

**16 November 2018**

**MAYOR  
COUNCILLORS  
CITY OF MOUNT GAMBIER**

1. **NOTICE** is given that a meeting of the Council of the City of Mount Gambier will be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier **on Thursday, 22 November 2018 at 6.00 p.m.**

An agenda for the meeting is enclosed.



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

## AGENDA INDEX

1.	DECLARATION OF OFFICE - Mayor Lynette Martin OAM- Ref. AF11/858.....	1
2.	DECLARATION OF OFFICE - Councillors - Ref. AF11/858 .....	2
3.	APOLOGY(IES).....	2
4.	MAYORAL WELCOME - Ref. AF13/111.....	2
5.	RETURNING OFFICER'S REPORT - Outcomes from November 2018 General Elections - Letter from Electoral Commission SA dated 16 November 2018 - Ref. AF18/67 .....	3
6.	POLICY S400 - SUPPLEMENTARY ELECTIONS - Ref. AF18/56.....	3
7.	CODE OF CONDUCT FOR COUNCIL MEMBERS - Ref. AF14/448.....	3
8.	CONFLICT OF INTEREST - Ref. AF11/897 .....	4
9.	STATUTORY RETURNS - Members to complete statutory forms - Ref. AF18/512 .....	5
10.	CIVIL LIABILITY (PROTECTION OF MEMBERS) - Ref. AF11/773.....	6
11.	MEMBER ALLOWANCES - Remuneration Tribunal Determination 6 of 2018 - Ref. AF11/894.....	7
12.	TAXATION OF ALLOWANCES - Ref. AF11/894.....	9
13.	POLICY M405 - MEMBERS ALLOWANCES AND BENEFITS - Ref. AF18/56.....	9
14.	POLICY M500 - MEMBER TRAINING & DEVELOPMENT - Ref. AF18/56.....	10
15.	PRINCIPAL OFFICE - Place and Hours of Business - Ref. AF11/176 .....	11
16.	MEETINGS OF COUNCIL - Meeting Days and Times. - Ref. AF11/871 .....	11
17.	POLICY C410 - CONDUCT OF MEETINGS - Ref. AF18/56 .....	12
18.	ITEMS LAID ON THE TABLE - Ref. AF11/879 .....	13
19.	DEPUTY MAYOR - Resolution to appoint and determine the term for the position of Deputy Mayor - Ref. AF11/858.....	14
20.	DEPUTY MAYOR - Nominations/Appointment - Ref. AF11/858 .....	14
21.	MAYOR & CHIEF EXECUTIVE OFFICER AS COUNCIL REPRESENTATIVES - Ref. AF11/858.....	16
22.	ACTING CHIEF EXECUTIVE OFFICER - Leave of Absence - Ref. AF11/1100 and PERS 11/6 .....	17
23.	COUNCIL DECISION MAKING STRUCTURE/COMMITTEES - Ref. AF14/283 .....	17
24.	SECTION 41 COMMITTEES - Ref. AF11/858 .....	18
25.	STATUTORY COMMITTEES - Ref. AF11/858 .....	24



26.	SUBSIDIARIES - Membership of Regional Subsidiaries - Ref. AF14/447 .....	28
27.	GOVERNANCE Council Representatives to Outside Committees - Ref. AF11/854 .....	29
28.	AUTHORISED BANKING SIGNATORIES - Ref. AF11/636 .....	30
29.	AUDITOR - Confirmation of appointment of Council's external auditor - Ref. AF11/729 .....	31
30.	STRATEGIC MANAGEMENT PLANS - Ref. AF11/1789 .....	31
31.	COUNCIL POLICY REVIEW - Ref. AF18/56 .....	32
32.	2017/18 ANNUAL REPORT - Ref. AF17/179 .....	33
33.	REPLACEMENT CHIEF EXECUTIVE OFFICER SELECTION AND RECRUITMENT PROCESS - Ref. AF12/36 .....	33
34.	MINUTES OF COUNCIL ASSESSMENT PANEL - 18 October 2018 (Attachment 22) .....	36
35.	MINUTES OF COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION SUB-COMMITTEE - 18 October 2018 (Attachment 23) .....	36
36.	YERKALAPATA - LEADING THE WAY: CITY OF MOUNT GAMBIER RECONCILIATION ACTION PLAN UPDATE - REPORT NO. AR18/41319 (Attachment 24) .....	36
37.	MINUTES OF MOUNT GAMBIER REGIONAL SPORT & RECREATION CENTRE MEETING - 22/10/2018 - Ref. AR18/43298 (Attachment 25) .....	36
38.	COMMUNITY AND RECREATION HUB OVERVIEW - REPORT NO. AR18/41402 (Attachment 26) .....	36
39.	COMMUNITY AND RECREATION HUB DESIGN - REPORT NO. AR18/41729 (Attachment 27) .....	37
40.	COMMUNITY AND RECREATION HUB CAPITAL COST ESTIMATE - REPORT NO. AR18/41772 (Attachment 28) .....	37
41.	COMMUNITY AND RECREATION HUB CAPITAL FUNDING - REPORT NO. AR18/37859 (Attachment 29) .....	37
42.	COMMUNITY AND RECREATION HUB OPERATIONS - REPORT NO. AR18/42536 (Attachment 30) .....	37
43.	COMMUNITY AND RECREATION HUB COMMUNITY SURVEY - REPORT NO. AR18/37052 (Attachment 31) .....	37
44.	COMMUNITY AND RECREATION HUB COMMUNITY ENGAGEMENT AND COMMUNICATION - REPORT NO. AR18/41567 (Attachment 32) .....	38
45.	MINUTES OF BUILDING FIRE SAFETY COMMITTEE - 23 October 2018 (Attachment 33) .....	38
46.	MINUTES OF JUNIOR SPORTS ASSISTANCE FUND THIRTY THIRD ANNUAL GENERAL MEETING - 24 October 2018 (Attachment 34) .....	38



47.	STATEMENT OF REVENUE AND EXPENDITURE FOR YEAR ENDED 30/06/2018 - REPORT NO. AR18/39959 (Attachment 35) .....	38
48.	GENERAL DEVELOPMENTS OF THE FUND SINCE THIRTY SECOND ANNUAL GENERAL MEETING - REPORT NO. AR18/40042 (Attachment 36).....	38
49.	MEMBER ORGANISATION CONTRIBUTIONS 2018/2019 - REPORT NO. AR18/40044 (Attachment 37).....	39
50.	COMMITTEE APPOINTMENTS - REPORT NO. AR18/40050 (Attachment 38).....	39
51.	MINUTES OF JUNIOR SPORTS ASSISTANCE FUND COMMITTEE MEETING - 24 October 2018 (Attachment 39) .....	39
52.	CORRESPONDENCE RECEIVED - REPORT NO. AR18/40600 (Attachment 40).....	39
53.	STATEMENT OF REVENUE AND EXPENSES - 1/3/2018 TO 30/9/2018 - REPORT NO. AR18/40602 (Attachment 41) .....	40
54.	APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND FROM 1/4/2017 TO 30/9/2018 - REPORT NO. AR18/40626 (Attachment 42)	40
55.	COACHING CLINIC PROGRAM - REPORT NO. AR18/40676 (Attachment 43).....	40
56.	RESIGNATION OF KAREN MCGREGOR FROM THE JUNIOR SPORTS ASSISTANCE FUND - REPORT NO. AR18/40700 (Attachment 44) .....	40
57.	COMMUNITY AND RECREATION HUB – CAPITAL COST CONTRIBUTION FROM DISTRICT COUNCIL OF GRANT – Ref: AF18/112 .....	41



## **AGENDA OF SPECIAL STATUTORY COUNCIL MEETING**

Meeting to be held at the Council Chamber, Civic Centre, 10 Watson Terrace, Mount Gambier on Thursday, 22 November 2018 at 6:00 p.m.

**PRESENT:** Mayor Lynette Martin OAM

Cr Ben Hood  
Cr Steven Perryman  
Cr Sonya Meziniec  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Christian Greco  
Cr Frank Morello  
Cr Paul Jenner

<b><u>COUNCIL OFFICERS:</u></b>	Chief Executive Officer	-	Mr M McShane
	General Manager City Growth	-	Dr J Nagy
	General Manager City Infrastructure	-	Mr N Serle
	General Manager Community Wellbeing	-	Ms B Cernovskis
	General Manager Council Business Services	-	Mrs P Lee
	Manager Executive Administration	-	Mr M McCarthy
	Media and Communications Coordinator	-	Ms S McLean
	Administration Officer Executive Support	-	Ms A Lavia
	Executive Administration Officer	-	Mrs F McGregor

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

The Chief Executive Officer took the Chair for the following business:

### **1. DECLARATION OF OFFICE - Mayor Lynette Martin OAM - Ref. AF11/858**

The Chief Executive Officer read out the result of the City of Mount Gambier November 2018 Mayoral Election.

Following the allocation of preferences Lynette Martin was declared elected as Mayor of the City of Mount Gambier with a total of 5286 votes.

The Chief Executive thanked unsuccessful candidates for their nominations and participation in the mayoral election process.

