions and duties, which will be assessed according to the role of a Council Member under the Local Government Act.
- (e) Council encourages continued professional training and development for Council Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- (f) The accountability of the Council to its community for the use of public monies.

5. ALLOWANCES

- 5.1 Council Member allowances are determined by the Remuneration Tribunal on a four-yearly basis with each determination required to be made 14 days before the close of nominations for each set of periodic elections held under the Local Government (Elections) Act 1999.
- 5.2 The relevant determination for the Council term commencing in November 2022 are Determinations No. 2 and 5 of 2022 – Allowances for Members of Local Government Councils.
- 5.3 The allowance determined by the Remuneration Tribunal will be payable for the period:
 - commencing on the conclusion of the 2022 periodic election; and
 - concluding at the time the last result of the 2026 periodic election is certified by the Electoral Commissioner under the *Local Government (Elections) Act 1999*.
- 5.4 The annual allowance for a Council Member is determined according to the relevant Council Group. There are six Council Groups which are each explained within the Determination of the Remuneration Tribunal.



| | | | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--|-----------------|-------------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

5.5 The City of Mount Gambier has been identified as falling within Group 2 in the current Remuneration Tribunal Determination, with an initial council member annual allowance of \$19,110.

5.6 The annual allowance for:

- principal members, is equal to four times the annual allowances for council members;
- deputy mayor or deputy chairperson or a council member who is the presiding member of one or more prescribed committees is equal to one and a quarter (1.25) times the annual allowance for council members;

An additional allowance in the form of a sitting fee is also payable for council members who are presiding members of other committees (who are not deputy mayors, deputy chairpersons or presiding members of prescribed committees).

5.7 Council Member allowances are to be adjusted on the first, second, and third anniversaries of the relevant periodic elections to reflect changes in the CPI (All groups index for Adelaide). Adjustments will occur on 10 November 2023, 10 November 2024, and 10 November 2025. The change in the Consumer Price Index to be applied will be the most recently available annual percentage change in the Consumer Price Index as at the date of adjustment (which will likely be the most recent relevant September quarter figure).

5.8 In accordance with regulation 4 of the Allowances Regulations (and for the purposes of section 76 of the Local Government Act), an allowance may be paid in instalments up to 3 months in advance or 3 months in arrears of each month in respect of which an instalment is payable.

5.9 City of Mount Gambier Council Member Allowances will be paid two weeks in arrears/two weeks in advance by electronic funds transfer to a nominated bank account.

5.10 A statement of earnings will be provided to Council Members at the conclusion of each financial year.

6. LEAVE OF ABSENCE – COUNCIL MEMBER CONTESTING ELECTION

6.1 If a Council Member stands as a candidate for election as a member of State Parliament, section 55A of the Local Government Act automatically grants a leave of absence from the date on which nominations for the relevant election close until the result of the election is publicly declared.

6.2 During the leave of absence period the Council Member:

- is not entitled to receive any Council Member allowance or reimbursement of expenses; and
- must not use any facility, service or other form of support provided by the Council; and



| | | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

- must not carry out any function or duty as a Council Member.

6.3 A maximum penalty of \$15,000 applies for a breach of this section of the Local Government Act.

7. MANDATORY REIMBURSEMENTS – TRAVEL (SECTION 77(1)(A))

- 7.1. Council Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Council Member for travel within the Council area and associated with attendance at a "prescribed meeting" (section 77(1)(a) of the Local Government Act).
- 7.2. A "prescribed meeting" is defined under the Allowances Regulations to mean a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member:
- 7.3. Reimbursement for travel expenses is restricted to "eligible journeys" (as defined in Regulation 3) provided the journey is by the shortest or most practicable route and to the part of the journey within the Council area ie any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Local Government Act. For reimbursement for travel outside the Council area refer to Prescribed and Approved Reimbursements below.
- 7.4. An "eligible journey" means a journey (in either direction) between the principal place of residence, or a place of work, of a Council Member, and the place of a prescribed meeting.
- 7.5. Where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997* of the Commonwealth¹.
- 7.6. Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses "actually and necessarily incurred" but is still limited to "eligible journeys" by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 7.7. The Council may aggregate claims for reimbursement of expenses that relate to journeys that do not exceed 20 kilometres and then pay them on either a quarterly or monthly basis.

¹ Section 28.25 of the *Income Tax Assessment Act 1997* (Cwth) relates to the 'cents per kilometre' method. The Commissioner for Taxation may, by legislative instrument, determine rates of cents per kilometre for cars for an income year. Refer to ato.gov.au for cents per kilometre rates.

| | | | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--|-----------------|-------------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

8. MANDATORY REIMBURSEMENTS – CHILD/DEPENDANT CARE (SECTION 77(1)(A))

- 8.1. Council Members are entitled to reimbursement for child/dependant care expenses actually or necessarily incurred by the Council Member as a consequence of the Council Member's attendance at a prescribed meeting.
- 8.2. Child/dependant care is not reimbursed if the care is provided by a person who ordinarily resides with the Council Member.

9. ADDITIONAL EXPENSE REIMBURSEMENTS (SECTION 77(1)(B))

- 9.1. There may be additional expenses incurred by Council Members (not included in the mandatory reimbursements outlined above) that can be reimbursed by the Council. Section 77(1)(b) of the Local Government Act provides that the Council may approve the reimbursement of additional expenses incurred by Council Members, as provided for in the Allowances Regulations, either on a case-by-case basis or under a policy adopted by Council.
- 9.2. Regulation 6 sets out the additional expenses that may be reimbursed under section 77(1)(b) with the approval of the Council as follows:
 - (a) an expense incurred in the use of a telephone or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
 - (b) travelling expenses incurred by the Council Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act);
 - (c) travelling expenses incurred by the Member in undertaking an eligible journey to the extent that those expenses are attributable to travel outside the area of the Council;
 - (d) expenses for the care of:
 - a child of the Member; or
 - a dependant of the Member requiring full-time care
 incurred by the Member as a consequence of the Member's attendance at a function or activity on the business of the Council (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act); and
 - (e) expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course, or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of a Council Member (other than for which the member is reimbursed under section 77(1)(a) of the Local Government Act).

Electronic version on TRIM is the controlled version.

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

Page 6 of 16



| | | | | |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

9.3. For the purposes of this Policy, and pursuant to section 77(1)(b) of the Local Government Act, the Council approves the reimbursement of additional expenses of Council Members as described below.

9.3.1. Travel

In relation to expenses which are incurred by a Council Member in travelling:

- to a function or activity on the business of the Council; and
- in undertaking an eligible journey to the extent those expenses are attributable to travel outside the area of the Council.

Council will reimburse the following types of expenses:

- (a) Travel related to attendance at a Council or Council committee meeting being an "eligible journey" (as defined in Regulation 3), as it is attributable to travel outside the Council area.

Expenses incurred in travelling to a function or activity on Council business.

The following conditions apply to these expenses:

- travel both within and outside the Council area must be incurred by the Council Member as a consequence of attendance at a function or activity on the business of Council. A "function or activity on the business of the Council" includes official Council functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies and official visits etc.; inspection of sites within the Council area which relate to Council or Committee agenda items; meetings of community groups and organisations as a Council endorsed representative; but not to attend meetings of community groups or organisations when fulfilling the role as a Member of the Board of any such community group or organisation (excepting Board appointments made by virtue of the position of the Mayor e.g. LCLGA, LGA).
- reimbursement is restricted to the shortest or most practicable route.
- where a Council Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the Income Tax Assessment Act 1997 of the Commonwealth.
- car parking fees will be reimbursed (where they are a consequence of a Council Member attending a function or activity on the business of the Council).
- travel by taxi, bus, plane (specify in what circumstances), or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Member's attendance at a function or activity on the business of the Council however such travel must still be by the shortest or most practicable route.

From time to time Council Members may seek to attend other activities for which the reimbursement of costs is not specifically covered by this Policy. The reimbursement of such costs should be approved by Council resolution in advance of attendance and in accordance with any relevant provisions or restrictions/prohibitions in the Local Government Act 1999 and Local Government (Members Allowances and Benefits) Regulations 2010.

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 7 of 16 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



| | | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

The administration is unable to arrange or incur such expenses until resolved by Council.

9.3.2. Care and other expenses

The following Care expenses incurred by a Council Member are eligible for reimbursement:

- o Expenses incurred for the care of a child of a Council Member or a dependant of the Council Member requiring full-time care as a consequence of the Council Member's attendance at a function or activity on the business of Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the Local Government Act).

The following conditions apply to discretionary care expenses:

- Care expenses will not be reimbursed if the care is provided by a person who ordinarily resides with the Member
- The Chief Executive Officer shall be limited to reimbursing discretionary care expenses pursuant to Section 77(1)(b) up to the following annual values:
 - o Mayor - \$4,000
 - o Councillors - \$500 (per Member)

Where a Member presents a reimbursement claim exceeding the relevant limit the Chief Executive Officer shall present the claim to Council for consideration.

9.3.3. Conference, seminar, training course and similar activity expenses

The following conference, seminar, training course and similar activity expenses incurred by a Council Member are eligible for reimbursement:

- o Expenses incurred by the Council Member as a consequence of the Council Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the performance or discharge of the roles or duties of the Council Member (other than expenses for which the Member is reimbursed under section 77(1)(a) of the Local Government Act).

Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved specifically by Council resolution or under delegation/policy, eg under Council's 'Members Training and Development Policy'.

Where attendance at the conference, seminar etc is approved, the following types of expenses can be reimbursed: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals up to a daily maximum of \$20.00.

9.3.4. (Tele)communication expenses

The following (tele)communication expenses incurred by a Council Member are eligible for reimbursement:

- o Expenses incurred in the use of a mobile or fixed telephone, internet, or other computing or communication device to access Council's wireless local area network and Extranet on the business of the Council (e.g. Internet connection costs, computer/device software applications, data/telecommunication plans, purchase or maintenance of hardware, peripherals, consumables or associated support) up to a maximum limit of:

| | | | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--|-----------------|-------------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

- \$1,500 per Member per term of Council for the purchase of devices, accessories, software and IT installation or support; and
- \$600 per Member per annum for mobile data/telecommunication plan(s).

Any expense incurred by Members that exceeds the maximum reimbursement limit is the responsibility of the Member.

Computing/communication devices and accessories are the sole responsibility and remain the property of the Member and must have internet security software installed as approved and provided by Council from time to time for access to Council network and Extranet services to the protection of Council documents and information.

When accessing Council documents and information Members must comply with relevant provisions of Council's Records Management Policy and internal procedures including 'Computer Network / Software Use' procedure, 'Mobile Device Use' procedure, and to sign and comply with any associated acknowledgement/agreement documentation as required from time to time in order to maintain access.

Members should also note their responsibility to ensure all documents/records created or communicated (sent or received) in their capacity as an Elected Member are captured in Council's Electronic Document Records Management System ('EDRMS') in accordance with Council Policy and the State Records Act. Council provides the following email address for the forwarding of any Elected Member documents/records for registration in Council's EDRMS: EMRecords@mountgambier.sa.gov.au.

- 9.4. For the purposes of this clause 9 the Chief Executive Officer may, on a case by case basis and at their absolute discretion, approve an otherwise reimbursable Member expense to be directly incurred by Council on behalf of a Member, provided the Member has signed an agreement acknowledging that the amount incurred be recorded in the Register of Allowances and Benefits despite not having been incurred by or re-imbursed to the Member.

Such direct incurring of expenses should be limited to circumstances where it is, in the view of the Chief Executive Officer, administratively convenient and/or cost effective to do so (such as may be the case for pre-arranged training/travel), or warranted in extenuating circumstances.

In all other circumstances a Member expense should be incurred directly by the Member and reimbursement sought in accordance with clause 11 of this Policy, for reimbursement approval under delegation in accordance with this Policy and/or the Council Members Training and Development Policy, or otherwise only by resolution of Council.

10. FACILITIES AND SUPPORT

- 10.1. In addition to allowances and the reimbursement of expenses, the Local Government Act provides that the Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties (section 78).
- 10.2. The Council must consider and specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all 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. | Page 9 of 16 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



| | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

Members' official functions or duties. In approving the provision of facilities and support, section 78 requires that any such services and facilities must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Principal Member set out below (if any).

10.3. Pursuant to section 78 of the Local Government Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Council Members to assist them in performing or discharging their official functions and duties:

- Administrative support for business directly associated with prescribed meetings and information and briefing sessions, other official Council functions and activities, and otherwise only as approved by Council (i.e. for coordination of travel arrangements as an endorsed representative of Council or under Members Training and Development Policy); and,
- Business cards (one box of 500 per term of Council); and,
- Wearable name tag (one per Member upon initial election); and,
- City of Mount Gambier Lapel Pin (one per Member upon initial election); and,
- Ceremonial pen (upon making of Declaration of Office); and,
- Mandatory Training in accordance with the Mandatory Training Standards; and,
- Discretionary Training approved under delegation in accordance with Council's Member Training and Development Policy, or otherwise only as approved by resolution of Council; and,
- A secure access Member Extranet as the primary channel for communicating Elected Member information, and a Councillor email address/server; and,
- Occasional IT training in accessing and use of Council Extranet and Council provided Applications/Software; and,
- Other printed material that may be made available to Members on a case by case basis at the absolute discretion of the Chief Executive Officer.
- Catering in the form of light refreshments as an adjunct to ordinary Council meetings, or otherwise for other official Council activities to which all Members are invited at the absolute discretion of the Chief Executive Officer.

10.4. The provision of these facilities and support are made available to all Council Members (including the Principal Member) under the Local Government Act on the following basis:

- they are necessary or expedient for the Council member to perform or discharge his/her official functions or duties;
- the facilities remain the Council's property regardless of whether they are used off site or not; and



| | | | | |
|---------------------------------------------------------------------------------------------------------|------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY | | Version No: | 4 |
| | COUNCIL MEMBERS ALLOWANCES AND BENEFITS | | Issued: | November, 2022 |
| | | | Next Review: | May, 2027 |

- they are not to be used for a private purpose or any other purpose unrelated to official Council functions, and duties, unless such usage has been specifically pre-approved by the Council and the Council Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage.

10.5. In addition to the above, Council has resolved to make available to the Principal Member the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile phone with an included data/telecommunication mobile plan;
- Office space adjacent the Council Chamber with fixed telephone line and desktop computing device with connectivity to internet and Council's local area network for access to Council Extranet and Member/Mayoral documents;
- Access to administrative support to manage civic diary and associated arrangements;
- A hardcopy of relevant meeting agenda for the purpose of presiding over Council and Committee meetings; and,
- Catering for official Civic and ceremonial activities as determined appropriate by the Mayor; and,
- A fully serviced and maintained motor vehicle to a maximum purchase price of \$50,000 (GST exclusive) replaced in accordance with Council's Fleet Policy and a Council approved fuel card.

Private use of the Mayoral vehicle is to be reimbursed at the ATO per kilometre rate as applicable at the time of the private use.

10.6. In addition, although not required by the Local Government Act, the Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

- each Council Member is solely responsible for those facilities released into their care and/or control for the duration of their term in office;
- all facilities must be returned to the Council at the end of each term in office, upon the office of a Member of a Council becoming vacant, or earlier at the request of the Chief Executive Officer;
- if the facilities provided to the Council Member are damaged or lost, the Council Member must lodge a written report with the Council officer responsible for this Policy;
- The use of Council facilities, support and/or services by Council Members for campaign or election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of a Council Member's official functions or duties under the Local Government Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Local Government Act.

Electronic version on TRIM is the controlled version.