Mayor Lynette Martin OAM read out her Declaration of Office.



Mayor Lynette Martin OAM took the Chair for the following business:

## 2. DECLARATION OF OFFICE - Councillors - Ref. AF11/858

The Chief Executive Officer read out the results of the City of Mount Gambier November 2018 Councillor Election.

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

Ben Hood  
Steven Perryman  
Sonya Meziniec  
Kate Amoroso  
Max Bruins  
Christian Greco  
Frank Morello  
Paul Jenner

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

The following Members read out their respective Declarations of Office:

Cr Ben Hood  
Cr Steven Perryman  
Cr Sonya Mezinec  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Christian Greco  
Cr Frank Morello  
Cr Paul Jenner

### 3. APOLOGY(IES)

Apology(ies) received from

That the apology from \_\_\_\_\_ be received.

Moved:

Seconded:

#### 4. MAYORAL WELCOME - Ref. AF13/111

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

(a) That the Mayoral Welcome be received.

Moved:

Seconded:



**5. RETURNING OFFICER'S REPORT - Outcomes from November 2018 General Elections -Letter from Electoral Commission SA dated 19 November 2018 - Ref. AF18/67**

The Chief Executive Officer presented the Returning Officer's report on the outcomes of the November 2018 Mayoral and Councillor Elections (Attachment 1):

- (a) That the Returning Officer's report on the outcome of the November 2018 General Elections be noted.

Moved:

Seconded:

**6. POLICY S400 - SUPPLEMENTARY ELECTIONS - Ref. AF18/56**

The Chief Executive Officer reported:

Section 6(2) of the Local Government (Elections) Act 1999 provides that a supplementary election will not be held to fill a single vacancy in an office (other than a vacancy in office of Mayor) where the area of the Council is not divided into wards, if it is a policy of the Council that it will not fill such a vacancy until the next general election.

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), noting the provisions of Section 6 relating to when a supplementary election will be held.

A draft policy S400 Supplementary Elections is presented for consideration by Council (Attachment 2) which if adopted will have the effect of avoiding a supplementary election to fill only a single vacancy.

- (a) That the Chief Executive Officer's report on Supplementary Elections be noted.
- (b) That Council adopt the Policy S400 Supplementary Elections as attached to the Agenda.

Moved:

Seconded:

**7. CODE OF CONDUCT FOR COUNCIL MEMBERS - Ref. AF14/448**

The Chief Executive Officer reported;

Section 63 of the Local Government Act 1999 provides that a Code of Conduct to be observed by the members of all Councils may be prescribed and that Council Members must observe the Code of Conduct.

A Code of Conduct for Council Members was published in the South Australian Government Gazette on 22 August 2013, and was re-published on 29 August 2013. The current version applicable to Council Members is attached for information. (Attachment 3).



The Code of Conduct for Council Members forms part of a comprehensive statutory framework under which Councils operate that includes mandatory reporting requirements that apply to all public officers (including Council Members) to referral and investigatory agencies comprising the Ombudsman, Office of Public Integrity (OPI) and Independent Commissioner Against Corruption (ICAC).

The Code of Conduct prescribes for Council Members a Behavioural Code (Part 2) and Misconduct provisions (Part 3).

For the purpose of clauses 2.12 and 2.13 of Part 2 of the Code of Conduct the Chief Executive Officer has nominated the following Council Officer positions as delegates to whom Council Members may also direct relevant and reasonable requests for information:

General Manager City Infrastructure  
General Manager Community Wellbeing  
General Manager Council Business Services  
General Manager City Growth  
Manager Executive Administration  
Manager Development Services  
Manager Engineering Design & Contracts  
Manager Finance and Customer Service  
Media and Communications Coordinator  
Manager Arts & Cultural Development  
Manager Library  
Media and Communications Coordinator  
CEO & Mayoral Executive Support

For the purpose of clause 2.18 of Part 2 of the Code of Conduct for Council Members the Chief Executive Officer has nominated the Manager Executive Administration and General Managers as delegates to whom Council Members may refer complaints about behaviour alleged to have breached the Behavioural Code.

Clause 3.7 of Part 3 of the Code of Conduct for Council Members contains provisions relating to gifts and benefits and the quarterly publication of a gifts and benefits register. A procedure has been developed to assist Council Members including a flowchart for guidance on accepting/declining/reporting gifts and benefits and a form for declaring gifts and benefits.

- (a) That the Chief Executive Officer's report on the Code of Conduct for Council Members be received.

Moved:

Seconded:

## **8. CONFLICT OF INTEREST - Ref. AF11/897**

The Chief Executive Officer reported;

- that Members need to familiarise themselves and comply with the material, actual and perceived Conflict of Interest provisions as contained the Local Government Act (Sections 73-75B inclusive);
- an extract of Sections 73-75B inclusive of the Act is attached to this Agenda for the information of Members (Attachment 4).





- Members should note that the Conflict of Interest provisions extend to committees and to 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 this important matter.

(a) That the Chief Executive Officer's report on Conflict of Interest be received.

Moved:

Seconded:

**9. STATUTORY RETURNS - Members to complete statutory forms - Ref. AF18/512**

The Chief Executive Officer reported:

- pursuant to the provisions of the Local Government Act 1999, Members are required to complete and provide to the Chief Executive Officer of the Council certain statutory returns:
  - i. Campaign Donation Returns for all candidates at the 2018 Local Government Elections (Attachment 5)
    - in the prescribed form.
    - within 30 days of the conclusion of the election (i.e. by no later than 14 December 2018)
  - ii. Register of Interests, to be submitted to the Chief Executive Officer of the Council:
    - In accordance with Schedule 3 of the Local Government Act 1999
    - Primary Return - within six (6) weeks of election (i.e. by no later than 28 December, 2018) (Attachment 6)
    - Ordinary Return – on or within 60 days after the 30 June in each year

Members must note that an updated return must be provided within one month should any material change in Member's interest occur.

- Members are required to provide to the Chief Executive Officer details of where Council papers, notices, agendas and other business documents are to be sent. A form will be provided for the purpose of each individual member authorising these details in writing.

(a) That the Chief Executive Officer's report on Member's Statutory Returns be received.

Moved:

Seconded:



## 10. CIVIL LIABILITY (PROTECTION OF MEMBERS) - Ref. AF11/773

The Chief Executive Officer reported:

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 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.

### 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 attach to an Elected Member or Committee Member 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 (Section 42) or a regional subsidiary (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 under the Act and LGAMLS do not extend to "external" Committees, Boards or Groups not formally established by Council under the Local Government Act 1999 as they are independent bodies and are usually formulated under other legislation or without any legal recognition. Under the Rules of the LGAMLS civil liability protection cannot be extended beyond the Membership base for the benefit of an external body.

Prior to nominating or accepting a nomination to an external Committee, Board or Group, the Council Member nominee should ensure that the external body provides adequate indemnities and insurance cover 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 Local Government Act the LGAMLS do not extend beyond 'honest acts and omissions' nor to protect a Member acting beyond the exercise, performance or discharge of their or Council's powers, functions or duties under the Local Government Act or any other Act.

Importantly, therefore the LGAMLS will not provide advice or support if they deem that a Member is acting outside their functions as governed by the Local Government Act 1999 and/or not acting in good faith.

(a) That the Chief Executive Officer's report on Civil Liability be noted.

Moved:

Seconded:

**11. MEMBER ALLOWANCES - Remuneration Tribunal Determination 6 of 2018 - Ref. AF11/894**

The Chief Executive Officer reported:

Allowances:

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.

The current determination for the City of Mount Gambier (Determination 6 of 2018 made on 30 August 2018 - (Attachment 7) is as follows:

COUNCIL:	Group 2 classification (out of 6 Groups)
GROUP 2:	Base is \$17,270
Mayoral Allowance:	4 times the \$17,270 = \$69,080
Deputy Mayoral Allowance:	1.25 times the \$17,270 = \$21,587.50
Presiding Member Allowance: (Prescribed Committee)	as for Deputy Mayoral Allowance
Councillors:	\$17,270



**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.*

Council's prescribed committees, being committees of an enduring nature that perform or provide assistance and advice to Council in prescribed areas, prior to the election were the:

- Strategic Standing Committee, and;
- Operational Standing Committee.

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

The Determination 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:

- \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum.

It is proposed that Sitting Fees for the Presiding Member of a committee that is not a prescribed committee be paid quarterly in arrears with the first payment being made at the end of the first quarter 2019.

The Allowances set out in the Determination will be adjusted annually on the first, second and third anniversaries of the 2018 local government elections to reflect changes in the Consumer Price Index as defined at section 76(15) of the Local Government Act 1999.

- (a) That the Chief Executive Officer's report on the Remuneration Tribunals Determination on Member Allowances be received.
- (b) That Member Allowances be paid monthly (2 weeks in advance/2 weeks in arrears) commencing from the conclusion of the November 2018 elections.
- (c) That 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 be paid quarterly in arrears.

Moved:

Seconded:



## **12. TAXATION OF ALLOWANCES - Ref. AF11/894**

The Chief Executive Officer reported:

A November 2010 letter to the LGA from Wallmans Lawyers regarding taxation implications of the Member's annual allowance and reimbursement of prescribed expenses for Elected Members is attached (Attachment 8) for information.