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

Page 11 of 16



| | | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

11. CLAIMING REIMBURSEMENTS

- 11.1. To receive reimbursement for expenses, each Council Member is required to submit to the Chief Executive Officer (using the Councillor Support Officer email - CrSupport@mountgambier.sa.gov.au) a completed *Council Member Expense Reimbursement Claim* form including adequate evidence (e.g. details of kilometres travelled and/or evidence of expenses incurred) to support the claims made.

For the purposes of administrative efficiency, Council Members are requested to aggregate any claims and submit reimbursement claims on a quarterly basis.

- 11.2. Tax invoices or receipts confirming the expenditure has been incurred must be provided with any claim made for reimbursement to ensure accountability in the use of public funds.

12. REGISTER OF ALLOWANCES AND BENEFITS

- 12.1. Pursuant to section 79(1) and (2) of the Local Government Act, the Chief Executive Officer must maintain a Register in which he or she shall ensure that a record is kept of—

- a) the annual allowance payable to a Council Member (in the case of section 79(1)(a)); and
- b) any expenses reimbursed under section 77(1)(b) of the Local Government Act (in the case of section 79(1)(b)); and
- c) other benefits paid or provided for the benefit of the Member by the Council (in the case of section 79(1)(c)); or
- d) to make a record of the provision of a reimbursement or benefit not previously recorded in the Register (in the case of section 79(2)(b)),
on a quarterly basis (see regulation 7 of the Allowances Regulations).

- 12.2. Reimbursements paid under section 77(1)(a) of the Local Government Act are not required to be recorded in the Register.

13. REVIEW & EVALUATION

- 13.1. Parts 9 (only) of This Policy will lapse at the next general election in accordance with section 77(2) of the Local Government Act 1999 at which time the newly elected Council will be required to adopt new policy provisions dealing with discretionary Member reimbursements under section 77(1)(b) of the Local Government Act.

- 13.2. The remainder of this policy including the Facilities and Support provisions in Part 10 shall have continued application until reviewed and replaced by Council within 6 months of the end of a general election.

| | | | |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------|----------------|
|  City of Mount Gambier | DRAFT - COUNCIL POLICY COUNCIL MEMBERS ALLOWANCES AND BENEFITS | Version No: | 4 |
| | | Issued: | November, 2022 |
| | | Next Review: | May, 2027 |

8. AVAILABILITY OF POLICY

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

| | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| File Reference: | AF18/51 |
| Applicable Legislation: | <i>Local Government Act 1999 sections 76-79 Local Government (Members Allowances and Benefits) Regulations 2010</i> |
| Reference: Strategic Plan – Beyond 2015 | |
| Related Policies: | Member Training and Development Policy |
| Related Procedures: | |
| Related Documents: | Remuneration Tribunal of South Australia Determination 2 and 5 of 2022 |

DOCUMENT DETAILS

| | |
|---------------------------|-------------------------------------------------------------------|
| Responsibility: | Manager Governance and Property |
| Version: | 4.0 |
| Last revised date: | November, 2022 |
| Effective date: | 29 th November, 2022 |
| Minute reference: | 29 th November, 2022 Statutory Council Meeting, Item # |
| Next review date: | May, 2026 |
| <u>Document History</u> | |
| First Adopted By Council: | 25 November, 2014 |
| Reviewed/Amended: | 21 April 2015, 22 November 2018 |



City of Mount Gambier

COUNCIL MEMBER EXPENSE REIMBURSEMENT CLAIM

(Relating to expenses claimed under S.76 & 77 of the *Local Government Act 1999*, the *Local Government (Members Allowances and Benefits) Regulations 2010* and detailed in the Council Members' Allowances and Benefits Policy

This form must be completed by Council Members when claiming the reimbursement of expenses.

| | |
|--------------|--|
| Name: | |
|--------------|--|

TRAVEL EXPENSES AND TRAVEL TIME PAYMENT (if applicable)

Personal Vehicle

| Date | Council function or business purpose for travel* | Km |
|------------------------------------------------------------|--------------------------------------------------|----|
| | | |
| | | |
| | | |
| TOTAL KILOMETRES CLAIMED: | | |
| Office Use Only: _____ Kilometres @ _____ ¢/km = \$ | | |

Motor Vehicle Details (where applicable):

| | |
|-----------------------|--|
| Model and make | |
| Engine size | |

Bus and/or Taxi Costs (where applicable):

| Date | Council function or business purpose for travel | Cost |
|-------------------------------------|-------------------------------------------------|------|
| | | |
| | | |
| | | |
| TOTAL REIMBURSEMENT CLAIMED: | | |

Please attach copies of all receipts

*NOTE: Travel claims must relate to expenses actually and necessarily incurred by the Member in travelling to or from a prescribed meeting provided the journey is an eligible journey and is by the shortest or most practicable route. For the purposes of this form the term "**eligible journey**" means a journey between the principal place of residence, or a place of work, of a Member of the Council, and the place of a prescribed meeting (in either direction), in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

NOTE: Travel Time Payment shall be payable to Council Members (excluding Principal Members) of non-metropolitan Councils in accordance with the *Remuneration Tribunal SA Determination – Allowances for Members of Local Government Councils* whose usual place of residence is within the relevant Council area and is located at least 30km but less than 50km, 50km, or 100km or more distance from the Council's principal office via the nearest route by road.





CARE EXPENSES

| Date | Prescribed meeting attending requiring care** | Hrs care provided | Cost |
|-------------------------------------|-----------------------------------------------|-------------------|------|
| | | | |
| | | | |
| | | | |
| TOTAL REIMBURSEMENT CLAIMED: | | | |

Please attach copies of all receipts

**NOTE: A "prescribed meeting" means a meeting of the Council or Council committee, or an information or briefing session, discussion, workshop, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Member.

TELEPHONE/OTHER TELECOMMUNICATION EXPENSES

| Claim period start | Claim period end | Details of expense being claimed | Cost |
|-------------------------------------|------------------|----------------------------------|------|
| | | | |
| | | | |
| | | | |
| TOTAL REIMBURSEMENT CLAIMED: | | | |

Please attach copies of all receipts

CONFERENCE/SEMINAR/TRAINING COURSE EXPENSES

| Date | Conference/Seminar/Training Course details | Cost |
|-------------------------------------|--------------------------------------------|------|
| | | |
| | | |
| | | |
| TOTAL REIMBURSEMENT CLAIMED: | | |

Please attach copies of all receipts





If not provided previously or your details have changed, please complete your details below:

| | |
|-------------------------|--|
| BSB: | |
| Bank and Branch: | |
| Account No: | |
| Account Name: | |

Please remember to attach all paperwork supporting your claim otherwise payment will be delayed.

I confirm that the above claims for reimbursement are true and accurate, have been actually and necessarily incurred in the performance of my official duties as a Council Member with the City of Mount Gambier and are made in accordance with section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*.

 Signature Date

OFFICE USE ONLY

| | |
|----------------------------|--------------------|
| Received by: _____ | Date: _____ |
| Processed by: _____ | Date: _____ |



13 POLICY - MEMBER TRAINING & DEVELOPMENT – REPORT NO. AR22/71297

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71297 titled 'Policy - Member Training & Development' as presented on 29 November 2022 be noted.
2. That the LGA (Mandatory) Training Standards for Council Members (Attachment 1) be noted.
3. That the updated Members Training & Development Policy as attached to Report No AR22/71297 (Attachment 2) be adopted.



BACKGROUND

Section 80A of the Local Government Act 1999 provides that Council must prepare and adopt a training and development policy:

- aimed at assisting members in the performance and discharge of their functions and duties; and
- that must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and
- may specify other requirements relating to the conduct and completion of training and development by members.

The Local Government (General) Regulations 2013) provide that a Training and Development Policy must:

- for the purposes of section 80A(2)(b) of the Act, incorporate the training requirements for council members that are expressed to be mandatory requirements in the LGA training standards (prescribed mandatory requirements).
- provide that members must undertake regular training in accordance with the policy; and
- comply with the LGA training standards.

The recent Local Government reform changes now provide that a Member must give the Chief Executive Officer specified information relating to the Members training and Development, and that the Council must suspend a Member of Council from office as a Member of Council and give public notice of the suspension if they fail to comply with the prescribed mandatory requirements, unless the Member satisfies the Council that there were good reasons for the failure to comply.

The training standards are developed between the Local Government Association, Office of Local Government, and endorsed by the Minister to apply to all Council Members across the state, with mandatory training to be completed within 12 months of the election. The LGA (mandatory) Training Standards are attached for Members information (**Attachment 1**).

Arrangements have commenced for mandatory training to be completed as a Member cohort across several sessions, presented by Council's lawyers as well as other field professionals. Alternate options to meet the mandatory training requirements may include online or face-to-face sessions as made available by the training arm of the Local Government Association.

In addition to mandatory training, Council may also seek and support other discretionary training, including as part of the induction process for the new Council term, to support the strategic work of Council as a decision making body.

DISCUSSION

Council's Member Training & Development Policy (**Attachment 2**) has been updated to reflect relatively minor changes in the Local Government Association model policy and LGA Training Standards. The policy recognises a range of delivery methods to support the training needs of Council Members, including:

- In-house workshops, seminars and briefing sessions conducted by the Council with appropriate staff, trainers and guest speakers;
- Attendance at workshops, seminars and conferences offered by training providers and industry bodies including the Local Government Association of SA and other industry bodies and/or private providers offering courses for Members to gain new skills and knowledge and to network with other Council Members;



- Printed material, including training booklets and discussion papers, that may be distributed for information;
- On-line learning;
- Audio/Visual information; and
- Tours & visits to other Councils to gain new knowledge & understanding.

The Training and Development Policy also provides a hierarchy of training/development opportunities and approval/reporting requirements as a guide for Members, as follows:

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

Potential training and development opportunities will arise from time to time through the training arm of the Local Government Association, as well as other sources, including under arrangement by Council Officers specifically for the City of Mount Gambier or jointly with other neighbouring Councils.

Members may subscribe to Local Government Association and LG Training mailing lists to keep up-to-date with such opportunities, with the Council Administration also sharing potential opportunities with Members through the Member Extranet.



Importantly, as a Member Training and Development Policy it remains for Council to determine the extent to which training is supported for Members through policy inclusion or resolution. subject to budget allocation and compliance with the Local Government Act 1999 and (General) Regulations,

It is recommended that Council adopt the updated Member Training and Development Policy to enable any immediate post-Election training/development requirements to be addressed, noting that Council may review the Policy at any time.

CONCLUSION

This report recommends that the updated Members Training & Development Policy as attached (**Attachment 1**) to this report be adopted.

ATTACHMENTS

1. LGA Training Standards for Council Members 2022 [↓](#) 
2. Members Training & Development Policy [↓](#) 







The voice of local government.

LGA Training Standards for Council Members

Pursuant to Regulation 8AA of the Local Government (General) Regulations 2013

The LGA Training Standards will come into operation when section 43(1) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation to amend section 80A of the Local Government Act.

Published on 5 October 2022





The voice of local government.



Document Set ID: 783010
Version: 3, Version Date: 10/10/2022



Council Member Mandatory Training Requirements

Legislative Framework

Section 80A of the *Local Government Act 1999* (the Local Government Act) and Regulation 8AA of the *Local Government (General) Regulations 2013* (the General Regulations), sets out the legal requirements for training and development for council members.

A council member must comply with the prescribed mandatory requirements, which includes the LGA training standards set out in this document. Failure to comply will result in a suspension of the council member by Council (unless the member satisfies the council there were good reasons for the failure to comply).

There are further requirements relating to public notice, suspension of allowances and access to facilities and support and application to SACAT for disqualification if a member does not address the failure to comply.

Council Policy

Section 80A of the Local Government Act requires a Council to prepare and adopt a training and development policy for its council members.

- (1) A council must prepare and adopt a training and development policy for its members.
- (2) The policy—
 - (a) must be aimed at assisting members in the performance and discharge of their functions and duties; and
 - (b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and
 - (c) may specify other requirements relating to the conduct and completion of training and development by members.
- (2a) A training and development policy of a council may make different provision according to different members of the council.

Regulation 8AA of the *Local Government (General) Regulations 2013* prescribes that a training policy must comply with the LGA training standards¹.

¹ The LGA training standards means the document entitled *LGA training standards for council members* approved by the Minister for the purposes of regulation 8AA (*Local Government (General) Regulations 2013*) and published on a website maintained by the LGA.



The voice of local government.

LGA Training Standards for Council Members

The LGA Training Standards provides a community leadership competency framework, defining the key capabilities required to perform the council member role, the core modules and anticipated learning objectives and outcomes.

The framework responds to the legislative requirements and community expectations of council members. The local government sector has a strong aspiration to build and develop capabilities and the performance of council members and in return, achieve great outcomes for local communities.

The framework defines community leadership competencies in four parts:

| | |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Behaviour | To identify attributes and develop skills that uphold the Behavioural Standards and principles of good governance. |
| Civic | To develop knowledge of the Australian system of government and how Councils fulfil the objectives of the Local Government Act to deliver reputable community outcomes. |
| Legal | To develop the knowledge and skills required to meet the legal responsibilities of a council member. |
| Strategy & Finance | To develop the knowledge of integrated strategic and annual business planning and the skill to manage public funds appropriately. |

The LGA Training Standards provides for the knowledge and skills of council members to be developed as part of induction program, council leadership workshop and training modules. Completion of this training will satisfy the mandatory training requirements. In addition, this Standard provides guidance to on-going personal and professional development.





The voice of local government.

Induction Program

Given the breadth of responsibilities held by council members, participation in a formal induction program provides the support and resources to effectively perform in the role.

The chief executive officer (CEO) will arrange an orientation and induction process for a new council which complements the completion of mandatory training. The induction program may include (but not limited to):

- information on administrative facilities/CEO support, council member allowances and benefits, training, and development
- a tour of the council area and facilities
- information on the organisational and operational structure including, an overview of each of the functions or department; and introduction to key staff
- a schedule of briefings on key strategic issues.

An induction program is important in building effective working relationships between council members. It is, therefore, the responsibility of all council members to participate in the induction program.

Council Leadership workshop

Upon election, council members are required to serve the overall public interest, put any personal differences aside and provide community leadership.

The community expects council members to focus on the work of council and effectively engage and work with each other and council employees in a respectful and professional manner.

Section 59 of the Local Government Act sets out the roles of members of councils and includes an obligation to ensure positive and constructive working relationships within the council.

All council members must attend a workshop designed to assist in building effective working relationships and focus on Councils strategic purpose.

The CEO will arrange a workshop that may include (and not limited to):

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

To ensure leadership effectiveness in working to deliver Councils strategic purpose, it is incumbent on all members to be well informed and engage in information or briefing sessions throughout the term.

Mayoral Leadership

Section 58 of the Local Government Act sets out the specific roles of principal members or Mayors. These include key responsibilities, as leader of the council, to provide leadership and guidance and lead the promotion of positive and constructive working relationships. To support performance in this leadership role, 'Mayoral Leadership training' must be completed by all Mayors. The Standard sets out the additional competencies required of a Mayor (in addition to the council member requirements).

Training & Timeframe

This document contains the training requirements for council members. These requirements are mandatory, and every council member must undertake the Mandatory Training within the first 12 months of their four-year term.

Training Participation & Records

Completion of mandatory training is a statutory obligation for all (continuing and new) council members. Records of council members participation in mandatory training, including leadership workshops must be kept by the council CEO in a register of training and development.

Training Delivery

Council CEOs' may use internal expertise or training providers to deliver the required mandatory training. It is important that training providers have the appropriate expertise to support the required training outcomes and/or workshop facilitation.