- (a) That the Chief Executive Officer's report on Taxation of Allowances be received.

Moved:

Seconded:

## **13. POLICY M405 - MEMBERS ALLOWANCES AND BENEFITS - Ref. AF18/56**

The Chief Executive Officer reported:

Section 77 of the Local Government Act 1999 and the Local Government (Members Allowances and Benefits) Regulations 2010 contain provisions relating to prescribed reimbursements, and discretionary re-imbursements 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 Member Allowances, Re-imbursements, Benefits and Facilities Policy M405 has expired and has no further application.

An Elected Member Workshop was held in October 2018 during which the benefits and facilities provided under the former Policy M405 were discussed and the feedback provided has been incorporated into an updated Member Allowances and Benefits Policy as attached (Attachment 9).

It is recommended that Council adopt the updated Policy M405 to enable any Elected Member re-imbursements, 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.

The Local Government Act 1999 provides that 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.

- (a) That the Chief Executive Officer's report on Member Allowances and Benefits Policy be noted.
- (b) That the updated Policy M405 Member Allowances and Benefits as attached (Attachment 9) to this Agenda be adopted to replace the lapsed Policy.



- (c) 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.
- (d) That necessary amendments be made to Council's Policy Index.

Moved:

Seconded:

#### 14. **POLICY M500 - MEMBER TRAINING & DEVELOPMENT - Ref. AF18/56**

The Chief Executive Officer reported:

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

Council Policy M500 Members Training & Development (Attachment 10) 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.

Policy M500 also provides a hierarchy of training/development opportunities and approval/reporting requirements as a guide for Members, as follows:

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



It is recommended that Council re-adopt Policy M500 to enable any immediate post-Election training/development requirements to be addressed, noting that Council may review the Policy at any time.

- (a) That the Chief Executive Officer's report on Member Training and Development be noted.
- (b) That the updated Policy M500 Members Training & Development as attached (Attachment 10) to this Agenda be adopted.

Moved:

Seconded:

#### **15. PRINCIPAL OFFICE - Place and Hours of Business - Ref. AF11/176**

The Chief Executive Officer reported:

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 about any significant changes to these arrangements.

- (a) That the Chief Executive Officer's report on Principal Office and Hours of Business be noted.
- (b) 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.
- (c) That the Council Office (being its Principal Office) shall be open to the public for the transaction of business during the hours of 8.30 a.m. and 5.15 p.m. Monday to Friday inclusive (excluding Public Holidays and an identified period over Christmas/New Year).

Moved:

Seconded:

#### **16. MEETINGS OF COUNCIL - Meeting Days and Times. - Ref. AF11/871**

The Chief Executive Officer reported:

Section 81 of the Local Government Act 1999 provides that ordinary meetings of the Council will 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.

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 month and New Year noting Council may review this at any time.

In accordance with s82 of the Local Government Act 1999 Special Meetings of Council may be held at any time 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.

- (a) That the Chief Executive Officer's report on Council Meeting Days and Times be noted.
- (b) 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.

Moved:

Seconded:

#### **17. POLICY C410 - CONDUCT OF MEETINGS - Ref. AF18/56**

The Chief Executive Officer reported:

The Local Government Act 1999 ("Act") and Local Government (Procedures at Meeting) Regulations 2013 prescribe rules and procedures for the conduct and access to meetings of Council and Council Committees and Sub-Committees.

Pursuant to Sections 86 and 89 of the Act procedures for the conduct of meetings may be determined by the Council to the extent that are not prescribed by regulation, and by a Council Committee where they have not been determined by Council.

Section 92 of the Act also requires Council to adopt (and must review within 12 months after the conclusion of each periodic election) a Code of Practice for the purposes of public access to meetings and public release of minutes and documents (Sections 90 & 91).

Section 90(8a) also provides that an informal gathering or discussion may only be held if Council has adopted a policy on the holding of informal gatherings and discussions and the informal gathering or discussion complies with the policy. A policy under s90(8a) must also comply with any requirements prescribed by Regulations.

The following examples of informal gatherings or discussions are set out in s8 of the Local Government Act 1999:

- planning sessions associated with development of policies or strategies
- briefing or training sessions
- workshops





- social gatherings to encourage informal communications between members or between members and staff.

The Local Government (General) Regulations 2013 makes specific provisions including publication of details on Council's website in relation to '*designated informal gatherings or discussions*' which are defined as:

*"An event organised and conducted by or on behalf of the Council or Chief Executive Officer to which Members of the Council or Council Committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of an agenda for a formal meeting of the Council or Council Committee."*

The Regulations contain specific provisions regarding designated informal gatherings or discussions being held in a place open to the public unless the Council or Chief Executive Officer has declared (in certain limited circumstances) that the informal gathering or discussion be held in confidence.

Council Policy C410 *Conduct of Meetings* (Attachment 11) addresses a wide range of matters associated with the Conduct of (Council and Committee) Meetings, including the required policy provisions as set out above. Council also has a practice of adopting Terms of Reference for Committees and Sub-Committees that comprise its decision making structure that also provide guidance in meeting procedural matters.

It is recommended that Council re-endorse Policy C410 Conduct of Meetings noting that it may review the policy at any time provided public consultation is undertaken on any alteration or substitution of the policy provisions relating to public access to meetings and release of minutes and documents provisions in accordance with s92 of the Act prior to adoption.

In the absence of any policy amendments, re-endorsement of the existing Policy is not considered grounds for public consultation in accordance with s92 of the Act.

- (a) That the Chief Executive Officer's report on Conduct of Meetings Policy be noted.
- (b) That policy C410 Conduct of Meetings as attached to the agenda (Attachment 11) be endorsed noting no material changes to the policy provisions.

Moved:

Seconded:

## **18. ITEMS LAID ON THE TABLE - Ref. AF11/879**

The Chief Executive Officer reported:

Regulation 12 (sub-regulation 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.

Whilst several motions containing similar wording to the formal motion '*the question lie on the table*' were carried during the 2014 to 2018 term of Council, each of these motions contained



additional actions with the practical effect of 'deferring' the matters to other meetings and/or until further information had been prepared for consideration. These matters were subsequently addressed by 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.

(a) That the Chief Executive Officer's report on Items Laid on the Table be noted.

Moved:

Seconded:

**19. DEPUTY MAYOR - Resolution to appoint and determine the term for the position of Deputy Mayor - Ref. AF11/858**

The Chief Executive Officer reported:

Section 51 of the Local Government Act 1999 provides that if a Council has a Mayor, there may also be, if the Council so resolves, a Deputy Mayor.

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

(a) That the Chief Executive Officer's report on Deputy Mayor be noted.

(b) That pursuant to the powers contained in Section 51 (3) and (4) of the Local Government Act 1999 Council hereby resolves to appoint a Deputy Mayor for the term of \_\_\_\_\_.

Moved:

Seconded:

**20. DEPUTY MAYOR - Nominations/Appointment - Ref. AF11/858**

In accordance with the provisions at clause 5 of Council's draft Policy C410 Conduct of Meetings the following applies to the nomination and appointment process for Deputy Mayor:

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

Where more than one nomination is received resolutions are to be passed to endorse voting process and appoint the Chief Executive Officer (or any other Senior Officer present at the meeting) as Returning Officer to conduct a secret ballot and draw lots (if/as necessary) and to declare the result.

- Any Member present at the meeting may be nominated to the position of Deputy Mayor.
- The Mayor does not vote on the question of the appointment of Deputy Mayor.
- A Member not in their seat at the meeting does not vote on the question of Deputy Mayor.



- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared the Deputy Mayor
- A division cannot be called on the declared result for the position of Deputy Mayor.
- The Mayor may (but is not required to) accept a motion endorsing the appointment of the Deputy Mayor however any failure or variation of the motion shall be of no effect on the declared result of the secret ballot.

Members are advised that there is no Conflict of Interest whereby a nominated candidate votes for themselves.

The Mayor invites nominations for the position of Deputy Mayor.

The following nominations were received:

- (i) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be Deputy Mayor.
- (ii) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be Deputy Mayor.
- (iii) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be Deputy Mayor.

Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ indicated that they accept their nomination for the position of Deputy Mayor.

If more than one nomination received and accepted:

- (a) That the voting process for the position of Deputy Mayor be:
- (i) the term of office for the position of Deputy Mayor for the City of Mount Gambier Council be \_\_\_\_\_.
  - (ii) Council determines that the method of choosing a Deputy Mayor be by an election process undertaken by secret ballot.
  - (iii) the successful candidate will be the candidate with the highest number of votes.
  - (iv) where two or more candidates have an equal number of votes one of those candidates will be determined as successful from a drawing of lots by the Returning Officer.
  - (v) the Chief Executive Officer be appointed Returning Officer for the election.
  - (vi) upon the completion of the election, the Returning Officer be authorised to declare the successful candidate elected to the position of Deputy Mayor.
  - (vii) upon the declaration of the Returning Officer the candidate is appointed to the position of Deputy Mayor for the term of office determined by this resolution.