Mandatory training should engage all council members in an interactive learning experience to build shared leadership in fulfilling their role on Council. Alternative delivery methods may be used to complement full Council engagement in face-to-face training.

Mid-term Council Leadership Refresher

A mid-term refresher workshop and update training will be required. This will include (and not limited to):

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

Ongoing Personal and Professional Development

To be effective and reputable, new and returning council members, are encouraged to continue their personal and professional development throughout the term.

This standard includes a guide for additional learning and development relevant to council members roles and responsibilities and leadership effectiveness, which does not form part of the mandatory training requirements.



The voice of local government.

| | | Core | Modules | Learning objectives | Learning outcomes |
|---------------------------------------------------------------------|------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council member Leadership competency framework | Behaviour | | Values, ethics & behaviour <ul style="list-style-type: none"> - Understanding values & ethics - Behavioural Standards for Council Members - WHS, Bullying & Harassment | To develop the knowledge, skills and attitudes required to meet Behavioural Standards and work, health, and safety obligations for council members | <ul style="list-style-type: none"> - Define and distinguish values, ethics & behaviour - Identify the constructive behaviours to work effectively with others and meet community expectations - Explain work, health, and safety obligations that Council members must comply with. - Identify conduct that would amount to bullying and/or harassment. |
| | | | Communication skills <ul style="list-style-type: none"> - Effective communication - Negotiating and influencing | To develop communication skills for effective working relationships and constructive ways to negotiate and influence others to perform the role. | <ul style="list-style-type: none"> - Define communication - Identify the characteristics of effective communication - Explain strategies that can be used to manage difficult conversations - Describe the process of negotiation and influencing positive outcomes |
| | | | Leadership skills <ul style="list-style-type: none"> - Strategic thinking - Change management - Building resilience | To develop the knowledge, skills and attitudes required to effectively perform a community leadership role | <ul style="list-style-type: none"> - Identify the characteristics of a strategic thinker - Define change management in context to Council's complex and integrated business - Identify methods by which strategic and integrated thinking applies - Identify methods and strategies to build resilience to competently fulfil role |





The voice of local government.

| | | Core | Modules | Learning objectives | Learning outcomes |
|---------------------------------------------------------------------|--------------|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Leadership competency framework Council member | CIVIC | | Introduction to local government <ul style="list-style-type: none"> - The Australian System of Government - Role, functions and objectives of Local Government - Composition and Council Structures - Role of Council to CEO/staff and working together - Council Services | To develop knowledge of the role and function of local government and how Council can effectively fulfill the objectives in the Local Government Act. | <ul style="list-style-type: none"> - Explain the role of local government in the Australian System of Government - Define and explain the role and function of Council - Define and explain the separate roles of the elected Council to CEO/staff, both the legislative provisions and operational structures that support effective working relationships. |
| | | | Effective council meetings <ul style="list-style-type: none"> - Overview of the types of meetings - Council member preparation and responsibilities - Structure and purpose of meetings - Role of and purpose of information or briefing sessions | To develop knowledge of the range of council meetings that may be held and to identify the responsibilities of council members to contribute to effective meetings. | <ul style="list-style-type: none"> - List the types of meetings held by a council - Identify how council meetings are structured and the purpose of such meetings - Identify the responsibilities of council members to prepare for council meetings - Define and explain the role of an information or briefing session and effective participation |
| | | | Council meeting procedures <ul style="list-style-type: none"> - Public access - Meeting procedures - Role of the Principal Member - Moving motions, speaking to motions, and voting - Effective presentation and constructive debate - Minutes and upholding decisions of Council | To define the behaviour and develop the knowledge and skills to contribute to the effective operation of meetings procedures. | <ul style="list-style-type: none"> - Identify meeting procedures that apply to council meetings - Explain the role of the Principal Member at council meetings - Define 'a motion' and explain how motions are moved, spoken to, and voted upon - Identify methods for effectively presenting information and engaging in constructive debate at council meetings - Explain the purpose of Minutes and describe how council decisions are upheld |
| | | | Representing council decisions <ul style="list-style-type: none"> - The role of the Principal Member as Council spokesperson - Related legislative and Council policy responsibilities - Effective use of media channels | To develop knowledge of the legislative provisions, policies and processes that relate to effective ways Council and council members represent Council meeting decisions. | <ul style="list-style-type: none"> - Explain the role of the Principal Member - Identify different media channels used by Council - Explain the legislative requirements and Council policies relating to media - Define the role of council member and effective ways to use Councils and council members media channels (including social media) |



| | | Core | Modules | Learning objectives | Learning outcomes |
|---------------------------------|--------------------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Leadership competency framework | Council member | Legal | Role of a council member <ul style="list-style-type: none"> - General duties - Conflict of Interest - Gifts & Benefits | To develop an ability to interpret and analyse legislative provisions that identify the role of a council member | <ul style="list-style-type: none"> - Define the general duties of a council member - Explain the principles to be observed - Define a conflict of interest and explain the obligations if a conflict of interest exists - Describe the obligations of council members concerning the receipt of gifts or benefits |
| | | | Registers, returns and resources <ul style="list-style-type: none"> - Register of interest - Primary and ordinary returns - Allowances and benefits | To develop the knowledge of obligations for declaring interests, the resources to support the role of council member and the agencies that have external oversight (Ombudsman SA, OPI, ICAC, Minister for Local Government, District Court and SACAT) | <ul style="list-style-type: none"> - Explain the purpose and obligations of a Register of Interest - Define a 'primary' and 'ordinary' return and the information that is contained in such returns - Explain the supporting resources and what legal protections are offered to council members - Explain the different external bodies in providing external oversight in upholding public integrity and council member obligations |
| | | | Legal protections and oversight <ul style="list-style-type: none"> - Corruption, misconduct and maladministration | | |
| | Strategy & Finance | | Integrated strategic management planning and performance <ul style="list-style-type: none"> - Purpose of strategic, longer financial and asset management planning - Purpose of annual business planning and budgeting - Community engagement and performance reporting | To develop the knowledge required to undertake integrated strategic management, financial planning, and performance | <ul style="list-style-type: none"> - Define 'integrated strategic management planning' - Describe the purpose of strategic, financial asset management planning - Explain the purpose of annual business planning and budgeting - Identify legislative requirements, Council policy and methods for community engagement and performance reporting |
| | | | Strategic risk management & oversight <ul style="list-style-type: none"> - Strategic risk management in decision making - Role of Audit and Risk Committee - ESCOSA oversight | To develop the knowledge of strategic risk management and oversight | <ul style="list-style-type: none"> - Identify types of strategic risk and opportunity (ie financial sustainability, climate change) - Identify the features of effective strategic risk management and decision making - Define the role of a council's Audit and Risk Committee - Define and explain the role of ESCOSA |
| | | | Financial management <ul style="list-style-type: none"> - Managing public funds - Rating, other revenue sources and funding plan - Financial terminology and understanding financial statements and reports | To develop the knowledge and skill to undertake contribute to effective financial management | <ul style="list-style-type: none"> - Identify appropriate methods for managing public funds and procurement practice - Explain how Councils raise revenue from rating and other sources - Define financial terminology and effectively interpret the purpose of Council financial statements and reports |





The voice of local government.

As Section 58 of the Local Government Act prescribes specific responsibilities for the Principal Member or Mayor to provide leadership and guidance for Council the following training (in addition to the council member training) is required by the Principal Member or Mayor.

| | Core | Modules | Learning objectives | Learning outcomes |
|-----------------------------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Principal member Leadership competency framework | Behaviour | Effective leadership <ul style="list-style-type: none"> Leadership attributes and resilience Listening and influencing skills Establishing trust and effective working relationships Managing conflict and conflict resolution | To develop the knowledge, skills and attitudes required to be an effective Principal Member of a Council | <ul style="list-style-type: none"> Identify leadership attributes to perform the role and support resilience Explain listening and influencing skills that will assist a Principal Member carry out their role Identify methods for establishing trust and for developing ongoing and effective relationships Define conflict and explain appropriate methods for managing and resolving conflict |
| | | Public speaking & media (skills) <ul style="list-style-type: none"> Public speaking skills Effective media engagement for Councils key spokesperson | To develop the knowledge and skill that will enable a Principal Member to speak confidently and effectively in public on behalf of Council | <ul style="list-style-type: none"> Define the role of a Principal Member as the key Council spokesperson Identify the attributes, qualities, and skills of an effective public speaker and media spokesperson |
| | Civic | Meeting procedures (technical knowledge) <ul style="list-style-type: none"> Formal meeting procedures Effective Meetings (Chairing skills) <ul style="list-style-type: none"> To lead a positive and ethical culture within the governing body Provide guidance on strategic decision making and guide debate for a reputable council. | To effectively chair council meetings with the technical knowledge of meeting procedures and the skills to support constructive debate and effective decision making. | <ul style="list-style-type: none"> Identify the procedures that formally guide Council meetings (commencement, questions with or without notice, motions, speaking to motions, amendment of motions, formal motion, address to motion, voting, divisions, points of order, interruption of meeting, suspension, and removal of member, deputations and public question time) Identify skills that will enable a meeting to be chaired effectively and efficiently and that will promote respectful and constructive debate for strategic decision making. |





The voice of local government.

On-going personal and professional development

While there are no specific qualifications or experience required to be a council member, to be effective, council members need to demonstrate leadership qualities and a willingness to learn.

The LGA has developed a Leadership Effectiveness Tool which can assist council members to identify current leadership strengths (attributes, qualities, skills, and knowledge) and areas to further develop as part of a Council Member Professional Development Plan. [insert link]

Below is a guide to additional, optional professional learning and development opportunities that have been identified as valuable to building council member skills and knowledge, in addition to the mandatory training modules.

Many of the opportunities listed under 'Knowledge' will be gained through experience on council. It is not council members role to be subject matter experts or be involved in operational functions. This is the role and support the CEO and administration provide. However, seeking to develop a high-level understanding of these areas of Councils business and services is important in context of Councils community leadership and decision making.

| Attributes, Qualities & Skills | |
|----------------------------------------|-------------------------------------|
| Building emotional intelligence | Effective time management |
| Building leadership resilience | Ethics & leadership |
| Complex and integrated decision making | Leading difficult conversations |
| Communication and presentation skills | Learning to speed read |
| Digital technology skills | Listening and coaching skills |
| Effective advocacy & leadership | Negotiation & facilitation skills |
| Effective community engagement | Presentation skills |
| Effective social media management | Strategic and critical thinking |
| Knowledge | |
| Audit & Risk (for Committee members) | Environment and waste management |
| Business excellence | Financial management |
| Climate change and risk | Planning & building |
| Community development | Procurement process |
| Community health & safety | Roads, assets & infrastructure |
| Culture, arts & events | Strategic risk management |
| Diversity & inclusion | Streetscapes, parks, and open space |
| Economic development | Understanding sustainable debt |





The voice of local government.

148 Frome St
Adelaide SA 5000
GPO Box 2693
Adelaide SA 5001
T (08) 8224 2000
E lgasa@lga.sa.gov.au

www.lga.sa.gov.au



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | |
| | Version No: | 3 |
| | Issued: | November 2022 |
| | Next Review: | December 2026 |

1. INTRODUCTION

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

This policy incorporates the requirements for Council Members to undertake mandatory training in compliance with the *LGA Training Standards* as defined in regulation 8AA of the *Local Government (General) Regulations 2013*.

2. POLICY OBJECTIVE

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

3. SCOPE

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

4. TRAINING & DEVELOPMENT

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

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

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

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

- Part 1 - Behaviour
- Part 2 - Civic
- Part 3 - Legal
- Part 4 – Strategy and Finance

Every Council Member must undertake the Mandatory Training within the first 12 months of their four year term.

Other training issues will emerge that are directly related to specific service areas and other community issues and address environmental, social and economic challenges facing the

Electronic version on TRIM is the controlled version.

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

Page 1 of 6



| | | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | Version No: | 3 |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

community. All training requests must have a relationship to the business of Council or local government.

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

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

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

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

Note:

In accordance with Council resolution of 29th November 2022 (Item 19) the Mayor (and Deputy Mayor) are duly authorised to represent Council (e.g. at SA Local Government Association Annual General Meetings and other LGA functions and at Australia Local Government Association functions).

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

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 2 of 6 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|



| | | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | Version No: | 3 |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

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

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

The CEO will keep a record of all training attended, particularly the mandatory training requirements. All training undertaken by Members will be recorded in the Council Allowances and Benefits Register and Member (mandatory) Training Register which will be updated as required to reflect attendances.

5. ANNUAL BUDGET ALLOCATION

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

6. PAYMENTS/REIMBURSEMENTS

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

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

The Chief Executive Officer may at their sole discretion determine to incur the expense and arrangement of a reimbursable training expense where it is considered efficient and effective to do so, which may include consideration to the provisions of Council's Member Allowances and Benefits Policy.

7. ANNUAL REPORTING

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

8. REVIEW & EVALUATION

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

9. AVAILABILITY OF POLICY

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

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <i>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.</i> | Page 3 of 6 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|



| | | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | Version No: | 3 |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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

Page 4 of 6



| | | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | Version No: | 3 |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

| | |
|-------------------------|------------------------------------------------------------------------------------------------|
| File Reference: | AF18/51 |
| Applicable Legislation: | Section 80A Local Government Act 1999; Reg. 8AA Local Government (General) Regulations 2013 |
| Strategic Reference: | |
| Related Policies: | Member –Allowances and Benefits Policy |
| Related Procedures: | |
| Related Documents: | Member Training - Evaluation Pro-Forma |

DOCUMENT DETAILS

| | |
|---------------------------|----------------------------------------------------------------|
| Responsibility: | Manager Governance and Property |
| Version: | 3.0 |
| Last revised date: | 29 th November, 2022 |
| Effective date: | 29 th November, 2022 |
| Minute reference: | 29 th November, 2022 - Item ## |
| Next review date: | December, 2026 |
| <u>Document History</u> | |
| First Adopted By Council: | 15 th December, 2015 |
| Reviewed/Amended: | 22 nd November 2018, 29 th November 2022 |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| <i>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.</i> | Page 5 of 6 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|



| | | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------|---------------|
|  City of Mount Gambier | M500 – MEMBERS TRAINING & DEVELOPMENT | Version No: | 3 |
| | | Issued: | November 2022 |
| | | Next Review: | December 2026 |

MEMBER TRAINING / APPROVAL REQUEST

Member Name: _____

1 Elected Member to Complete

Name of Course/Seminar:
 Course Provider (LGA etc):
 Location of Course:
 Dates:
 Description of Training:
 Explanation of Benefits:

Course information attached

Copies of quotes or estimates attached

| DETAILS OF EXPENSES | | | |
|-------------------------------|----------------------------|--------------------------------------|--------------------------------|
| Course fees | \$ | <input type="checkbox"/> Estimate or | Quote |
| Travel | \$ | <input type="checkbox"/> Estimate or | Quote |
| Council Vehicle | \$ | kms @ \$0.77/km | |
| Cab charges/ eTickets | No. of taxi trips required | | |
| Accommodation (If necessary) | \$ | <input type="checkbox"/> Estimate or | <input type="checkbox"/> Quote |
| Other (please attach details) | \$ | <input type="checkbox"/> Estimate or | <input type="checkbox"/> Quote |

2 AUTHORISATION

| Category | Reporting | Authorisation Required |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Local Training (hosted locally within City/SE Region) | Listed in Annual Report | By Application to CEO |
| <input type="checkbox"/> SA LGA Training, Conferences, Meetings (Adelaide/LC Region Based) | Evaluation Pro-Forma for circulation in Friday Edition | Generic Council Resolution (Insert Minute Reference) |
| <input type="checkbox"/> All Other Training (e.g. Technical, Professional, Specialist, Non-LGA/Non-Local/Interstate Seminars, Conferences etc) | Evaluation Report for Member Reports Council Agenda Item. | Specific Council Resolution (Insert Minute Reference) |

CEO Signature

Date ____ / ____ / ____

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 6 of 6 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|



14 CONFLICT OF INTEREST – REPORT NO. AR22/71230

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71230 titled 'Conflict of Interest' as presented on 29 November 2022 be noted.



BACKGROUND

Members are required to comply with the material and general Conflict of Interest provisions contained in sections 73-75D of the *Local Government Act 1999* and regulation 8AAA of the *Local Government (General) Regulations 2013*.

DISCUSSION

As newly commenced provisions gazetted on 17 November 2022 a consolidated version of the Local Government Act 1999 containing the new provisions was not available for inclusion as an attachment to this report at the time of agenda finalisation. However the new Conflict of Interest provisions form part of the post-election Member induction, with Members provided an overview of the new Conflict of Interest regime at the first mandatory training session held on Tuesday 22nd November 2022.

Importantly, Members must be aware that their obligations under the new provisions have commenced and apply to this and subsequent meetings.

The Conflict of Interest provisions also extend to committees and members of committees established by Council as if:

- i. a committee were a Council; and
- ii. a member of a committee were a member of a Council.

Further information and training will be provided to Members in relation to managing conflict of interest and other Members obligations as part of the post-election Member induction and training.

In the meantime Members should familiarise with the Conflict of Interest provisions and note that:

- where a Member has a material conflict of interest in a matter arising at a meeting they must declare the conflict of interest and leave the meeting and not be involved in, view or hear any discussion, questions or voting on the matter.
- where a Member has a general conflict of interest in a matter arising at a meeting they must inform the meeting of:
 - a) their interest in the matter, and
 - b) whether or not the member proposes to participate in the meeting in relation to the matter; and
 - c) if the member proposes to participate in the meeting in relation to the matter—
 - i. how the member intends to deal with the general conflict of interest, including whether the member intends to vote on the matter; and
 - ii. the member's reasons for participating (and, if relevant, voting) in relation to the matter.

For the purpose of (c), this does not mean merely stating an intention to remain in the room and to participate in discussion and/or voting, but to inform the meeting of how they actually intend to deal with the general conflict of interest and their reason for participating (and, if relevant, voting), for the purpose of the public minutes and Register of Declared Interests.

A Conflict of Interest form is available for Members to pre-fill and use for the purpose of informing the meeting and to provide to the minute taker for inclusion of relevant information in the meeting minutes and Register of Declared Interests.

The declaration, or failure to declare, a general or material Conflict of Interest will be a matter of public record in the Minutes and Register of Declared Interests published on the Council website.



Members should ensure the accuracy and consistency between information verbally declared at the meeting and the information provided on the Conflict of Interest form as the minute taker cannot be held responsible for any inconsistency that may arise.

In the absence of clarity the minute taker will record the written declaration provided by the Member on their Conflict of Interest form in the minutes and Register of Declared Interests, with the Member being ultimately responsible for ensuring they inform the meeting of any general or material conflict of interest and the manner in which they intend to deal with the conflict.

For consistency, it is recommended that a Member complete a Conflict of Interest form and read directly from it and provide it to the minute taker to avoid any discrepancy in the public record.

CONCLUSION

That the report on Member Conflict of Interest be noted.

Attachments

Nil



15 POLICY - MEMBER BEHAVIOURAL MANAGEMENT – REPORT NO. AR22/71224

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71224 titled 'Policy - Member Behavioural Management' as presented on 29 November 2022 be noted.
2. That, having been superseded by the new (deemed) Model Behavioural Management Policy, Council Policy M265 – Member Complaints Handling Procedure be revoked and new Behavioural Management Policy as provided as Attachment 1 to Council Report No. AR22/71224), based on the deemed model, be adopted.



BACKGROUND

Prior to the 2022 Local Government Elections council member behaviour was governed by the [Code of Conduct for Council Members](#) published in accordance with section 63 of the *Local Government Act 1999* in the South Australian Government Gazette on 29 August 2013

Following local government reform in 2021 a new Behavioural Management Framework has been established to take effect from the 2022 Local Government elections which replaced Part 2 of the [Code of Conduct for Council Members](#).

DISCUSSION

The new Member Behavioural Management Framework comprises:

- the legislative framework within which all council members must operate;
- the [Behavioural Standards for Council Members](#), determined by the Minister for Local Government, which apply to all council members in South Australia;
- 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 1999*;
- optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members adopted pursuant to section 75F of the *Local Government Act 1999*.

The legislative provisions are set out in Division 1 of Chapter 13 of the *Local Government Act 1999*, with the Ministers Behavioural Standards to be published [here](#) and [Behavioural Standards Panel Members](#) appointed by the Governor on 17 February 2022.

Ministers Behavioural Standard

The Ministers Behavioural Standard provides that 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.
- 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.



Behavioural Management Policy

Each council is required to prepare and adopt a Behavioural Management Policy within 12 months of the election, by 10 November 2023, with transitional regulations including provision for the Local Government Association [Model Behavioural Management Policy](#) to be deemed as each council's policy from commencement of the new framework until adopting its own.

Further, Council must review the operation of its Behavioural Management Policy within 12 months of the elections, by 10 November 2023.

Accordingly, Council does not have to adopt the Local Government Association Model Policy or any different Behavioural Management Policy, or review its operation, until 10 November 2023 (the LGA Model policy deemed to have effect from the commencement of the new framework).

This report however recommends Council formally adopt its own Behavioural Management Policy based on the Local Government Association Model Policy in the first instance, which Council may determine to amend following the first 12 month (or any subsequent) review of its operation.

A draft Behavioural Management Policy is provided (**Attachment 1**) for this purpose.

Behavioural Support Policy

Adoption of a Behavioural Support Policy(s) is optional. A further report will be presented in early 2023 for Council to consider whether (or not) to adopt such a policy. Such consideration must occur within 6 months of the Council election, by 10 May 2023, however it will not be necessary to have determined or adopted such policies within this time, which will necessitate public consultation to be conducted in accordance with the *Local Government Act 1999*.

Similar to the Behavioural Management Policy, Council may determine to review and amend or replace any adopted Behavioural Support Policy, subject to any public consultation requirements.

Council Policy M265 – Member Complaints Handling Procedure

Having been superseded by the Member Behavioural Management Framework and Local Government Association [Model Behavioural Management Policy](#), Council Policy M265 - Member Complaints Handlings Procedure has no further application to Member complaints which are now dealt with under the new framework and policy.

Accordingly, Policy M265 may be revoked and removed from Council's Policy Index and website.

Noting that Council must (adopt and) review the operation of its (deemed or otherwise) Behavioural Management Policy by 10 November 2023, and to consider by 10 May 2023 whether (or not) to adopt a Behavioural Support Policy(s). This report recommends that Council merely adopt the Local Government Association [Model Behavioural Management Policy](#) so the further consideration of a Behavioural Support Policy(s) and review of the Behavioural Management Policy may be conducted following a period of operation from November 2022.

The potential adoption of a differing policy within the first 12 months of the new framework commencing may (further) complicate the conducting of a review and any recommendations as any evidence upon which it is based may not relate to the Policy(s) applicable at the time of the review.

Accordingly, a new Behavioural Management Policy based upon the Local Government Association [Model Behavioural Management Policy](#) is attached to this report (Attachment 1) and, if adopted, will be uploaded to the Council website as a Council Policy, or otherwise this report including the weblink



to the Local Government Association [Model Behavioural Management Policy](#) and the following address for lodgement of a complaint under the Behavioural Management Policy:

Private and Confidential
Chief Executive Officer
City of Mount Gambier
PO Box 56
Mount Gambier SA 5290

Or email to city@mountgambier.sa.gov.au marked 'CEO - Private and Confidential'

CONCLUSION

That the Member Behavioural Management Framework report, standard and (deemed) Local Government Association Model Behavioural Management Policy be noted, and that Council adopt the Behavioural Management Policy attached to the report and revoke Council Policy M265.

Council Members should familiarise and comply with the Behavioural Management Framework and Ministers Behavioural Standard and Council's (deemed or adopted) Behavioural Management Policy, noting these provide the framework against which Member behaviour will be measured and any complaints assessed, including potentially by the newly established Behavioural Standards Panel.

ATTACHMENTS

1. DRAFT - Behavioural Management Policy [↓](#) 



| | | | | |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------|--|--------------|----------------|
|  | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier ("Council") for the approach to the management of complaints about the behaviour of council members.

Scope

This policy applies to Elected Members of the City of Mount Gambier.

Purpose

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 process to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members, this Behavioural Management Policy and/or any Behavioural Support Policy adopted by the Council (***the behavioural requirements***).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- 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.

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

Behavioural Standards for Council Members – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.

frivolous – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

misbehaviour – is defined in section 262E of the *Local Government Act 1999* as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or



| | | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

- (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
- (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

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

1. the Mayor;
2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

repeated misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

serious misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements** is, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- 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.



| | | | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

- 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 and 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.

4. The Complaint Management Process

This Policy sets 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.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

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.

4.1. 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) may play a role in facilitating a resolution to a dispute.

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

4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Electronic version on TRIM is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version. | Page 3 of 15 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy¹.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- 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.

4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the behavioural requirements. A person may therefore consider raising the matter directly with the council member concerned.

¹ There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.



| | | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or other council member appointed by the Council as the person responsible for managing complaints under this Policy.

If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.4.1. Record keeping

Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action 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.

4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Council Member Complaint" and forwarded to:
 - (via email) city@mountgambier.sa.gov.au
 - (hard copy) PO Box 56, Mount Gambier, SA, 5290
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)
- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of **behavioural requirements** in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days 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 to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

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 official functions and duties.



| | | |
|------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters²:

- the person that is making the complaint (or on whose behalf the complaint has been made) 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
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint³
- determining to take no further action

² The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.

³ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

- the complainant must be provided written reasons explaining the decision⁴
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- A record of these steps and the decision not to proceed should be made.

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, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

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 is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution 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 request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

⁴ Section 262D, *Local Government Act 1999*



| | | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

Decision to refer to another body or agency

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration:

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration 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.

In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party 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 who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

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, participate in meetings in a timely manner.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <i>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.</i> | Page 9 of 15 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) 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 the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- 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



| | | | | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|--|--------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

Where the finding is that no breach of the *behavioural requirements* has occurred a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁵ at the next practicable Council meeting. If no such request is received, no further action will be taken.

Outcome – agreed actions (breach found)

Where the finding is that a breach of the *behavioural requirements* has occurred and the complainant and the person complained about⁶ 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 agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁷ at the next practicable Council meeting. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.⁸

⁵ Note that the complainants identity may need to be redacted.

⁶ 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.

⁷ Note that the complainants identity may need to be redacted.

⁸ Schedule 4(1)(d), *Local Government Act 1999*



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

Outcome – no agreed action (breach found)

Where the finding is that a breach of the *behavioural requirements* has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- 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;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public⁹.

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, 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;
- (b) 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
- (c) 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.

The matter must be reported in the Council’s Annual Report which must contain the information required by the regulations.¹⁰

⁹ Section 262C(2), *Local Government Act 1999*



| | | |
|---------------------------------------------------------------------------------------------------------|--------------------------------------|----------------|
|  City of Mount Gambier | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

4.6. 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**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

| 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> |

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹¹:

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

Behavioural Standards Panel Contact Officer

¹⁰ Schedule 4(1)(d), *Local Government Act 1999*



| | | |
|-----------------------------------------------------------------------------------|--------------------------------------|----------------|
|  | COUNCIL POLICY | |
| | BEHAVIOURAL MANAGEMENT POLICY | |
| | Version No: | 1 |
| | Issued: | November 2022 |
| | Next Review: | November, 2023 |

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.

5. Responsibilities

The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate 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.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- 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.

7. REVIEW & EVALUATION

This Policy is scheduled for review by Council in November 2023; however, will be reviewed as required by any legislative changes which may occur.

8. AVAILABILITY OF POLICY

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

¹¹ Section 262Q, *Local Government Act 1999*



| | | | | |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|--|-----------------|-------------------|
|  City of Mount Gambier | COUNCIL POLICY BEHAVIOURAL MANAGEMENT POLICY | | Version No: | 1 |
| | | | Issued: | November 2022 |
| | | | Next Review: | November, 2023 |

| | |
|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| File Reference: | AF18/51 |
| Applicable Legislation: | Independent Commission Against Corruption Act 2012 Section 63, 75F, 262B - Local Government Act 1999 Ombudsman Act 1972 Public Interest Disclosure Act 2018 Ministers Behavioural Standards Code of Conduct for Council Members. |
| Reference: Strategic Plan – Beyond 2015 | |
| Related Policies: | M265 Members Complaints Handling Procedure (superseded) |
| Related Procedures: | |
| Related Documents: | |

DOCUMENT DETAILS

| | |
|---------------------------|-----------------------------------------|
| Responsibility: | Manager Governance and Property |
| Version: | 1.0 |
| Last revised date: | N/A |
| Effective date: | ## th November, 2022 |
| Minute reference: | ## th November, 2022, Item # |
| Next review date: | October, 2023 |
| <u>Document History</u> | |
| First Adopted By Council: | ## th November 2022 |
| Reviewed/Amended: | N/A |

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

Page 15 of 15



16 ELECTED MEMBER REQUESTS – REPORT NO. AR22/81142

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/81142 titled 'Elected Member Requests' as presented on 29 November 2022 be noted.



BACKGROUND

As a result of the Local Government Reform the (former) Code of Conduct for Council Members provisions relating to Member requests for information or action being directed to the Chief Executive officer or a designated person have been replaced by new subsections (4c) and (4d) of section 62 of the *Local Government Act 1999* which provide:

(4c) A member of a council must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to or performed by the employee.

(4d) Without limiting subsection (4c), a member of a council must—

(a) ensure that a request for information or a document from a person engaged in the administration of the council is made in accordance with the requirements of the chief executive officer of the council; and

(b) ensure that a request for the performance of work or the taking of action by an employee of the council is made in accordance with the requirements of the chief executive officer of the council.

DISCUSSION

In accordance with section 62(4d) the Chief Executive Officer may specify requirements for the making of requests for information, documents or the performance of work.

For efficient, effective, transparent and accountable use of Council's human and other resources in responding to Member requests, the Chief Executive Officer has determined the below requirements under relevant headings.

It provides a simple and consistent single channel for Councillors to communicate with the administration that provides continual monitoring to provide a responsive service to Councillors, simplifies Member record keeping requirements, and enables consistent provision of information to all Members.

These requirements are not intended to restrict Councillors ability to make requests, but to manage such access in a fair and equitable manner that makes best use of the resources of Council's administration and ensures matters are progressed in a responsive way.

Accordingly, Members are requested to use the Council Support email (crsupport@mountgambier.sa.gov.au) for All queries, requests, motions with notice, questions with notice, submission of forms, and all other ordinary communications that would be directed to the Chief Executive Officer / Administration.

It should also be noted that the Mayor, under Councils Allowances and Benefits Policy, has access to an office and executive support through the CEO and Mayoral Support position.

Customer Requests / Enquiries - via Councillors

Council maintains a customer request module (CRM) for the allocation of actions associated with customer requests and enquiries to the most appropriate business unit/officer of the Council to deal with matters that arise. This provides the most efficient and effective way for customer requests and enquiries to be administered.