Moved:

Seconded:

The Returning Officer conducted the secret ballot

Then -

There being only one candidate the Returning Officer declared Cr \_\_\_\_\_ to be elected to the position as Deputy Mayor.

OR

The Returning Officer declared the successful candidate with the highest number of votes as Cr \_\_\_\_\_ to be elected as Deputy Mayor.



OR

Cr \_\_\_\_\_ and Cr \_\_\_\_\_ each having an equal highest number of votes, the Returning Officer drew a lot and declared the successful candidate being the first name drawn as Cr \_\_\_\_\_ to be elected as Deputy Mayor.

(a) That the declaration of Cr \_\_\_\_\_ as Deputy Mayor be endorsed.

Moved:

Seconded:

**21. MAYOR & CHIEF EXECUTIVE OFFICER AS COUNCIL REPRESENTATIVES - Ref. AF11/858**

The Chief Executive Officer reported:

To ensure that the Council may be adequately and appropriately represented at all times it is recommended that the Mayor and Chief Executive Officer be recognised as Council's duly authorised delegates/representatives unless Council has formally made an alternative nomination/appointment whether or not in accordance with its C410 Conduct of Meetings (s92 Code of Practice) Policy.

This representation includes at SA Local Government Association (LGA) Annual General Meetings and other LGA, Australian Local Government Association, and Limestone Coast Local Government Association functions.

When the Mayor, Chief Executive Officer, or Council nominated/appointed representative are not available, such authorisation would extend to the Deputy Mayor and/or Acting Chief Executive Officer (or any Council Officer 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.

Where representation affords voting privileges then they may only be exercised by the Mayor or Deputy Mayor (and the Chief Executive Officer/Acting Chief Executive Officer in specific circumstances) unless such rights are exercised in accordance with Council's C410 Conduct of Meetings Policy or to give effect to a resolution of Council.

- (a) That the Chief Executive Officer's report on Mayor and Chief Executive Officer as Council Representatives be noted.
- (b) 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 SA Local Government Association Annual General Meetings and other Local Government Association, Australian Local Government Association, and Limestone Coast Local Government Association functions.
- (c) That voting privileges associated with representing Council are restricted to the Mayor, Deputy Mayor, Chief Executive Officer and Acting Chief Executive Officer, unless such rights are exercised in accordance with Council's C410 Conduct of Meetings Policy or to give effect to a resolution of Council.



- (d) That resolutions (b) & (c) are to be applied to compliment and not to override or undermine any delegate/representative of Council duly nominated/appointed in accordance with the provisions of Council's C410 Conduct of Meetings Policy or by any subsequent resolution of Council.

Moved:

Seconded:

**22. ACTING CHIEF EXECUTIVE OFFICER - Leave of Absence - Ref. AF11/1100 and PERS 11/6**

The Chief Executive Officer reported:

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.

- (a) That the Chief Executive Officer's report on Acting Chief Executive be noted.
- (b) That the Chief Executive Officer shall periodically appoint (and shall notify the Mayor and Councillors of such appointment) any person holding one of the following Senior Officer positions to act in the office of Chief Executive Officer during any scheduled or unscheduled leave or absence of the Chief Executive Officer:
- General Manager – Community Wellbeing
  - General Manager – City Infrastructure
  - General Manager – City Growth
  - General Manager – Council Business Services
- (c) That the current appointment of the General Manager City Growth, Dr Judy Nagy to act as in the office of Chief Executive Officer during any scheduled or unscheduled leave is noted.

Moved:

Seconded:

**23. COUNCIL DECISION MAKING STRUCTURE/COMMITTEES - Ref. AF14/283**

The Chief Executive Officer reported:

Council's Decision Making Structure (comprising statutory committees and discretionary s41 Committees and Sub-Committees) and Appointments (including appointments to Outside Organisations) as reviewed and adopted during the 2014-2018 Council Term is set out in the following agenda items including the provision of the Terms of Reference for each committee as attachments (Attachments 12-21).

Council may consider adopting the current or alternate structure for decision making in the new Council term noting that the structure may be reviewed and altered at any time.

- (a) That the Chief Executive Officer's report on Council Decision Making Structure/Committees be noted.

Moved:

Seconded:



## **24. SECTION 41 COMMITTEES - Ref. AF11/858**

The Chief Executive Officer reported:

Council has established the following Committees under Section 41 of the Local Government Act 1999 to assist the decision making of Council.

- Strategic Standing Committee
- Operational Standing Committee
- Mount Gambier Junior Sports Assistance Fund
- Regional Sport and Recreation Centre Committee
- Environmental Sustainability Sub-Committee
- Community Engagement and Social Inclusion Sub-Committee
- Heritage Sub-Committee
- Chief Executive Officer Review Committee

The current Terms of Reference of these Section 41 Committees are attached (Attachments 12 - 18).

Summary information on each of the Section 41 Committees is provided as follows:

### Strategic Standing Committee

The Strategic Standing Committee was been established with a Strategic 'forward planning' focus on the matters set out in the committee terms of reference (Attachment 12).

The Strategic Standing Committee serves a dual purpose also being Council's Strategic Planning & Policy Committee, a statutory committee under Section 101A of the Development Act 1993.

The Strategic Standing Committee is one of Council's two 'prescribed committees' being of an enduring nature that performs or provide assistance and advice to Council in prescribed areas.

Prior to the November 2018 Mayoral and Area Councillor elections the membership of Council's Section 41 Standing Committees comprised one half of the Council Members as follows:

- Cr Morello (Presiding Member)
- Cr Mezinec
- (former) Cr Lynagh
- (former) Cr Persello
- (former) Cr Richardson
- Mayor (ex-officio)

With Council comprising 8 Councillors and a Mayor from November 2018 Council may wish to consider the membership composition of the Strategic Standing Committee should it be endorsed as part of Council's continuing decision making structure.

### Operational Standing Committee

The Operational Standing Committee was been established with a broad Operational 'business' focus on the matters set out in the committee terms of reference (Attachment 13). Several sub-committees (see below) report to Council via the Operational Standing Committee and this Committee has also served as a reporting and review committee for the minutes and



recommendations of several other committees to Council, including Audit Committee and Junior Sports Assistance Fund.

The Operational Standing Committee is one of Council's two 'prescribed committees' being of an enduring nature that performs or provide assistance and advice to Council in prescribed areas.

Prior to the November 2018 Mayoral and Area Councillor elections the membership of Council's Section 41 Standing Committees comprised one half of the Council Members, as follows:

- (former) Cr Lovett (Presiding Member)
- Cr Greco
- Cr Perryman
- (former) Cr Mutton
- (former) Cr Von Stanke
- Mayor (ex-officio)

With Council comprising 8 Councillors and a Mayor from November 2018 Council may wish to consider the membership composition of the Operational Standing Committee it be endorsed as part of Council's continuing decision making structure.

#### Mount Gambier Junior Sports Assistance Fund

The Junior Sports Assistance Fund has the express purpose of providing financial assistance to local junior sportspersons of Mount Gambier and District and is established in collaboration with member sporting organisations and the District Council of Grant.

The Terms of Reference for the Junior Sports Assistance Fund are attached (Attachment 14).

Having been in operation for over 30 years the Junior Sports Assistance Fund has distributed more than \$500,000 to support junior sportspersons, disadvantaged youth and specialised coaching clinics over this time.

Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Junior Sports Assistance Fund was:

- (former) Cr Persello (Presiding Member)
- Mayor (ex-officio)
- Cr Barry Kuhl (DC Grant)

#### Secretary

- Barbara Cernovskis (General Manager Community Wellbeing)

#### Community Members

- Karen Cunningham
- Jenny Burston
- Jeanette Elliott
- Felicity Walker

The Secretary (administrative position) and Community Members (appointed by member organisations) are not affected by the conduct of the local government elections. Council may however wish to consider the elected membership composition of the Junior Sports Fund should it be endorsed as part of Council's continuing decision making structure.





### Regional Sport and Recreation Centre Committee

The Regional Sport and Recreation Centre Committee has been established to provide considered advice to assist Council on matters associated with the grant application and potential development of a regional sport and recreation centre, to conduct and/or assist with stakeholder and community engagement, and to assist with advocacy that supports Council's resolved position on the Regional Sport and Recreation Centre.

The Terms of Reference for the Regional Sport and Recreation Centre Committee are attached (Attachment 15).

Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Regional Sport and Recreation Centre Committee was:

- (former) Cr Von Stanke (Presiding Member)
- Mayor (ex-officio)
- Cr Frank Morello
- Cr Sonya Meziniec
- (former) Cr Hanna Persello

Council may wish to consider the membership composition of the Regional Sport and Recreation Centre Committee should it be endorsed as part of Council's continuing decision making structure.

### Environmental Sustainability Sub-Committee

The Environmental Sustainability Sub-Committee has been established to assist Council achieve its environmental sustainability goals and objectives and associated advices, monitoring and promotion.

The Terms of Reference for the Environmental Sustainability Sub-Committee are attached (Attachment 16).

Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Environmental Sustainability Sub-Committee was:

- (former) Cr Richardson (Presiding Member)
- Cr Meziniec
- (former) Cr Von Stanke
- (former) Cr Mutton
- Mayor (ex-officio)

Council may wish to consider the membership composition of the Environmental Sustainability Sub-Committee should it be endorsed as part of Council's continuing decision making structure.

### Community Engagement and Social Inclusion Sub-Committee

The Community Engagement and Social Inclusion Sub-Committee has been established in line with the City of Mount Gambier Social Inclusion Charter and the Community Engagement policy document to support Council's strategic framework and delivery of the Community Plan.

The Terms of Reference for the Community Engagement and Social Inclusion Sub-Committee are attached (Attachment 17).





Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Community Engagement and Social Inclusion Sub-Committee was:

- (former) Cr Persello (Presiding Member)
- (former) Cr Lovett
- (former) Cr Richardson
- Mayor (ex-officio)

Community Members (appointed until 2020 in accordance with Terms of Reference)

- Judy McKay
- Mel Stephenson
- Kate Amoroso (in capacity as a community member)

The Community Members (appointed for four years in accordance with the Sub-Committee Terms of Reference) are not affected by the conduct of the local government elections.

Council may however wish to consider the elected membership composition of the Community Engagement and Social Inclusion Sub-Committee should it be endorsed as part of Council's continuing decision making structure.

#### Heritage Sub-Committee

The Heritage Sub-Committee was been established to assist Council with a range of heritage related matters as set out in the sub-committee terms of reference (Attachment 18).

Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Heritage Sub-Committee was:

- (former) Cr Richardson (Presiding Member)
- (former) Cr Lovett

Community Members (appointed until 2020 in accordance with Terms of Reference)

- Brian Sims
- Richard Woods
- Ken Jones
- Lynn Lowe
- Brian Brooksby
- David Burt
- Alexandra Nicholson

The Community Members (appointed for a three years in accordance with the Sub-Committee Terms of Reference) are not affected by the conduct of the local government elections.

At the Council meeting held on 16 October 2018 the Heritage Sub-Committee was placed into recess until after the November 2018 local government elections and the subsequent confirmation of Council's decision making structure and Committee Membership.

Council may wish to consider the elected membership composition of the Heritage Sub-Committee should it be endorsed as part of Council's continuing decision making structure.

#### Chief Executive Officer Review Committee

The Chief Executive Officer Review Committee is authorised by Council to carry out of the CEO's performance development and review.



Prior to the November 2018 Mayoral and Area Councillor elections the membership of the Chief Executive Officer Review Committee was:

- (former) Mayor Lee (Presiding Member - as Mayor)
- (former) Cr Persello (as Deputy Mayor)
- Cr Morello (as Presiding Member of Strategic Standing Committee)
- (former) Cr Lovett (as Presiding Member of Operational Standing Committee)

The membership of the Chief Executive Review Committee is fixed by position (being the Mayor, Deputy Mayor and Presiding Member of Council's 'prescribed' Standing Committees).

#### Section 41 Committee Recommendations

To enable the continuity of the functions performed by Council's existing Section 41 Committees it is recommended that Council re-endorse and appoint membership for the existing Committee structure.

Council may also consider whether to re-endorse existing Sub-Committees or to refer such matters to the Standing Committees for determination if/as considered necessary.

Should it be necessary to conduct a voting process for contested positions on one or more Committees it is recommended that those positions be left vacant and for nominations to be sought and presented to the December Council meeting with accompanying recommendations for the conduct of the ballot.

- (a) That the Chief Executive Officers report on Section 41 Committees be noted.
- (b) That Council endorse the continued operation of established Section 41 Committees under their existing Terms of Reference as previously adopted by Council, as follows:
- Strategic Standing Committee
  - Operational Standing Committee
  - Mount Gambier Junior Sports Assistance Fund
  - Regional Sport and Recreation Centre Committee
  - Chief Executive Officer Review Committee
- (c) That the Committees endorsed in resolution (b) shall report directly to Council as part of Council's decision making structure. Sub-Committees shall report via their establishing Committee.
- (d) That the first items of business for the first meeting of each Committee established in resolution (b) shall be:
- i. Acting Presiding Member for initial meeting
  - ii. Committee Presiding Member for recommendation to Council.
  - iii. Meetings days and times (noting lead times for agenda preparation)
  - iv. Review of Committee Terms of Reference
  - v. Consideration of Sub-Committees
- (e) That the membership of the Section 41 Committees specified in resolution (b) be as follows:



Strategic Standing Committee

- Cr
- Cr
- Cr
- Cr
- Mayor Martin

Operational Standing Committee

- Cr
- Cr
- Cr
- Cr
- Mayor Martin

Mount Gambier Junior Sports Assistance Fund

- Cr
- Cr (to be determined by District Council of Grant)
- Mayor Martin (ex-officio)
- Community Members as set out in the Agenda Report

Regional Sport and Recreation Centre Committee

- Cr
- Cr
- Cr
- Mayor Martin

Chief Executive Officer Review Committee

- Mayor Martin (Presiding Member)
- Deputy Mayor
- Presiding Member of Strategic Standing Committee
- Presiding Member of Operational Standing Committee

- (f) That the following Sub-Committees be placed in recess pending consideration of their necessity by Council's Standing Committees:
- Environmental Sustainability Sub-Committee
  - Community Engagement and Social Inclusion Sub-Committee
  - Heritage Sub-Committee

Moved:

Seconded:



## **25. STATUTORY COMMITTEES - Ref. AF11/858**

The Local Government Act 1999, Development Act 1993 and Planning, Development and Infrastructure (PDI) Act 2016 provide for Council to establish certain statutory committees:

- Audit Committee (s126 of LG Act)
- Council Assessment Panel (s82/83 of PDI Act)
- Building Fire Safety Committee (s71 of Devt Act)
- Strategic Planning & Policy Committee (s101A of Devt Act)

The current Terms of Reference of these Committees are attached (Attachments 19 - 21) and summary information on each of these Committees is provided as follows:

### Audit Committee - s126 of LGA1999

Section 126(1) of the Local Government Act 1999 provides that a council must have an audit committee. The functions of an audit committee include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130A; and
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee; and
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

The Terms of Reference as adopted for Council's Audit Committee in December 2017 are attached (Attachment 19)

Prior to the November 2018 Mayoral and Area Councillor elections the membership of Council's Audit Committee comprised:

- Cr Sonya Meziniec (Presiding Member)
- Vanessa McDonald
- Angela Kain
- Mayor (ex-officio)

Section 126 provides that the membership of an Audit Committee may include persons who are not members of the Council, but may not include an employee of the Council.

Council may determine to confirm the existing independent membership of the Audit Committee and to retain Cr Sonya Meziniec as a Member for the time being until Council Member positions on the Audit Committee are considered at this or a subsequent meeting.

### Council Assessment Panel – s82 and 83 of Planning, Development and Infrastructure Act 2016

Section 82 and 83 of the Planning Development and Infrastructure Act 2016 establishes an assessment panel appointed by Council to act as a relevant authority pursuant to the Act. The role of the Council Assessment Panel is to:



- *to act in accordance with the requirements of the Act and to make decisions in respect to applications pursuant to the Planning Development and Infrastructure Act 2016; and*
- *as it thinks fit, to provide advice and reports to the council on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under this Act; and*
- *to perform other functions as prescribed by the Planning Development and Infrastructure Act 2016.*

The Terms of Reference for Council's Assessment Panel are attached (Attachment 20)

Prior to the November 2018 Mayoral and Area Councillor election the membership of Council's Assessment Panel comprised:

- Mrs E Travers (Presiding Member)
- Mr P Seeböhm
- Ms M Trotter
- Vacant
- (former) Cr Von Stanke

The term of the current Council Assessment Panel membership expires in February 2019.

In preparation Expressions of Interest have been sought for the Independent Members (including Presiding Member) of the Council Assessment Panel for the 2 year term commencing February 2019.

Expressions of Interests close on Friday 14 December 2018 and will be presented to the January 2019 Council meeting for consideration and determination.

Nominations for the Council Member position on the Council Assessment Panel may also be sought for consideration at this or a subsequent meeting.

#### Council Building Fire Safety Committee – S71 of Development Act 1993

Council's Building Fire Safety Committee is established and designated as an appropriate authority under subsections 18 & 19 of Section 71 of the Development Act 1993.

The Terms of Reference for Council's Building Fire Safety Committee are attached to the agenda for information (Attachment 21)

Prior to the November 2018 Mayoral and Area Councillor elections the membership of Council's Building Fire Safety Committee comprised:

- (former) Cr I Von Stanke (Presiding Member)
- Mr A Sharrad (MFS) (or another representative)
- Mr G Riches

Section 71(19)(a) provides for the membership of the appropriate authority (Council's Building Fire Safety Committee) which may include a person selected by the Council.

Under the legislative membership requirements Council's Building Fire Safety Committee may continue to operate without replacement/reappointment of the Council Member. However,



Council's adopted Terms of Reference specify that the Elected Member appointed by Council to the Committee shall be the Chairperson.

Nominations for the Council Member position on the Building Fire Safety Committee may also be sought for consideration at this or a subsequent meeting.