The CRM system is supported by the online/mobile 'Snap Send Solve' App that enables a request, enquiry, report, concern or complaint to be submitted directly from the location to which the matter relates, streamlining Council's administration and response to such information.



Accordingly, Councillors are requested to refer or submit community/customer requests to Council's CRM system using the 'Snap Send Solve' App.

Basic training in the use of the App can be made available to Members upon request, and a guide is to be provided to Members as part of the post-election induction program.

Where matters submitted relate to a third party customer, a response (where applicable) will be provided directly to the end customer to ensure privacy and confidentiality are not compromised.

Councillor Requests – For Information/Documents or Performance of Works

The Administration has established a Councillor Support Officer role specifically to provide a single channel for incoming and outgoing communications with Members on general matters.

Accordingly, Councillors are requested to submit all requests for information, documents or the performance of work to the Councillor Support Officer in the first instance using the designated email address:

crsupport@mountgambier.sa.gov.au

This email is monitored during business hours and will enable Councillor requests to be triaged for priority and actioned to the most appropriate business unit or officer for attention. This may include referral to Council's CRM system (see above).

Similar to the protocols implemented during the election caretaker period, it is intended that responses to Member enquiries will continue to be provided equally to all Members through the Councillor Support Officer as a central contact point for Councillors.

Exceptions to this may be applied where the subject matter is deemed private/confidential to the Member concerned or otherwise of a sensitive nature.

These protocols will ensure that all Members are provided with the same opportunity to be informed on matters raised/deemed by other Members to warrant the allocation of Council resources toward the provision of information, documents or performance of work.

Urgent / Highly Sensitive Matters

Urgent / highly sensitive matters (e.g. matters arising outside of ordinary business hours that warrant urgent attention) may be brought directly to the attention of the Chief Executive Officer or relevant portfolio General Manager.

Councillors are requested to avoid engaging directly with portfolios Executive Assistants unless directed/referred by the CEO, General Manager or Councillor Support Officer in a particular instance.

Matters directed to the CEO or General Manager may be referred to the Councillor Support Officer to enable them to be triaged for priority and actioned to the most appropriate business unit or officer for attention, if that is the most effective way for the matter to be managed.

Attendance at Meetings/Appointments

Councillors will attend the Council Offices for formal meetings (i.e. Council and Committee meetings) and informal meetings (i.e. information and briefing session inc. scheduled training).

Other attendances at the Council Offices are requested to be by prior appointment with the Mayor, Chief Executive Officer or relevant General Manager, to ensure their availability.



Requests for appointments should be directed through the Councillor Support Officer in the first instance using the generic email address (crsupport@mountgambier.sa.gov.au).

CONCLUSION

To ensure compliance with the requirements of section 62 of the Local Government Act 1999 Councillors should ensure that communications with the Council administration is in accordance with the Chief Executive Officers requirements.

The Chief Executive Officer welcomes feedback from Members on the practical application of these requirements, which may be reviewed to ensure that they meet the intention of providing an efficient, effective, transparent and accountable use of Council's human and other resources in responding to Member requests, and supporting Councillors effectively undertaking their duties and in the provision of timely information and responses.

ATTACHMENTS

Nil



17 CIVIL LIABILITY (PROTECTION OF MEMBERS) – REPORT NO. AR22/71261

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/71261 titled 'Civil Liability (protection of members)' as presented on 29 November 2022 be noted.



BACKGROUND

Section 80 of the *Local Government Act 1999* (“Act”) provides that ‘a council must take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.’

All Councils in South Australia participate in the Local Government Association Mutual Liability Scheme (“LGAMLS”), a self-managed liability fund designed to protect civil liabilities (including public liability & professional indemnity). Council receives unlimited civil liability protection whilst it maintains membership of the LGAMLS.

DISCUSSION

Civil Liability Protection – Council Members and Council Committee Members

Section 39 of the Act provides that no civil liability attaches to a Member of Council “for an honest act or omission” in the exercise, performance or discharge of the member’s or Council’s powers, functions or duties under this or other Acts.

Section 41 of the Act similarly protects members of Council Committees and accordingly any person who is appointed by and recognised by a Council as holding a position as a Member of a Council committee receives the same civil liability protection as a Council Member.

Civil liabilities that would otherwise attach to an Elected Member or Committee Member instead attach to the Council. Council is required to notify the LGAMLS of all committees established or re-established pursuant to Section 41 of the Act.

Single & Regional Subsidiaries

Pursuant to the provisions of the Act Councils may establish a single Council subsidiary (under section 42) or a regional subsidiary (under section 43) established by two or more Councils.

Board Members of subsidiaries established under the Act attract the same civil liability protections as Council’s Elected and Council Committee Members. However, the subsidiary must seek and be granted separate membership of the LGAMLS.

External Committees and Boards

The protections provided by the Act and LGAMLS do not extend to “external” Committees, Boards or Groups not formally established by Council under the *Local Government Act 1999*. Under the Rules of the LGAMLS civil liability protection does not extend to benefitting an external body.

Prior to nominating or accepting a nomination or appointment to an external body, an Elected Member should ensure that adequate indemnities and insurance cover are in place for its Members.

Limitation of Protections

Council Members do not have any protected privilege when speaking either inside or outside the Council Chamber.

The protections afforded by the Act and LGAMLS do not extend beyond ‘honest acts and omissions’, nor do they protect a Member acting beyond the exercise, performance or discharge of their or Council’s powers, functions or duties under the Act or any other Act.

The LGAMLS will not provide advice or support where they deem a Member is/has acted outside their functions as governed by the Act and/or not acting in good faith (i.e. on ‘a frolic of their own’).



CONCLUSION

That the report titled 'Civil Liability (protection of members)' be noted.

ATTACHMENTS

Nil



18 PRINCIPAL OFFICE - PLACE AND HOURS OF BUSINESS – REPORT NO. AR22/72231

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72231 titled 'Principal Office - Place and Hours of Business' as presented on 29 November 2022 be noted.
2. That pursuant to Section 45 of the Local Government Act 1999, the Principal Office of the Council be the Council Office, Civic Centre, 10 Watson Terrace, Mount Gambier.
3. The Civic Centre (being Council's Principal Office) shall be open to the public for the transaction of business during the hours of 9.00 a.m. and 5.00 p.m. Monday to Friday inclusive (excluding Public Holidays and an identified period over Christmas/New Year).



BACKGROUND

Section 45 of the Local Government Act 1999 provides that the Council must nominate a place as its principal office, that it must be open to the public for the transaction of business during the hours determined by the Council, and that the Council should consult with its local community in accordance with its public consultation policy about the manner, places and times at which its offices will be open and about any significant changes to these arrangements.

Significant changes in this context are considered to be continuing changes that impact public access to Council offices and associated services. Temporary changes associated with public holidays are not considered to be significant in this context, being on a case by case basis.

DISCUSSION

Principal Office

Council has previously nominated its offices located at the Civic Centre, 10 Watson Terrace, Mount Gambier as its principal office. The hours that the principal office is open to the public for the transaction of business since the COVID health emergency are 9:00am and 5:00pm Monday to Friday inclusive (excluding Public Holidays and an identified period over Christmas/New Year).

It is recommended to retain the current operating hours, with any proposed changes that are of significance being subject to public consultation and considering any submissions before making a determination to alter the opening hours on a continuing basis.

The determination of the principal office and hours of business is delegated to the Chief Executive Officer in Council's scheme of delegations, subject to the public consultation requirements.

Other Council Offices

Other Council offices and facilities are generally used for the provision of other Council services (i.e. Library, Riddoch Arts and Cultural Centre, Visitor Information Centre, Carinya Gardens Cemetery and Crematorium, Waste Transfer Station and Re-Use Market, Wulanda) and not considered to be captured by section 45 and may be amended to suit operational and service delivery requirements from time to time.

CONCLUSION

This report recommends the continuation of the existing principal office and hours of business.

ATTACHMENTS

Nil



19 MEETINGS OF COUNCIL - MEETING DAYS AND TIMES – REPORT NO. AR22/72234

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72234 titled 'Meetings of Council - Meeting Days and Times' as presented on 29 November 2022 be noted.
2. That pursuant to Section 81 of the Local Government Act 1999, Ordinary Meetings of Council be held on the THIRD TUESDAY OF EACH MONTH commencing at 6.00 p.m. at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier.
3. That the December 2022 meeting be held one week earlier on the 2nd Tuesday of the month, being the 13th of December 2022, to avoid the week leading into Christmas.
4. That the January 2023 meeting be held one week later on the 4th Tuesday of the month, being the 24th of January 2023, providing more opportunity for agenda preparation to occur after the Christmas / New Year period.



BACKGROUND

Section 81 of the Local Government Act 1999 provides that the Chief Executive Officer must appoint the time and place at which the first ordinary meeting of a council will be held after a general election.

Ordinary meetings of the Council will then be held at times and places appointed by resolution of the Council. Other prescribed requirements that apply to Council meetings include:

- There must be at least one ordinary meeting in each month
- If a time and place has not been appointed for the holding of an ordinary meeting during a month, the Chief Executive Officer must appoint the time and place at which the ordinary meeting for the month is to be held.
- Ordinary meetings of a Council may not be held on Sundays, or on public holidays.
- Ordinary meetings of the Council may not be held before 5.00 p.m. unless the Council resolves by a resolution supported unanimously by all Members of the Council.

DISCUSSION

Council has previously held its ordinary meetings on the third Tuesday of each month at 6.00 p.m. It is recommended that Council resolve to continue this arrangement to enable meeting notices to be given for the coming year, noting Council may review the day and time of its ordinary meetings.

Preference has also been given to the holding of information and briefing sessions on Tuesday evenings. It is intended for this practice to continue to provide certainty and consistency for Members to manage their diaries, with exceptions anticipated where arrangements are unable to be accommodated on Tuesdays, or where workload necessitates further evening or daytime sessions to be scheduled to inform Members on matters.

This report recommends that the third Tuesday of each month be continued, with Tuesdays providing an optimal day for the giving of Motions/Questions at least 7 clear days prior (by 5pm Monday in the preceding week, and the issuing of the agenda at least 3 clear days prior (by 5pm on the preceding Friday – or earlier when finalised).

It is further recommended:

- that the December 2022 meeting be held one week earlier on the 2nd Tuesday of the month, the 13th of December, to avoid the week leading into Christmas; and,
- that the January 2023 meeting be held one week later on the 4th Tuesday of the month, the 24th of January, to provide more opportunity for agenda items and agenda collation to occur after the Christmas / New Year period.

Due to January 2023 having 5 Tuesdays the above recommendation will still result in a 4 week period between the January and the next meeting on the 3rd Tuesday of the month on the 21st of February.

Section 82 of the *Local Government Act 1999* enables Special Meetings of Council to be held at any time with 4 hours prior notice at the request of the Mayor, at least three Members of the Council, or a Council Committee at which at least three Members of the Council vote in favour of making the request. The Chief Executive Officer must be provided with an agenda for the Special Meeting at the time that a request is made and if an agenda is not provided then the request has no effect.

CONCLUSION

This report recommends that ordinary Council meetings continue to be held on the 3rd Tuesday of each month, with exceptions by resolution of Council, such as for the meetings in December 2022 and January 2023.

ATTACHMENTS

Nil



20 ITEMS LAID ON THE TABLE – REPORT NO. AR22/72255

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72255 titled 'Items Laid on the Table' as presented on 29 November 2022 be noted.



BACKGROUND

Regulation 12(19) of the *Local Government (Procedures at Meetings) Regulations 2013* provides that any question that lies on the table as a result of a successful formal motion under sub-regulation (14)(c) lapses at the next general election.

Sub-regulation 20 provides that the Chief Executive must report on each question that lapses under sub-regulation 19 to the Council at the first ordinary meeting of the Council after the general election.

DISCUSSION

Notwithstanding motions that defer a question for decision to a later time or event (e.g. the presentation of a further report/information) no formal motions that '*the question lie on the table*' were carried during the 2018 to 2022 term of Council.

Accordingly, no questions have been left to lie on the table as a result of a successful formal motion under sub-regulation (14)(c).

Members should note that in accordance with Regulation 12(13), a formal motion must be in the form of a motion set out in sub-regulation (14) and no other formal motion to a different effect will be recognised.

CONCLUSION

That Council note that no formal motions that '*the question lie on the table*' that were resolved during the 2018-2022 Council term lapsed at the November 2022 elections.

ATTACHMENTS

Nil



21 COUNCIL POLICIES - PERIODICAL REVIEW – REPORT NO. AR22/72419

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72419 titled 'Council Policies - Periodical review' as presented on 29 November 2022 be noted.
2. That the Administration be authorised to update the current suite of Council policies to reflect the current organisational structure and administrative position titles arising from the 2022 organisational restructure, with no substantive policy content being updated without further review and resolution of Council.



BACKGROUND

The City of Mount Gambier has a suite of approximately 75 formal Council endorsed policies.

Many policies are statutory requirements whilst others are recommended best practice or relate to emerging or other relevant issues.

Supporting Council policies the Council administration also develops and maintains administrative principle and procedural documentation to guide the activities and functions of the Council.

DISCUSSION

The formal review of policies is a continuing process and Members will note that several policies are presented with this first meeting agenda for consideration and endorsement.

The administration schedules each Council policy for review at least once during each term of Council, and with greater frequency where necessary to review policy content to accommodate legislative, administrative or other emerging changes.

The review of any particular Council policy may be sought by Council at any time, noting that time may be required to prepare a policy options, commentary and report to inform Members.

Several policies are required by legislation to contain certain prescribed provisions or be the subject of public consultation prior to adoption. Policy decisions may also have community, resourcing, financial or other implications that should be considered in their development and review.

Members should also note that due to the expertise and resourcing required to develop best practice policy across the complex array of functions and activities with which Council is engaged, policies are, where able, based upon Local Government Association policy templates that have been carefully drafted with legal and other specialist advice to provide a policy document that meets legislative requirements and avoids the need for Council to further engage professional technical and legal services on a range of relatively standard local government matters.

Accordingly, care must be taken when reviewing and proposing to alter template (or bespoke) policies, to avoid any unanticipated implications,

The further purpose of this report is to advise Members that a range of Council policies require minor amendments to accommodate mainly administrative position title changes arising from an organisational restructure that occurred in early 2022.

It is proposed that Council endorse the Administration to update current policies to reflect the correct position titles/Council structure within its suite of policies, noting that no other policy content shall be updated without further endorsement from Council through a report and resolution.

CONCLUSION

This report recommends that the periodical review of Council policies throughout the Council term be noted and that the Administration be authorised to update the suite of Council policies to reflect the organisational structure and position titles arising from the 2022 organisational restructure.

ATTACHMENTS

Nil



22 DETERMINATION TO HAVE A DEPUTY MAYOR – REPORT NO. AR22/72270

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72270 titled 'Determination to have a Deputy Mayor' as presented on 29 November 2022 be noted.
2. That pursuant to the powers contained in Section 51 (3) and (4) of the Local Government Act 1999 Council hereby resolves to have a Deputy Mayor.
3. That an appointment for the position of Deputy Mayor be for a term of ___ year/s.
4. That nominations for the position of Deputy Mayor be submitted to the Chief Executive Officer by close of business on Friday 2 December 2022, for a selection (and if necessary, a voting) process to be presented to the Council meeting on 14th December 2022.



BACKGROUND

Section 51 of the *Local Government Act 1999* provides that if a Council has a Mayor:

- if the Council so resolves, there may also be a Deputy Mayor.
- in the absence of the Mayor, a Deputy Mayor may act in the office of Mayor.
- the Deputy Mayor will hold office for a term determined by Council not exceeding 4 years.
- if a person is to be chosen by the members of the council to fill an office under this section and the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded.