### Strategic Planning & Policy – S 101A of Development Act 1993

Section 101A(1) of the Development Act 1993 provides that a council must establish a Strategic Planning and Development Policy Committee). The functions of a Strategic Planning and Development Policy Committee are:

- to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy; and
- to assist the council in undertaking strategic planning and monitoring directed at achieving—
  - (i) orderly and efficient development within the area of the council; and
  - (ii) high levels of integration of transport and land-use planning; and
  - (iii) relevant targets set out in the Planning Strategy within the area of the council; and
  - (iv) the implementation of affordable housing policies set out in the Planning Strategy within the area of the council; and
  - (v) other outcomes of a prescribed kind (if any); and
- to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing—
  - (i) a Strategic Directions Report; or
  - (ii) a Development Plan Amendment proposal; and
- other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.

The Terms of Reference for Council's Strategic Standing Committee (Attachment 12) include provisions that meet the committee requirements for a Strategic Planning and Policy committee under s101A(1) of the Development Act 1993.

Accordingly, if Council endorses the Strategic Standing Committee as part of its decision making structure including relevant provisions within its Terms of Reference, then the establishment of a separate committee for this purpose will not be necessary.

### Appointment to Statutory Committees - Recommendations

To enable the continuity of the functions performed by Council's statutory committees Council may, with respect to each statutory Committee:

- endorse the statutory committee as part of Council's decision making structure.
- confirm the interim continuation of membership on any statutory committee of any former or continuing Council Member, until nominations have been considered and appointments made by Council.

Should it be necessary to conduct a voting process for contested positions on one or more Statutory Committees it is recommended that those positions be left vacant and for nominations to be sought and presented to the December Council meeting with accompanying recommendations for the conduct of the ballot.



- (a) That the Chief Executive Officers report on Statutory Committees be noted.
- (b) That Council endorse the continued operation of established Statutory Committees under their existing Terms of Reference as previously adopted by Council, as follows:
- Audit Committee
  - Strategic Planning and Policy Committee (refer Strategic Standing Committee)
  - Council Assessment Panel
  - Building Fire Safety Committee
- (c) That the Audit Committee, Council Assessment Panel and Building Fire Safety Committee and Strategic Planning and Policy Committee (refer Strategic Standing Committee) shall report directly to Council as part of Council's decision making structure.
- (d) That all Council Member positions on a Statutory Committee be considered as vacant and nominations be sought for consideration of appointment at this or a subsequent meeting.
- (e) That the membership of the Section 41 Committees specified in resolution (b) be as follows:
- Audit Committee
- Cr
  - Mayor Martin (ex-officio)
- Independent Members (until a formal replacement process has occurred)
- V McDonald
  - A Kain
- Pursuant to Section 41 (6) of the Local Government Act 1999 the Mayor be appointed an ex-officio member of Council's Audit Committee noting that the Mayor will not be taken to be included in the committee membership (and in the quorum determination) unless actually present at a meeting of the Audit Committee.*
- Council Assessment Panel
- Cr
- Independent Members (until a formal replacement process has occurred)
- E Travers (Presiding Member)
  - P Seebohm
  - M Trotter
- Building Fire Safety Committee
- Cr (Presiding Member)
  - A Sharrad (MFS) (or another representative)
  - G Riches
- Strategic Planning and Policy Committee (refer Strategic Standing Committee)
- (f) That in the interim, until any membership vacancies are filled:
- i. notwithstanding resolution (d) and subject to any appointment determined in resolution (e) the appointment of former Council Member Ian von Stanke to the Council Assessment Panel and Building Fire Safety Committee and re-





- elected Member Cr Sonya Meziniec to the Audit Committee shall continue until replacement appointments have been considered and made by Council.
- ii. the Statutory Committees of Council may continue to meet as required and able in accordance with their existing Terms of Reference despite any vacancy in membership.
  - iii. each Statutory Committee be authorised to act as it sees fit and necessary (including at variance to its Terms of Reference) to address any discrepancy or vacancy in membership.
- (g) That pursuant to the powers contained in Section 41(4) of the Act and in accordance with the Committee Terms of Reference (and notwithstanding any appointments made in resolution (e)) Council shall determine the Presiding Member/Chairperson of each of Council's Statutory Committees.
- (h) That pursuant to Section 41(8) of the Local Government Act 1999:
- the Audit Committee will:
    - (i) meet and prepare recommendations for presentation to Council for Council to formally consider and adopt or otherwise;
    - (ii) provide the Minutes of each meeting to Council;
    - (iii) operate in accordance with the Local Government (Procedures at Meetings) Regulations 2013 or such other meeting procedures as may be determined by Council or otherwise determined by the Audit Committee.
  - the minutes only of Council Assessment Panel and Building Fire Safety Committee meetings, being committees with separate authority established under the Development Act 1993, will be noted periodically by Council.
- (i) That pursuant to Section 72(1) of the Local Government Act, Division 2 - Register of Interests provisions will extend to all Members of Council's Statutory Committees.

Moved:

Seconded:

## **26. SUBSIDIARIES - Membership of Regional Subsidiaries - Ref. AF14/447**

The Chief Executive Officer reported:

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).

The Limestone Coast Local Government Association 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.

For the purpose of transitional operations following the 2018 local government elections and to enable various positions to be filled at the Limestone Coast Local Government Association Annual General Meeting on 9 February 2018 constituent Councils have been asked to confirm their Board/Deputy Board Members before 7 December 2018 and nominations for other positions before 28 January 2019.





Council's Board and Deputy Board Members (Mayor and Deputy Mayor) will be confirmed in accordance with Item 21 of this agenda.

Further information on other Limestone Coast Local Government Association position vacancies will be circulated to Members with a call for nominations for presentation to the January 2019 Council meeting for consideration and endorsement.

- (a) That the Chief Executive Officers report on membership of Regional Subsidiaries be noted.
- (b) That Council confirm its constituent membership of Limestone Coast Local Government Association, a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999.
- (c) That further information on Limestone Coast Local Government Association position vacancies be circulated with a call for Member nominations for presentation to the January 2019 Council meeting for consideration and endorsement.

Moved:

Seconded:

**27. GOVERNANCE Council Representatives to Outside Committees - Ref. AF11/854**

The Chief Executive Officer reported:

In addition to the Council representation set out in Items 21 and 26 of this agenda other opportunities also arise for Council to nominate or appoint Elected Member and Council Officer representatives to various external committees and bodies.

Council ordinarily endorse nominees for any vacant positions that arise for Elected Members and the Chief Executive Officer appoints Council Officers where the membership requirements of the position are consistent with an Officer's job role, qualifications and experience.

Further information on external positions available to Elected Members will be circulated with a call for nominations for presentation to the January 2019 Council meeting for consideration and endorsement.

- (a) That the Chief Executive Officers report on Council representatives to outside Committees be noted.
- (b) That further information on external position vacancies available to Members be circulated with a call for Member nominations for presentation to the January 2019 Council meeting for consideration and endorsement.

Moved:

Seconded:



## **28. AUTHORISED BANKING SIGNATORIES - Ref. AF11/636**

The Chief Executive Officer reported:

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.

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:

- Mayor
- Deputy Mayor
- Chief Executive Officer
- General Manager Council Business Services
- General Manager City Growth
- General Manager City Infrastructure
- General Manager Community Wellbeing
- Manager Executive Administration
- Manager Development Services
- Manager Engineering Design & Contracts

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.

- (a) That the Chief Executive Officer's report on Authorised Banking Signatories be noted.
- (b) That the authorised signatories for the Council's general accounts and financial bank accounts and transactions etc be any two (2) of the following:
- Mayor
  - Deputy Mayor
  - Chief Executive Officer
  - General Manager Council Business Services
  - General Manager City Growth
  - General Manager City Infrastructure
  - General Manager Community Wellbeing
  - Manager Executive Administration
  - Manager Development Services
  - Manager Engineering Design & Contracts
- (c) 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.

Moved:

Seconded:



**29. AUDITOR - Confirmation of appointment of Council's external auditor - Ref. AF11/729**

The Chief Executive Officer reported:

Council's External Auditor is Galpins Accountants, Auditors and Business Consultants.

The appointment is for a term of five (5) years as from the completion of the Statutory Audit of the 2016/2017 financial year, to and including the completion of the Statutory Audit of the 2020/2021 financial year.

(a) the Chief Executive Officers report on Council's external auditor be received.
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Moved:

Seconded:

**30. STRATEGIC MANAGEMENT PLANS - Ref. AF11/1789**

The Chief Executive Officer reported:

Section 122 of the Local Government Act 1999 requires Council to develop and adopt plans for the management of its area and must specifically declare which plans will constitute the strategic management plans of the Council.

The following plans previously adopted by Council constitute the Strategic Management Plans of Council:

- Strategic Plan (Community Plan – The Futures Paper 2016-2020);
- Long Term Financial Plan (LTFP 2018/2019 to 2027/2028)
- Infrastructure & Asset Management Plan (I&AMP 2016/2017 – 2026/2027)
- Annual Business Plan and Budget (ABP&B 2018/2019)

Council's Strategic Management Plans must be comprehensively reviewed within 2 years of each general election.