The appointment of a Deputy Mayor assists in ensuring that the Council may be adequately and appropriately represented when the Mayor is unavailable due to a planned or unplanned absence or another or prior engagement.

DISCUSSION

In accordance with section 51, Council may determine whether or not to appoint a Deputy Mayor. This report recommends that Council endorse having a Deputy Mayor for representative purposes, and to provide a position of precedence and level of certainty in the absence of the Mayor.

Should Council determine to have a Deputy Mayor then it should also determine the term of office of an appointee and conduct a nomination and appointment process in accordance with clause 12.4 of Council's Conduct of Meetings Policy.

Where more than one nomination is received a secret ballot shall be conducted, and resolutions passed to endorse a 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).

If Council resolves to have a Deputy Mayor, it is proposed that nominations be submitted to the Chief Executive Officer by close of business Friday 2 December 2022, for presentation to the 13th December Council meeting for consideration.

CONCLUSION

This report contains recommendations to support a process to determine to have a Deputy Mayor and to seek nominations and an appointment process.

ATTACHMENTS

Nil



**23 MAYOR AND CHIEF EXECUTIVE OFFICER AS COUNCIL REPRESENTATIVES
– REPORT NO. AR22/72295**

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72295 titled 'Mayor and Chief Executive Officer as Council Representatives' as presented on 29 November 2022 be noted.
2. That Council hereby authorises the Mayor, Deputy Mayor, Chief Executive Officer, Acting Chief Executive Officer, and Chief Executive Officer's representative to represent Council, including at (but not limited to) SA Local Government Association Annual General Meetings and other Local Government Association, Australian Local Government Association, and Limestone Coast Local Government Association meetings, functions and activities.
3. That voting privileges associated with representing Council are restricted to the Mayor, Deputy Mayor, Chief Executive Officer and Acting Chief Executive Officer (where relevant), unless such rights are exercised in accordance with an explicit Council resolution appointing a representative with such voting rights, and being in accordance with the rules of the relevant organisation.
4. That resolutions (b) & (c) are to be applied to complement and not to override or undermine any delegate/representative of Council duly nominated/appointed by resolution of Council.



BACKGROUND

The role of the Mayor and Chief Executive Officer are set out in sections 58 and 99 (respectively) of the *Local Government Act 1999*.

DISCUSSION

To ensure that the Council may be adequately and appropriately represented at all times, it is recommended that the positions of Mayor and Chief Executive Officer also be endorsed as Council's duly authorised delegates/representatives, except where Council has specifically resolved an alternative nominee/appointee representative.

Such representation would include at SA Local Government Association (LGA) Annual General Meetings and other LGA, Australian Local Government Association, and Limestone Coast Local Government Association meetings, functions and activities.

When the Mayor, Chief Executive Officer, or other Council resolved nominee/appointee representative are not available, such authorisation would extend to the Deputy Mayor and/or Acting Chief Executive Officer (or such other Council Officer as selected by/to represent the Chief Executive Officer).

Attendances by the Mayor (or Deputy Mayor) may be supported by the Chief Executive Officer, Acting Chief Executive Officer, or Chief Executive Officer's representative.

Representative voting privileges may only be exercised by the Mayor or Deputy Mayor (and the Chief Executive Officer/Acting Chief Executive Officer in specific circumstances) or otherwise only to give effect to an explicit Council resolution appointing a representative with such voting rights, and being in accordance with the rules of the relevant organisation.

CONCLUSION

This report presents recommendations to authorise the Mayor and Chief Executive Officer as Council Representatives.

ATTACHMENTS

Nil



**24 COUNCIL DECISION MAKING STRUCTURE AND REPRESENTATIVES –
REPORT NO. AR22/72311**

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72311 titled 'Council Decision Making Structure and representatives' as presented on 29 November 2022 be noted.
2. That Council's decision-making structure, from 29 November 2022, shall comprise:
 - CEO Performance Review Committee
 - Audit and Risk Committee
 - Junior Sports Assistance Fund
 - Building Fire Safety Committee
3. That the Terms of Reference and (independent/ex-officio) membership of the Committee structure in resolution (2) remain unchanged, subject to the operation of the Terms of Reference and any conditions of appointment, until further resolved by Council.
4. That the following Council Members be appointed to committee and external representative positions:

| | |
|-----------------------------------------------------------------------------|------------------------------------|
| CEO Performance Review Committee (in addition to Mayor and Deputy Mayor) | Cr Sonya Mezinec Cr Paul Jenner |
| Audit and Risk Committee | Cr Sonya Mezinec |
| Junior Sports Assistance Fund | Cr _____ as Presiding Member |
| Riddoch Arts and Cultural Trust | Cr Sonya Mezinec |
| Queen Elizabeth Park Trust | Cr Max Bruins Cr _____ |
| Building Fire Safety Committee | Cr Paul Jenner |

(or such other appointments as determined).
5. That the appointments in resolution (3) be for an interim period of 3 months or until Council has resolved alternate arrangements.
6. That pursuant to Section 72(1) of the Local Government Act, Division 2 - Register of Interests provisions will extend to independent members of Council's Audit and Risk Committee.



BACKGROUND

Council's formal decision-making structure (comprising statutory and discretionary committees) currently consists of the following:

- CEO Performance Review Committee
- Audit and Risk Committee
- Junior Sports Assistance Fund

In addition to this structure and associated membership appointments, Council also makes nominations/appointments to other outside organisations (and associated committees) whether upon request or in accordance with the relevant terms of reference, constitution or rules. These have included committees of the Limestone Coast Local Government Association, and Board appointments to the Queen Elizabeth Park Trust and Riddoch Arts and Cultural Trust.

DISCUSSION

Previous terms of Council have had varying (standing/prescribed) committee and sub-committee arrangements as part of its decision-making structure.

At the end of the 2018-2022 term Council had no sub-committees and had placed its two standing committees into recess. Council has since been operating with only statutory (CEO Performance Review, Audit and Risk and Building Fire Safety) and one discretionary (Junior Sports Assistance Fund) committees, and a single Council meeting per month.

With the intervening election the committees that were in recess are considered to have lapsed.

Council may wish to review its own preferred decision making structure, and this is recommended to occur as part of a strategic planning session early in 2023 to determine Council objectives and priorities for the 4 year term and the commencement of its periodical strategic management plan review.

In the meantime, to ensure that the abovementioned continuing committees, and external bodies that rely on membership nominations/appointments by Council, are able to continue operating, it is recommended that Council make/confirm appointments to these, on an interim basis until Council has had opportunity to give due consideration to its continuing representation on these.

Accordingly, it is considered necessary in the short term that Council confirm interim appointments of representatives to the following positions:

- Audit and Risk Committee (up to 2 Councillors – formerly Cr Sonya Meziniec)
- Junior Sports Assistance Fund (1 Presiding Member – formerly Christian Greco)
- Riddoch Arts and Cultural Trust (1 Member – currently Cr Sonya Meziniec)
- Queen Elizabeth Park Trust (1 Member – currently Cr Max Bruins)
- Building Fire Safety Committee (1 member – currently Cr Paul Jenner)

The CEO Performance Review Committee membership is as specified in the committee terms of reference, or otherwise as resolved by Council. The former membership comprised the Mayor, Deputy Mayor and Crs Paul Jenner and Sonya Meziniec.

With the exception of the Junior Sports Assistance Fund, to which an alternate appointment is necessary, Council may determine to merely re-affirm the membership of current appointees, for an interim period of say 3 months or until further resolved by Council. Alternatively, Council may determine to appoint replacement interim appointees, or to appoint on a longer term basis.

It is considered that other external representative positions (e.g. on Limestone Coast Local Government Association committees) may be left unfilled until the new Council has had opportunity to consider its strategic support for such positions, as well as receiving nomination/appointment procedures from those external organisations.



It is worth noting that in the absence of a Council resolved representative, the Mayor (and Deputy Mayor) and Chief Executive Officer (and Acting CEO/CEO representative) may represent Council if such representation should become necessary in the meantime.

Should it be necessary to conduct a nomination and selection (voting) process to affirm the interim Council representatives listed in his report, the process and resolutions contained in the Deputy Mayor report may be utilised for this purpose.

CONCLUSION

This report recommends that Council make interim appointments to the specified positions to enable the committees of Council and outside organisations to continue operating whilst Council gives further consideration to its decision making structure and nominations/appointments, including as part of its strategic planning processes for the 2022-2026 Council term.

ATTACHMENTS

Nil



25 SUBSIDIARIES - MEMBERSHIP OF REGIONAL SUBSIDIARIES – REPORT NO. AR22/72404

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72404 titled 'Subsidiaries - Membership of Regional Subsidiaries' as presented on 29 November 2022 be noted.
2. That Council notes its constituent membership of the Limestone Coast Local Government Association, a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999.



BACKGROUND

Council (together with the six other Councils in the Limestone Coast Region) is a constituent member of a Section 43 Regional Subsidiary, Limestone Coast Local Government Association (LCLGA).

Further information on the LCLGA can be found on their [website](#).

DISCUSSION

The LCLGA Board comprises representatives of each of the seven constituent Councils and also has a range of committees and external bodies to whom it appoints representatives.

Council's LCLGA Board and Deputy Board Members (Mayor and Deputy Mayor) are the subject of a separate report contained in this agenda.

Further information on other Limestone Coast Local Government Association position vacancies will be circulated to Members if/when a call for nominations is provided for presentation to Council, which may be anticipated for the January 2023 Council meeting to inform the LCLGA AGM.

CONCLUSION

That Council's membership of the Limestone Coast Local Government Association be noted.

ATTACHMENTS

Nil



26 AUTHORISED BANKING SIGNATORIES – REPORT NO. AR22/72412

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72412 titled 'Authorised Banking Signatories' as presented on 29 November 2022 be noted.
2. That the authorised signatories for the Council's financial bank accounts be any two (2) of the following:
 - Chief Executive Officer
 - General Manager City and Community Growth
 - General Manager City Infrastructure
 - General Manager Corporate and Regulatory Services
 - Manager Governance and Property
 - Manager Development Services
 - Manager Financial Services
3. That the Chief Executive Officer may by written instrument add/amend/revoke the bank signatory authorisation of officers listed in resolution (b) as necessary to align with the organisational structure, position titles/appointments, and absence/availability of officers.



BACKGROUND

To ensure the continuity of Council business activities it is appropriate to have sufficient authorised banking signatories to ensure adequate coverage in ordinary circumstances and to provide back-up for known and unplanned absences of authorised officers.

DISCUSSION

Council last endorsed authorised banking signatories in February 2017. The following list of authorised banking signatories takes into account officer changes that have occurred in the intervening period:

- Chief Executive Officer
- General Manager City and Community Growth
- General Manager City Infrastructure
- General Manager Corporate and Regulatory Services
- Manager Governance and Property
- Manager Development Services
- Manager Financial Services

The Chief Executive Officer has been specifically empowered to add/amend/revoke officer bank signatories as necessary to align with organisational structure and position titles/appointments and in accordance with any relevant Internal Controls.

CONCLUSION

This report includes recommendations to endorse the positions listed as banking signatories and to authorise the Chief Executive Officer to add/amend/revoke the bank signatories from time to time to meet operational needs.

ATTACHMENTS

Nil



**27 AUDITOR - CONFIRMATION OF APPOINTMENT OF COUNCIL'S EXTERNAL
AUDITOR – REPORT NO. AR22/72414**

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72414 titled 'Auditor - Confirmation of appointment of Council's external auditor' as presented on 29 November 2022 be noted.



BACKGROUND

Section 128 of the Local Government Act 1999 requires Council to appoint an auditor in compliance with section 122 and the regulations.

DISCUSSION

Council's appointed Auditor is Dean Newbery and Partners.

The appointment is for a term of five (5) years as from the completion of the Statutory Audit of the 2021/2022 financial year, to and including the completion of the Statutory Audit of the 2025/2026 financial year.

CONCLUSION

That this report confirming the appointment of Council's auditor be noted.

ATTACHMENTS

Nil



28 STRATEGIC MANAGEMENT PLANS – REPORT NO. AR22/72417

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72417 titled 'Strategic Management Plans' as presented on 29 November 2022 be noted.
2. That the following plans be declared as constituting the Strategic Management Plans of the Council as:
 - Strategic Plan i.e. 2020-2024 Strategic Plan
 - Long Term Financial Plan i.e. 2023-2032 Long Term Financial Plan
 - Infrastructure & Asset Management Plans



BACKGROUND

Section 122 of the *Local Government Act 1999* requires Council to develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the strategic management plans, that address the various matters set out in subsection (1).

In conjunction with the plans required under section 122(1) Council must develop and adopt:

- a long term financial plan that relates to a period of at least 10 years
 - an infrastructure and asset management plan relating to infrastructure and development and major assets for a period of at least 10 years,
- which are taken to form part of the Council's strategic management plans.

Council must specifically declare which plans will constitute the strategic management plans of the Council, and may review its strategic management plans at any time but must undertake a review of its long-term financial plan; any other elements of its strategic management plans prescribed by the regulations, and in any event, undertake a comprehensive review of its strategic management plans within 2 years after each general election of the council.

DISCUSSION

Council has previously determined the following plans to constitute the strategic management plans of Council:

- Strategic Plan (i.e. 2020-2024 Strategic Plan)
- Long Term Financial Plan
- Infrastructure & Asset Management Plan
- Annual Business Plan and Budget*

*Note: The Annual Business Plan and Budget may, but is not required to, form part of Council's strategic management plans under section 122.

Council's suite of Strategic Management Plans are supported by a range of other strategic documents that have been developed and endorsed by Council.

A presentation of Council's strategic management framework will form part of the post-election induction, at which further information will be provided on Council's various plans and strategy documents and process for their review within two years of the election as required by section 122. Council may subsequently determine, including as part of its formal strategic management plan review process, that other plans be included as constituting its Strategic Management Plans.

CONCLUSION

This report includes recommendations to enable Council to declare which plans constitute the strategic management plans of the Council, which may be limited to the statutory minimum requirements, or following further consideration may include other strategies and plans as part of the official suite or as supporting/guiding documentation.

ATTACHMENTS

Nil



29 ACTING CHIEF EXECUTIVE OFFICER - LEAVE OF ABSENCE – REPORT NO. AR22/72443

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72443 titled 'Acting Chief Executive Officer - Leave of Absence' as presented on 29 November 2022 be noted.
2. That, having consulted with the Council in accordance with Section 102(b) of the *Local Government Act, 1999*, it is noted that, in the instance of unplanned or unanticipated urgent leave, the Chief Executive Officer (CEO) appoints Ms Barbara Cernovskis (General Manager City Infrastructure), to act in the position of Chief Executive Officer.
3. That, should the acting arrangements for unplanned or unanticipated urgent leave of the CEO, as set out in resolution 2, be unsuitable due to the absence or unavailability of Ms Barbara Cernovskis, that Mr Darren Barber (General Manager Corporate and Regulatory Services), will be appointed to act in the position of Chief Executive Officer, and failing his availability, then the substantive incumbent of the position of General Manager City Growth will be appointed to act in the position of Chief Executive Officer.
4. That it is noted that, in the instance of planned or anticipated leave by the Chief Executive Officer, the Chief Executive Officer will make an appointment from amongst the three General Manager positions, namely, the General Manager City Infrastructure, the General Manager Corporate and Regulatory Services or the General Manager City Growth.
5. That it is intended that these arrangements remain in place, including should substantive incumbents in the General Manager roles change (excepting short-term acting arrangements), or the executive position titles change in subsequent organisational structures, until such time as Council has been further consulted and notified of any alternative appointments.