Council's suite of Strategic Management Plans are supported by a range of other strategic documents that have been developed and endorsed by Council since 2016, including:

- Digital Strategy
- City Growth Strategy
- Signage Strategy
- Tourism Data Collection
- Visitor Information Servicing
- Youth Engagement Strategy
- Culture and Heritage Plan
- Public Art Strategy

These seven strategy documents endorsed by Council contained a total of 159 recommendations which have since been prioritised to a list of 78 of which 17 had been completed or commenced prior to the November 2018 Local Government elections and the remaining list further refined and ranked for scheduling of project commencement and completion for 2019 and beyond.



Further information and the schedule for review of Council's Strategic Management Plans will be presented to Council in 2019 including other current and emerging issues that the new Council may wish to consider focusing attention and resources toward.

- (a) That the Chief Executive Officers report on Strategic Management Plans be received.
- (b) That the following plans be affirmed as constituting the Strategic Management Plans of the Council as:
- Strategic Plan (Community Plan)
  - Long Term Financial Plan
  - Infrastructure & Asset Management Plan
  - Annual Business Plan and Budget

Moved:

Seconded:

### **31. COUNCIL POLICY REVIEW - Ref. AF18/56**

The Chief Executive Officer reported:

The City of Mount Gambier has a suite of approximately 80 formal Council policies. Review of policies is a continuing process and Members will note that several policies have been presented with this agenda for endorsement.

The administration schedules each Council policy for review at least once during each term of Council and with greater frequency when it is necessary to review policy content to accommodate legislative or administrative 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 and a discussion report, certain policies are required by legislation to include certain prescribed provisions and subject of public consultation prior to adoption, and policy changes may have community, resource or other implications.

Members should note that several Council policies are based upon Local Government Association policy templates that have been carefully drafted to provide a policy position that meets legislative requirements and avoids the need for Council to engage professional technical and legal services on a range of relatively standard local government matters.

- (a) The Chief Executive Officers report on Council Policy Review be noted.

Moved:

Seconded:



**32. 2017/18 ANNUAL REPORT - Ref. AF17/179**

The Chief Executive Officer reported:

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

The final draft proof of Council's Annual Report in respect of the 2017/18 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 Act 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.

- (a) That the Chief Executive Officers report on the City of Mount Gambier 2017/18 Annual Report be received.
- (b) That the Annual Report of the City of Mount Gambier 2017/18 as tabled be adopted.
- (c) That the Chief Executive Officer be authorised to make any non-material amendments as considered necessary prior to publication.
- (d) That copies of the 2017/18 Annual Report be made available to those bodies and persons referred to at Section 131 of the said Act.

Moved:

Seconded:

**33. REPLACEMENT CHIEF EXECUTIVE OFFICER SELECTION AND RECRUITMENT PROCESS - Ref. AF12/36**

The Mayor reported:

The Chief Executive Officer (CEO) Mark McShane formally announced his retirement from Council on 8 November 2018 to take effect mid February 2019. This triggers the need to commence a replacement CEO selection and recruitment process.

To guide this process it is recommended that a Council Committee (Section 41 Committee) be formed as soon as possible to carry out a number of tasks that include but may go beyond:

- Development of a tender specification for the engagement of a suitably qualified and experienced (including Local Government experience) professional recruitment consulting company to assist the Committee and Council.
- Assessment of tenders and selection of a company.
- Managing information to and from the selected company (for example, job specifications and employment engagement documents) including candidate shortlist, selection and approval.
- Involvement with interviews.



- Providing formal and informal reports from the Committee to Council as necessary.
- Involvement with final selection and interview process and reporting outcomes to the Council for endorsement.
- Managing the overall selection and recruitment process in partnership with the selected company including timeframe and scheduling.
- Consider and provide direction to Council regarding the appointment of an external interim Chief Executive Officer.

It is recommended that the CEO Selection and Recruitment Committee is disbanded following the appointment of the new CEO. Following the commencement of the new CEO, Council's CEO Performance Development and Review Committee will, in collaboration with the CEO, develop KPI's and conduct regular performance reviews including during the probation period.

#### Recommendation

- (a) That Council establish a Chief Executive Officer Selection and Recruitment Committee to engage a replacement CEO. Members of the Committee should include the Mayor plus four Councillors.

The Mayor invites nominations for Members of the CEO Selection and Recruitment Committee;

The following nominations were received:

- (i) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be
- (ii) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be
- (iii) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be
- (iv) Cr \_\_\_\_\_ nominated Cr \_\_\_\_\_ to be

Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ indicated that they accept their nomination for the position of a Member on the Committee.



If more than four nominations received and accepted:

- (a) the Mayor's Report be received;
- (b) There being only four candidates the Returning Officer declared Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ to be elected to the CEO Selection and Recruitment Committee.
- or
- (c) That the voting process for the position of Member CEO Selection and Recruitment Committee be:
- (i) the term of office for the position of Member CEO Selection and Recruitment Committee is until the appointment of a replacement CEO.
  - (ii) Council determines that the method of choosing the membership of the CEO Selection and Recruitment Committee be by an election process undertaken by secret ballot.
  - (iii) the successful candidates will be the candidates with the highest number of votes.
  - (iv) where two or more candidates have an equal number of votes one of those candidates will be determined as successful from a drawing of lots by the Returning Officer.
  - (v) the Manager Executive Administration be appointed Returning Officer for the election.
  - (vi) upon the completion of the election, the Returning Officer be authorised to declare

Moved:

Seconded:

The Returning Officer conducted the secret ballot

Then -

*OR*

The Returning Officer declared the successful candidates with the highest number of votes as Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ to be elected as Members CEO Selection and Recruitment Committee.

*AND/OR*

Cr \_\_\_\_\_ and Cr \_\_\_\_\_ each having an equal number of votes, the Returning Officer drew a lot and declared the successful candidate being the first name drawn as Cr \_\_\_\_\_ to be elected as Member CEO Selection and Recruitment Committee.

- (a) That the declaration of Cr \_\_\_\_\_, Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as Members CEO Selection and Recruitment Committee be endorsed.

Moved:

Seconded:



**34. MINUTES OF COUNCIL ASSESSMENT PANEL - 18 October 2018 (Attachment 22)**

That the minutes of the Council Assessment Panel meeting held 18 October 2018 as attached be noted.

Moved:

Seconded:

**35. MINUTES OF COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION SUB-COMMITTEE - 18 October 2018 (Attachment 23)**

That the minutes of the Community Engagement and Social Inclusion Sub-Committee meeting held 18 October 2018 as attached be noted.

Moved:

Seconded:

**36. YERKALAPATA - LEADING THE WAY: CITY OF MOUNT GAMBIER RECONCILIATION ACTION PLAN UPDATE - REPORT NO. AR18/41319 (Attachment 24)**

(a) That Community Engagement and Social Inclusion Sub-Committee Report No. AR18/41319 titled '*Yerkalapata – Leading the Way: City of Mount Gambier Reconciliation Action Plan*' as presented to the Community Engagement and Social Inclusion Sub-Committee meeting on 18 October 2018 be noted.

Moved:

Seconded:

**37. MINUTES OF MOUNT GAMBIER REGIONAL SPORT & RECREATION CENTRE MEETING - 22/10/2018 - Ref. AR18/43298 (Attachment 25)**

That the minutes of the Mount Gambier Regional Sport and Recreation Centre meeting held 22 October 2018 as attached be noted.

Moved:

Seconded:

**38. COMMUNITY AND RECREATION HUB OVERVIEW - REPORT NO. AR18/41402 (Attachment 26)**

(a) That Regional Sport and Recreation Centre Committee Report No. AR18/41402 titled '*Community and Recreation Hub Overview*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:





**39. COMMUNITY AND RECREATION HUB DESIGN - REPORT NO. AR18/41729** (Attachment 27)

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41729 titled '*Community and Recreation Hub Design*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:

**40. COMMUNITY AND RECREATION HUB CAPITAL COST ESTIMATE - REPORT NO. AR18/41772** (Attachment 28)

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41772 titled '*Community and Recreation Hub Capital Cost Estimation*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:

**41. COMMUNITY AND RECREATION HUB CAPITAL FUNDING - REPORT NO. AR18/37859** (Attachment 29)

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37859 titled '*Community and Recreation Hub Capital Funding*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:

**42. COMMUNITY AND RECREATION HUB OPERATIONS - REPORT NO. AR18/42536** (Attachment 30)

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/42536 titled '*Community and Recreation Hub Operations*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:

**43. COMMUNITY AND RECREATION HUB COMMUNITY SURVEY - REPORT NO. AR18/37052** (Attachment 31)

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37052 titled '*Community and Recreation Hub Community Survey*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:



**44. COMMUNITY AND RECREATION HUB COMMUNITY ENGAGEMENT AND COMMUNICATION - REPORT NO. AR18/41567 (Attachment 32)**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41567 titled '*Community and Recreation Hub Community Engagement and Communication*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:

**45. MINUTES OF BUILDING FIRE SAFETY COMMITTEE - 23 October 2018 (Attachment 33)**

That the minutes of the Building Fire Safety Committee meeting held 23 October 2018 as attached be noted.