BACKGROUND

Section 96 of the Local Government Act 1999 provides that a Council must have a Chief Executive Officer, and section 102 contains provisions for the appointment of an acting Chief Executive Officer which, in the absence of a Deputy Chief Executive Officer, means a suitable person appointed by the Chief Executive Officer after consultation with the Council.

DISCUSSION

During any scheduled or unscheduled leave of the Chief Executive Officer a suitable person appointed by the Chief Executive Officer after consultation with the Council must act in the office.

The Chief Executive Officer, Ms Sarah Philpott has previously consulted with the Council on acting arrangements in her absence by Report No AR21/70686 presented in November 2021.

That report, endorsed by Council, proposed that the General Manager City Infrastructure, Ms Barbara Cernovskis, act in the position of Chief Executive Officer for any unplanned absence, and that the substantive incumbents of the General Manager Corporate and Regulatory Services and General Manager City Growth positions (in that order) act in the position of Chief Executive Officer in the absence of the General Manager City Infrastructure.

Further that the Chief Executive Officer would make an appointment from amongst the three General Manager positions to cover a planned or anticipated leave.

It is ordinary practice for the Chief Executive Officer to notify Elected Members of any extended absence and acting arrangement, and to otherwise inform the Mayor of any shorter absences, such as overnight or extended travel to attend a work related activity, during which a formal acting arrangement wouldn't ordinarily be necessary, but the Chief Executive may nominate a 'go to' person for any urgent matters arising whilst on duty but otherwise unavailable.

In any event, Members should continue to follow any requirements as determined by the Chief Executive Officer under section 62(4d) of the Local Government Act 1999 for submitting requests for information and performance of work during any absence of the Chief Executive Officer.

CONCLUSION

This report includes recommendations that support a continuation of existing acting arrangements in the absence of the Chief Executive Officer.

ATTACHMENTS

Nil



30 REGISTER OF INTERESTS – SENIOR OFFICERS – REPORT NO. AR22/80985

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Darren Barber, General Manager Corporate and Regulatory Services

REPORT RECOMMENDATION

1. That Council Report No. AR22/80985 titled 'Register of Interests – Senior Officers' as presented on 29 November 2022 be noted.
2. Pursuant to s111 of the Local Government Act 1999, that Division 2 – Register of Interest provisions shall apply to the following officer positions of Council in addition to the Chief Executive Officer:
 - General Manager City and Community Growth
 - General Manager Corporate and Regulatory Services
 - General Manager City Infrastructure
 - Manager Development Services
 - Senior Planning Officer
 - Planning Officer
 - Manager Financial Services



BACKGROUND

Section 111 of the Local Government Act 1999 provides that (Employee) Register of Interests requirements apply to the Chief Executive Officer and any other Officer, or any other Officer of a class, declared by a Council to be subject to the operation of that Division.

The provisions in the Act require that Council is to determine which Officers, or class of Officer should be required to submit Primary and Ordinary Register of Interest Returns.

The Register of Interests provisions requires identified Officers to submit Primary and Ordinary Register of Interest Returns in a similar manner to Elected Members with the notable exception that Officer Register of Interests are not available for public inspection.

DISCUSSION

Council has previously determined in July 2020 that the Register of Interest provisions shall apply to the following positions under the organisational structure in place from that time:

- General Manager – Community Wellbeing
- General Manager – City Growth
- General Manager – City Infrastructure
- General Manager – Shared Services
- Manager Development Services
- Senior Planning Officer
- Planning Officer

Due to an organisational restructure in early 2022, the General Manager positions were reduced from four to three and the titles were amended to:

- General Manager City and Community Growth
- General Manager Corporate and Regulatory Services
- General Manager City Infrastructure

Accordingly, the 'General Manager' Officers for the purposes of s111 will comprise the positions as listed above.

Further to these positions, due to the significant regulatory nature of the role undertaken by Council planners it is considered appropriate that the Register of Interests provisions of s111 also apply to the following planning officer positions:

- Manager Development Services
- Senior Planning Officer
- Planning Officer
- Manager Financial Services

It is proposed that a further review of the positions to which these provisions apply be undertaken by the Executive Leadership Team in 2023.

CONCLUSION

This report includes a recommendation that the (Employee) Register of Interest provisions of the Local Government Act apply to each of the three General Manager positions as well as to Council's regulatory (planning) and Manager Financial Services positions.

ATTACHMENTS

Nil



31 2021/2022 ANNUAL REPORT – REPORT NO. AR22/72421

Meeting: Council
CM9 Reference: AF21/496
Author: Michael McCarthy, Manager Governance and Property
Authoriser: Sarah Philpott, Chief Executive Officer

REPORT RECOMMENDATION

1. That Council Report No. AR22/72421 titled '2021/2022 Annual Report' as presented on 29 November 2022 be noted.
2. That the City of Mount Gambier 2021/2022 Annual Report as tabled be adopted.
3. That the Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
4. That copies of the City of Mount Gambier be distributed to the bodies/persons referred to in Section 131 of the Local Government Act 1999.



BACKGROUND

Section 131 of the Local Government Act 1999 requires Council to prepare and adopt on or before 30 November of each year an Annual Report containing the prescribed information and documents relating to the operations of Council for that financial year.

DISCUSSION

The final draft proof of Council's Annual Report in respect of the 2021/2022 financial year has been circulated to Members in hardcopy and is now recommended for adoption.

The Annual Report includes the material and specific reports on the matters specified by the Local Government Act 1999 and Regulations.

Should Council seek any further amendments or time, the Annual Report may be deferred to a special meeting, noting the publication deadlines as set out in the Local Government Act.

The City of Mount Gambier 2021/2022 Annual Report will be printed and distributed to all relevant parties and bodies as outlined and will be available on Council's website and in hard copy format from the Customer Service counter.

As required under Schedule 2, Clause 28 (3) of the Act, a regional subsidiary must furnish to the constituent councils a report on the work and operations of the subsidiary for the preceding financial year, therefore, the Limestone Coast Local Government Association (LCLGA) 2020/2021 Annual Report will be added to the electronic version of the City of Mount Gambier Annual Report that will be published Council's website upon finalisation.

CONCLUSION

This report recommends that the City of Mount Gambier 2021/2022 Annual Report as tabled be adopted to ensure Council meets the required deadlines as set out in the Local Government Act 1999.

ATTACHMENTS

Nil



32 MEETING CLOSE



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, 18 OCTOBER 2022 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Paul Jenner, Cr Frank Morello

| | | |
|--------------------------------|--------------------------------------------------|-------------------|
| OFFICERS IN ATTENDANCE: | Chief Executive Officer | - Mrs S Philpott |
| | General Manager City Infrastructure | - Ms B Cernovskis |
| | Acting General Manager City and Community Growth | - Mrs G Davison |
| | Manager Governance and Property | - Mr M McCarthy |
| | Manager Financial Services | - Mrs J Scoggins |
| | Media and Communications Coordinator | - Mr J McDonald |
| | Communications Officer | - Ms M Brookes |
| | Executive Administrator | - Ms S Wilson |
| | Executive Administrator | - Mrs S Dohnt |

1 ACKNOWLEDGEMENT OF COUNTRY

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

2 APOLOGIES

RESOLUTION 2022/157

Moved: Cr Max Bruins

Seconded: Cr Kate Amoroso

That the apology from Cr Ben Hood be received.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF COUNCIL MINUTES

RESOLUTION 2022/158

Moved: Cr Frank Morello

Seconded: Cr Sonya Meziniec

That the minutes of the Ordinary Council meeting held on 20 September 2022 be confirmed as an accurate record of the proceedings of the meeting.

CARRIED

5 MAYORAL REPORT

5.1 MAYORAL REPORT - OCTOBER 2022

- Wreath Laying Ceremony in Honour of Queen Elizabeth II - Elizabeth Knight Reserve
- Tony Pasin MP - Big Aussie Barbie Raising Awareness for Prostate Cancer Research
- WiBRD Chamber of Commerce Breakfast Meeting
- Meeting with Member for Flinders Mr Sam Telfer MP and Hon Nicola Centofanti MLC
- Fortnightly LCLGA Mayor's Virtual Meeting
- Audit and Risk Committee Meeting
- Meeting with Gareth Williams - Little Blue Wren Gifts and Art
- National Police Remembrance Day 2022 - Wreath Laying Ceremony
- Mount Gambier Solders Memorial – 100 Year Anniversary
- Meeting with Leader of the Opposition David Spears MP
- Mandatory Training Standards Information Session - Virtual
- Meeting with Boandik Lodge Interim CEO Glen Rappenberg and new CEO Declan Moore
- Fortnightly LCLGA Mayor's Virtual Meeting
- Regional Development Australia Limestone Coast - Leadership Program - Networking Event
- Red Cross Telecross 50th Anniversary Celebration
- Mayor's Christmas Appeal Meeting
- International Soccer Club Senior Presentations
- SA CFS Mount Gambier & District Group 2022 Service Medal and Life Membership Presentation
- Mount Gambier A & H Society - Opening
- Meeting with Rachel Leonow, Regional Business Lead - SA/NT, Regional Development and Engagement

Address to Council Meeting

Councillors, tonight's meeting is the last meeting of this Council term.

It is difficult to believe that our first meeting was held on the 22 November 2018 - four years ago.

Council consisted of four returning Members being Crs Meziniec, Morello, Greco and Perryman, along with newly Elected Members, Crs Amoroso, Bruins, Hood, Jenner and myself as Mayor.

Cr Perryman resigned in March this year and Deputy Mayor, Cr Greco retires at this evening's meeting.

As Mayor, I am proud of the achievements of this Council - we have shared both challenging and rewarding times.

I thank those Members who have worked tirelessly for our community and recognise the honour and the responsibility you have been given to represent your community as an Elected Member. You have made decisions based on the information available at that particular point in time and in the best interests of our whole community.

We are elected to represent the broad church that makes up the fabric of our community and which makes Mount Gambier a wonderful place to live, work and play.

Wulanda Recreation and Convention Centre demanded a lot of our time in 2019 with many workshops and information sessions being held to prepare a final design to go to tender and I know how proud we are of the magnificent structure that is about to be opened for our community to enjoy. It will be a game changer for Mount Gambier and life changing for our residents.

However, we were not prepared for what happened in March 2020 when the Coronavirus pandemic hit us and I feel as though two years were lost in some form of abyss, but all the while we were working towards assisting our community through this extraordinary time, whilst getting on with the business of Council.

The construction of Wulanda during Covid has been an incredible challenge and a remarkable achievement and I thank our Chief Executive Officer, Sarah Philpott, Council Sponsor of the project, Barbara Cernovskis, our Executive Leadership Team and the many other members of Council administration who have worked tirelessly through this most challenging time in Councils history.

Along with Wulanda we have worked on strategic plans to help guide our city's future, including developing a Partnership, Priorities and Advocacy document.

We have developed a Sport Recreation and Open Space Strategy, a CBD Guiding Principles strategy and are currently working on a Crater Lakes Management strategy.

As we know, local government is the level of government closest to the community and we have consulted with our community and stakeholders so that we can understand their aspirations and how they wish to see our city develop in the future.

I have had the honour and privilege of representing the City of Mount Gambier as Mayor for the past four years, advocating on behalf of and connecting with individuals, community groups and organisations, who create our city's wonderful social fabric.

In closing, I wish Members who are seeking a further term in the upcoming Council Elections good luck and I encourage our residents and ratepayers to exercise their democratic right to vote for who they wish to represent them.

Presentations

Tonight we acknowledge the service of Cr Christian Greco to the City of Mount Gambier.

Cr Greco was first elected to Council in November 2014, re-elected in November 2018 and after eight years, tonight Cr Greco retires as an Elected Member of the City of Mount Gambier.

Cr Greco was elected to the position of Deputy Mayor in December 2020 and was also a member of the Chief Executive Officer Performance Review Committee and Presiding Member of the Junior Sports Assistance Fund Committee.

On behalf of the City of Mount Gambier I thank Cr Greco for his service to our City as an Elected Member and wish him a happy and fulfilling future.

Tonight's second presentation is to Cr Paul Jenner who first joined Council representing the north east ward in 1997 and served in this position until 2003.

In 2018 Cr Jenner was successful in being elected to Council again, and inclusive of his previous term has now served a combined total of 10 years as an Elected Member.

Cr Jenner is Presiding Member of the Building Fire Safety Committee and a member of the Chief Executive Officer Selection Panel.

With Cr Jenner's very keen interest in infrastructure he has also held positions on the Joint Boundary Roads Advisory Group, LCLGA Regional Waste Management and Steering Committee and the LCLGA Roads and Transport Management Group.

On behalf of the City of Mount Gambier I thank Cr Jenner for his service to our City as an Elected Member and wish him well in the upcoming Local Government elections.

RESOLUTION 2022/159

Moved: Mayor Lynette Martin

Seconded: Cr Max Bruins

That the Mayoral report made on 18 October 2022 be received.

CARRIED**6 REPORTS FROM COUNCILLORS**

Cr Max Bruins Wreath Laying Ceremony

Cr Sonya Mezinec Wreath Laying Ceremony in Honour of Queen Elizabeth II, WiBRD Chamber of Commerce Breakfast Meeting, Big Aussie BBQ Raising Awareness for Prostate Cancer Research hosted by Tony Pasin MP, Combined SA Regional Local Health Network Health Advisory Councils Conference in Port Augusta, Limestone Coast Local Health Network Combined Health Advisory Council Meeting, Mount Gambier and Districts Health Advisory Council Meeting, International Day of Rural Women Luncheon, Christmas Parade Advisory Group Meeting.

Cr Paul Jenner Farmers Saturday Market, Prostate Cancer BBQ, Special District Council of Grant Meeting, Audit and Risk Committee Meeting, Book Launch in City Hall - Alina Piccolina by Rosangela, Empak Homes Brick Gambier, Junior Sports Assistance Fund AGM, Leadership Program - networking evening Regional Development Australia Limestone Coast, Carer Fun Day at Cave Gardens, Mount Gambier and Districts Suicide Prevention Network AGM, Salvation Army opening of new office, Group Training Employment Meeting and AGM.

Cr Frank Morello Wreath Laying Ceremony - Queen Elizabeth II.

RESOLUTION 2022/160

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

Cr Bruins

That the reports made by Councillors on 18 October 2022 be received.

CARRIED

7 QUESTIONS WITH NOTICE

7.1 QUESTION WITH NOTICE - OLYMPIC PARK / REIDY PARK TENNIS COURTS

Question:

Can the General Manager City Infrastructure provide an update on the standard and conditions including life expectancy of the Olympic Park and Reidy Park tennis courts?

Can this update also include future plans for tennis in line with the Sport, Recreation and Open Spaces Strategy (SROSS)?

What conversations have Council had with Tennis SA, the Mount Gambier and District Tennis Association and the District Council of Grant with regards to the current condition of courts and the future direction of tennis in Mount Gambier since the discussions when Wulanda Recreation and Convention Centre started?

Answer:

As leased assets, Council have no accurate data on the condition of these courts but anecdotally from Mount Gambier District Tennis Association these facilities have reached or are nearing end of life.

This advice is not inconsistent with the understanding that arose from the 2016 MGDTA Strategy co-funded by Council and the former funding proposal presented by Tennis SA and Tennis Australia supported by Council in approximately 2017 but for which eternal funding was not secured.

As leased assets Council is not responsible for the repair maintenance and replacement of tennis courts to a club standard and Council have no current plans from the MGDA for upgrading the facilities of which they have responsibility.

There have been no broader stakeholder discussions facilitated by MGDTA that Council is aware of since 2016.

The Olympic Park precinct has been identified in the Sport, Recreation and Open Spaces Strategy (SROSS) however an implementation plan for SROSS is yet to be developed and a decision of Council would be required to prioritise projects within this plan.

7.2 QUESTION WITH NOTICE - CRATER LAKES FIRE UPDATE

Question:

Given the community and tourist industries vast interest in the re-opening of trails and future fire management of the Crater Lakes Precinct, can Council please be advised of any updates and when a report on last summer's fire (with investigation outcomes and recommendations) be provided to Council?

When will important and imperative fire preventative measures start?

Answer:

Council have reopened the Blue Gum Trail on 29 September 2022. Council Officers are investigating recommendations from a remediation report prepared by Wokurna Forestry Pty Ltd and engaging with the appropriate stakeholders. A report outlining the recovery strategy will be presented to Council for decision by the end of the year.

Fire preventative measures that have commenced include the chipping of the upper track trees, initiated inclusion of the Crater Lakes precinct in the Limestone Coast Bushfire Management Action Plan, engagement with CFS, MFS and National Parks to prepare fire prevention methodologies are all underway.

7.3 QUESTION WITH NOTICE - CENTENARY TOWER ELECTRICITY

Question:

Given the community's interest, the heritage and symbolic importance of Mount Gambier's leading light being the Centenary Tower, can Council please be advised when the electricity and lighting of the Tower will resume, and why it has taken a very long time to repair?

Answer:

The fires caused an SA Power Networks cable to be damaged along with other infrastructure in the area. An insurance claim has been lodged for the damage repairs and is under assessment.

The significance of the site and the repairs required have been highlighted and Council Officers will be meeting with the relevant agency onsite during the week to progress the claim.

7.4 QUESTION WITH NOTICE - ADOLESCENT MENTAL HEALTH

Question:

Is the City Council aware how big the issue is in our 2 x high schools and 2 x colleges since Covid first started, if so, what actions has the City Council taken?

What advocacy actions is the City Council taking to help adolescent mental health get more appropriate and professionally targeted help in Mount Gambier?

Answer:

We are aware of the recent issues within schools in our community and have been actively fulfilling our role in advocating for mental health and other health services within our community, and this is outlined as a priority within our Regional Public Health Plan.

We have had representation at community meetings regarding community health concerns as well as specifically meeting with key mental health staff within SA Health.

Specifically regarding suicide, we are part of the coordinated approach to community postvention in the southeast who are working together to create a postvention suicide protocol - this was set up in response to these suicides.

This has created the Community Wellbeing Hub at the Library where agencies run activities and are available to speak with anyone from the community who might want some kind of support.

We are part of the Suicide Prevention Network and have supported the application by Lifeline for their Community Connect Centre.

7.5 QUESTION WITH NOTICE - WULANDA RECREATION AND CONVENTION CENTRE DEPRECIATION SCHEDULE

Question:

Can Council please be advised of the depreciation approach and schedule to Wulanda Recreation and Convention Centre and how a future valuation may impact depreciation?

What happens if the new valued price is hugely higher than the build price with regards to forward budgeting? Please give an example?

Answer:

Thank you Councillor Jenner for your question, This could be complicated to answer so I will try to keep this simple:

In answer to your first question:

- Initial Valuation - As discussed at the Audit and Risk Committee and agreed with the External Auditors we will value and depreciate the Wulanda facility based on the actual expenditure in the first instance.
- Depreciation Approach - Based on the asset information that will be provided to us we will break the facility down into its component parts for example the building, fixtures and fittings, plant (e.g. pool pumps etc), and IT equipment.
- Depreciation Schedule - How the depreciation is scheduled will depend upon the estimated useful lives for that category of asset which will be based on the information provided to us and aligned with the asset accounting policy and the financial statements as presented e.g. we have buildings with estimated useful lives of 15-100 years and other plant and equipment with estimated useful lives of 4-20 years.
- Impact of Valuation Increase - Any increase in valuation will be depreciated over the useful life of the asset for example:

For a building that cost \$100,000 with an estimated useful life of 100 years the annual depreciation will be \$1,000 p.a.

Building is revalued at \$110,000 with an estimated useful life of 100 years will be \$1,100 p.a.

For a building that cost \$100,000 with an estimated useful life of 50 years the annual depreciation will be \$2,000 p.a.

Building is revalued at \$110,000 with an estimated useful life of 50 years will be \$2,200 p.a.

In answer to your second question:

- Forward Budgeting - Any valuation change would mean that budgeted depreciation would change in future. However, the impact on annual depreciation would depend upon the useful life of the individual asset that had been revalued e.g. a revaluation of the building would be "spread" over the estimated useful life of the asset which has a relatively long useful life. We do not revalue items such as plant (pool pumps etc) - these would remain at cost and have a shorter useful life and as such would not be impacted by any valuation change.

7.6 QUESTION WITH NOTICE - CITY DRAINAGE

Question:

Can you please provide a drainage update within the City of Mount Gambier?

Answer:

Council's drainage system is licensed with the Environmental Protection Authority (EPA) and feeds into the aquifer system. We are undertaking an infrastructure assets condition audit and our drainage systems are included in this audit.

The drainage systems are cleaned out annually before winter to remove any blockages. Whilst we do not have specific data on the systems there are some with limited capacity that causes a slow discharge during unprecedented heavy rainfall events.

The Department for Transport and Infrastructure (DIT) are responsible for drainage assets located on DIT owned roads however have asked for Council assistance with ongoing maintenance. Council have requested a clearly scoped and costed proposal to be presented for consideration.

7.7 QUESTION WITH NOTICE - REGIONAL PUBLIC TRANSPORT REVIEW

Question:

Can an update please be provided on the Regional Public Transport Review?

Answer:

A review was conducted in March 2021 and the Department for Infrastructure and Transport (DIT) released a tender for Regional Public Transport Bus Services in July this year. Significant advocacy has been undertaken on the review and the importance of effective transport services for the City of Mount Gambier.

Sarah Philpott, Chief Executive Officer, has met with the DIT regarding their tender process, which is due to close in October. Council will continue to raise issues and advocate.

8 QUESTIONS WITHOUT NOTICE

Nil resolved.

9 PETITIONS

Nil

10 DEPUTATIONS

Nil

11 NOTICE OF MOTION TO RESCIND OR AMEND

Nil

12 ELECTED MEMBERS WORKSHOPS

Nil

13 ELECTED MEMBERS TRAINING AND DEVELOPMENT

Nil

14 COUNCIL ACTION ITEMS**14.1 COUNCIL ACTION ITEMS - 20/09/2022****RESOLUTION 2022/161**

Moved: Cr Sonya Mezinac

Seconded: Cr Frank Morello

1. That Council Report No. AR21/71042 titled 'Council Action Items - 20/09/2022' as presented on 18 October 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 JUNIOR SPORTS ASSISTANCE (SECTION 41) COMMITTEE MINUTES AND RECOMMENDATIONS**17.1 MINUTES OF THE JUNIOR SPORTS ASSISTANCE FUND HELD ON 5 OCTOBER 2022****RESOLUTION 2022/162**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

That the Minutes of the Junior Sports Assistance Fund meeting held on 5 October 2022 as attached be noted.

CARRIED**17.2 PAYMENTS TO MEMBER ORGANISATIONS – REPORT NO. AR22/61426**

RESOLUTION 2022/163

Moved: Cr Christian Greco

Seconded: Cr Paul Jenner

1. That Junior Sports Assistance Fund Report No. AR22/61426 titled 'Payments to Member Organisations' as presented on 05 October 2022 be noted.
2. That the allocation be calculated based on 10% of the total cost of the principle event and capped at \$200 minimum and \$500 maximum.
3. That in the event of extenuating circumstances the determination will be at the discretion of the Committee.

CARRIED**17.3 STATEMENT OF REVENUE AND EXPENDITURE - YEAR ENDED 30/06/2022 –
REPORT NO. AR22/61255****RESOLUTION 2022/164**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR22/61255 titled 'Statement of Revenue and Expenditure - Year Ended 30/06/2022' as presented on 05 October 2022 be noted.
2. The Statement of Income and Expenditure for period ended 30 June, 2022 detailing payments to or payments from the Fund with a 30 June 2020 cash balance of \$122,093.90 be received.

CARRIED**17.4 MEMBER ORGANISATION CONTRIBUTIONS – REPORT NO. AR22/61465****RESOLUTION 2022/165**

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

1. That Junior Sports Assistance Fund Report No. AR22/61465 titled 'Member Organisation Contributions' as presented on 05 October 2022 be noted.
2. Member Organisations be advised that to continue to assist its members as a consequence of the COVID-19 crisis, member contributions to the Junior Sports Assistance Fund for the 2022/2023 financial year be waived with member contributions to be reviewed at the next annual general meeting.

CARRIED**17.5 GENERAL DEVELOPMENTS OF THE FUND SINCE THE THIRTY SIXTH ANNUAL
GENERAL MEETING – REPORT NO. AR22/61636**

RESOLUTION 2022/166

Moved: Cr Christian Greco

Seconded: Cr Sonya Meziniec

1. That Junior Sports Assistance Fund Report No. AR22/61636 titled 'General Developments of the Fund since the Thirty Sixth Annual General Meeting' as presented on 05 October 2022 be noted.

CARRIED**17.6 COMMITTEE APPOINTMENTS – REPORT NO. AR22/67353****RESOLUTION 2022/167**

Moved: Cr Christian Greco

Seconded: Cr Kate Amoroso

1. That Junior Sports Assistance Fund Report No. AR22/67353 titled 'Committee Appointments' as presented on 05 October 2022 be noted.
2. The Committee Appointments to approve applications to the Junior Sports Fund Assistance Fund as referenced in Report No. AR22/67353 titled 'Committee Appointments' be adopted.

CARRIED**18 AUDIT AND RISK COMMITTEE MINUTES AND RECOMMENDATIONS****18.1 MINUTES OF THE AUDIT AND RISK COMMITTEE HELD ON 26 SEPTEMBER 2022****RESOLUTION 2022/168**

Moved: Cr Sonya Meziniec

Seconded: Cr Max Bruins

That the Minutes of the Audit and Risk Committee meeting held on 26 September 2022 as attached be noted.

CARRIED

18.2 CORRESPONDENCE RECEIVED – REPORT NO. AR22/58445**RESOLUTION 2022/169**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/58445 titled 'Correspondence Received' as presented on 26 September 2022 be noted.

CARRIED**18.3 DRAFT 2021/2022 FINANCIAL STATEMENTS – REPORT NO. AR22/60846****RESOLUTION 2022/170**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/60846 titled 'Draft 2021/2022 Financial Statements' as presented on 26 September 2022 be noted.
2. That in accordance with Section 126 (4) (a) of the Local Government Act 1999, the draft annual financial statements of Council for the financial year 2021/2022 have been reviewed and 'they present fairly the state of affairs of the council'.
3. That having been reviewed by the Audit and Risk Committee on 26 September 2022, the Audit Completion Report and Management Representations Letter as attached to Report No. AR22/60846 be noted.

CARRIED**18.4 COMPARISON OF ACTUAL TO BUDGET FOR THE YEAR ENDING 30 JUNE 2022 – REPORT NO. AR22/60848****RESOLUTION 2022/171**

Moved: Cr Sonya Meziniec

Seconded: Cr Christian Greco

1. That Audit and Risk Committee Report No. AR22/60848 titled 'Comparison of Actual to Budget for the year ending 30 June 2022' as presented on 26 September 2022 be noted.
2. That the estimates comparison for the financial year ending 30 June 2022 as contained in Attachment 1 to Report No. AR22/60848 be adopted.

CARRIED**19 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MINUTES AND RECOMMENDATIONS**

Nil

20 BUILDING FIRE SAFETY COMMITTEE MINUTES

Nil

21 COUNCIL REPORTS**21.1 WULANDA RECREATION AND CONVENTION CENTRE - VERBAL UPDATE**

A verbal update was provided by Barbara Cernovskis on the construction progress of the Wulanda Recreation and Convention Centre.

RESOLUTION 2022/172

Moved: Cr Paul Jenner

Seconded: Cr Frank Morello

1. That Council Report No. AR22/68452 titled 'Wulanda Recreation and Convention Centre - Verbal Update' as presented on 18 October 2022 be noted.

CARRIED**21.2 STATUTORY FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022****RESOLUTION 2022/173**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/65118 titled 'Statutory Financial Statements for the Year Ending 30 June 2022' as presented on 18 October 2022 be noted.
2. That the audited Financial Statements for the year ending 30 June 2022 as attached to Report No. AR22/65118 be adopted.
3. That the Management Representations Letter signed by the Chief Executive Officer as attached to Report No. AR22/65118 be noted.
4. That the Chief Executive Officer and the Mayor of the City of Mount Gambier be authorised to certify the financial statements.

CARRIED**21.3 CREATIVE ARTS FUND - RECOMMENDATION TO RESCIND/AMEND****RESOLUTION 2022/174**

Moved: Cr Max Bruins

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR22/69932 titled 'Creative Arts Fund - Recommendation to Rescind/Amend' as presented on 18 October 2022 be noted.

2. That, having considered the implications set out in Report No. AR22/69932, resolution 2022/129 be rescinded in its entirety.
3. That, in line with Council's intent from the original resolution 2022/129, Council notes that a budget adjustment for the equivalent amount as was underspent from the Creative Arts Fund in 2021/22, will be presented to Council as part of Budget Review 1, along with an adjustment to the value of \$500 for the payment made from the 2022/23 budget for the Portrait Project.

CARRIED

22 MOTIONS WITH NOTICE

22.1 NOTICE OF MOTION - SMART LED LIGHTING AND CARBON CREDITS

RESOLUTION 2022/175

Moved: Cr Paul Jenner
Seconded: Cr Kate Amoroso

1. That Council Report No. AR22/62509 titled 'Notice of Motion - Smart LED Lighting and Carbon Credits' as presented on 18 October 2022 be noted.
2. That Council undertake a business case in relation to smart LED lighting and decorative lighting including investigation into carbon credits by April 2023.

CARRIED

23 MOTIONS WITHOUT NOTICE

Nil

24 CONFIDENTIAL ITEMS OF COMMITTEES

Nil

25 NEW CONFIDENTIAL ITEMS

25.1 PROJECT CONTROL GROUP (PCG) PROGRESS REPORT #22 - AS AT 04/10/2022 - REPORT NO. AR22/68454

RESOLUTION 2022/176

Moved: Cr Max Bruins
Seconded: Cr Frank Morello

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, M McCarthy, J Scoggins, J McDonald, M Brookes, S Wilson and S Dohnt be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 25.1 AR22/68454 Project Control Group (PCG) Progress Report #22 - As at 04/10/2022.

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 Council's position in obtaining best value project delivery on behalf of the community.

CARRIED

Cr Kate Amoroso left the meeting at 7:11 pm.

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 Item 25.1 Project Control Group (PCG) Progress Report #22.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7:11 pm.

Cr Kate Amoroso returned to the meeting at 7:12 pm.

During suspension of business, a briefing on a confidential legal matter was provided by the Chief Executive Officer to Councillors only. All other staff left the chamber at 7:14 pm for this portion of the discussion and returned at 7:30 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:34 pm.

RESOLUTION 2022/177

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 25.1 AR22/68454 Project Control Group (PCG) Progress Report #22 - As at 04/10/2022 and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (b), (d), (g) 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*.

CARRIED

26 MEETING CLOSE

The Meeting closed at 7:35 pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 November 2022.

.....
PRESIDING MEMBER