Moved:

Seconded:

**46. MINUTES OF JUNIOR SPORTS ASSISTANCE FUND THIRTY THIRD ANNUAL GENERAL MEETING - 24 October 2018 (Attachment 34)**

That the minutes of the Junior Sports Assistance Fund Thirty Third Annual General Meeting held 24 October 2018 as attached be noted.

Moved:

Seconded:

**47. STATEMENT OF REVENUE AND EXPENDITURE FOR YEAR ENDED 30/06/2018 - REPORT NO. AR18/39959 (Attachment 35)**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/39959 titled '*Statement of Revenue and Expenditure for Year Ended 30/06/2018*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) The Statement of Income and Expenditure for period ended 30 June, 2018 detailing payments to or payments from the Fund with a 30 June 2018 cash balance of \$86,049.62 be received.

Moved:

Seconded:

**48. GENERAL DEVELOPMENTS OF THE FUND SINCE THIRTY SECOND ANNUAL GENERAL MEETING - REPORT NO. AR18/40042 (Attachment 36)**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40042 titled '*General Developments of the Fund since Thirty Second Annual General Meeting*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.



Moved:

Seconded:

**49. MEMBER ORGANISATION CONTRIBUTIONS 2018/2019 - REPORT NO. AR18/40044**  
(Attachment 37)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40044 titled '*Member Organisations Contributions 2018/2019*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted;
- (b) the Member Organisation contributions for the 2018/2019 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2<sup>nd</sup> August 2005 and as attached to the agenda (in respect of the required 2018/2019 contributions);
- (c) the "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2018/2019 financial year.

Moved:

Seconded:

**50. COMMITTEE APPOINTMENTS - REPORT NO. AR18/40050** (Attachment 38)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40050 titled '*Committee Appointments*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:

**51. MINUTES OF JUNIOR SPORTS ASSISTANCE FUND COMMITTEE MEETING - 24 October 2018** (Attachment 39)

That the minutes of the Junior Sports Assistance Fund Committee Meeting held 24 October 2018 as attached be noted.

Moved:

Seconded:

**52. CORRESPONDENCE RECEIVED - REPORT NO. AR18/40600** (Attachment 40)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40600 titled '*Correspondence Received*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:



**53. STATEMENT OF REVENUE AND EXPENSES - 1/3/2018 TO 30/9/2018 - REPORT NO. AR18/40602** (Attachment 41)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40602 titled '*Statement of Revenue and Expenses - 1/3/2018 to 30/09/2018*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) The financial statement of the Fund as at 30 September 2018 be received noting a cash balance of \$85,826.00

Moved:

Seconded:

**54. APPLICATIONS FOR FINANCIAL ASSISTANCE FOR JUNIORS AND PAYMENTS FROM THE FUND FROM 1/4/2017 TO 30/9/2018 - REPORT NO. AR18/40626** (Attachment 42)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40626 titled '*Applications for Financial Assistance for Juniors from 1/4/2018 to 30/9/2018*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:

**55. COACHING CLINIC PROGRAM - REPORT NO. AR18/40676** (Attachment 43)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40676 titled '*Coaching Clinic Program*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) the 2018 Coaching Clinic Program be funded in its entirety of \$5,000 by the City of Mount Gambier Junior Sports Assistance Fund;
- (c) the City of Mount Gambier Junior Sports Assistance Fund Sponsorship Proposal be endorsed and the Secretary and a Member of the Committee be authorised to liaise with external organisations secure new sponsorship for 2019 and beyond.

Moved:

Seconded:

**56. RESIGNATION OF KAREN MCGREGOR FROM THE JUNIOR SPORTS ASSISTANCE FUND - REPORT NO. AR18/40700** (Attachment 44)

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40700 titled '*Resignation of Mrs Karen McGregor from the Junior Sports Assistance Fund Committee*' as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) That Mrs McGregor's resignation be noted.



- (c) A letter of appreciation has been sent to Mrs Karen McGregor for her service to the Junior Sports Assistance Fund Committee.
- (d) The City of Mount Gambier Junior Sports Assistance Fund authorise Mrs Barbara Cernovskis to action the replacement of Mrs Karen McGregor to the Junior Sports Assistance Fund.

Moved:

Seconded:

**57. COMMUNITY AND RECREATION HUB – CAPITAL COST CONTRIBUTION FROM DISTRICT COUNCIL OF GRANT – Ref: AF18/112**

The District Council of Grant has received two presentations from Council regarding the Community and Recreation Hub. The first on 4 April 2018 by the CEO focused on Council's EOI Grant Application and the second on 10 September 2018 by Mayor Lee and the CEO provided further detail on the interim design, capital and operating costs. To date Council has not sought a funding contribution from District Council of Grant.

It is evident that the residents of District Council of Grant will use and gain benefit from the Community and Recreation Hub. With a Council population of approximately 8,000, all within easy reach of Mount Gambier, the facilities such as aquatics, health and fitness, courts, entertainment, events and meeting rooms will be well utilised by District Council of Grant residents.

The District Council of Grant sought financial contribution from Council to support their application to the Building Better Regions fund for the Mount Gambier Airport Redevelopment Project. At a Special Council Meeting on 12 December 2017 Council resolved:

- “(a) That the correspondence from the District Council of Grant detailing the airport upgrade and the application to Building Better Regions Fund and requesting support from City of Mount Gambier either as a funding partner or a non-funding partner, be noted.*
- (b) That Council provide a letter of support to the District Council of Grant for the Mount Gambier Airport Redevelopment Project.*
- (c) That Council provide a financial contribution of \$500,000 to assist the total cost of the District Council of Grant Mount Gambier Airport Redevelopment Project that reduces the funds sought from the Federal Government.*
- (d) That the City of Mount Gambier contribution demonstrates our willing partnership for this important regional project.”*

Federal (and State) funding for the Airport has now been confirmed and along with our Council's contribution the Airport Upgrade will soon commence. Council's \$500,000 contribution will be paid in 2019/20 and 2020/21 financial years. The City of Mount Gambier's contribution recognised the regional importance of the Airport. Likewise the Community and Recreation Hub is a regional facility providing services and opportunities for the South East community.

To support the full application to the Federal Government by 24 January 2019 and Council's request to the State Government, it is recommended that Council seek a financial contribution



to the Community and Recreation Hub reflective of and recognising the anticipated \$39 million capital cost.

Recommendation

- (a) That the CEO's report on the Community and Recreation Hub capital cost contribution from District Council of Grant be noted.
- (b) That Council formally writes to the District Council of Grant seeking a one Million dollar contribution to assist with the capital cost of the Community and Recreation Hub and requesting a response by end of December 2018 to enable that contribution to be incorporated into the Full Business Case to the Federal Government.
- (c) That the Mayor and CEO provide a further project update to the District Council of Grant in December 2018.

The meeting closed at      p.m.

MMc/MJT/AL/FM



**ATTACHMENTS**

<b>Attachment No.</b>	<b>Item No.</b>	<b>Title</b>	<b>AR Reference</b>
1	5	2018 Local Government Elections - Returning Officers Report	to be confirmed in Minutes
2	6	Draft Policy S400 - Supplementary Elections	AR18/43363
3	7	Code of Conduct for Council Members	AR17/5310
4	8	Conflict of Interest provisions (Section 73-75B LGA1999)	AR18/43371
5	9	Statutory Returns - Prescribed Forms - Campaign Donations Return	AR18/43375
6	9	Statutory Returns - Prescribed Forms - Primary Return	AR18/46984
7	11	Remuneration Tribunal Determination 6 of 2018	AR18/36052
8	12	Letter - Taxation of Member Allowances	AR14/39593
9	13	Draft Policy M405 - Member Reimbursements, Facilities & Support	AR18/44765
10	14	Draft Policy M500 - Members Training & Development	AR18/43634
11	17	Draft Policy C410 - Conduct at Meetings (s92 Code of Practice)	AR18/43637
12	24	Section 41 Committee – Terms of Reference - Strategic Standing Committee	AR17/26844
13	24	Section 41 Committee – Terms of Reference - Operational Standing Committee	AR17/18784
14	24	Section 41 Committee – Terms of Reference - Mount Gambier Junior Sports Assistance Fund	AR13/24053[v3]
15	24	Section 41 Committee – Terms of Reference - Regional Sport and Recreation Centre Committee	AR18/17785
16	24	Section 41 Committee - Terms of Reference - Environmental Sustainability Sub-Committee	AR17/39478
17	24	Section 41 Committee - Terms of Reference - Community Engagement & Social Inclusion Sub-Committee	AR17/31923
18	24	Section 41 Committee - Terms of Reference - Heritage Sub-Committee	AR17/28072
19	25	Statutory Committee - Terms of Reference - Audit Committee	AR13/18718[v5]
20	25	Statutory Committee - Terms of Reference - Council Assessment Panel	AR17/33514



21	25	Statutory Committee - Terms of Reference - Building Fire Safety Committee	AR12/9660[v2]
22	34	Minutes of Council Assessment Panel - 18/10/2018	AR18/42180
23	35	Minutes of Community Engagement and Social Inclusion Sub-Committee Meeting - 18/10/2018	AR18/42184
24	36	Community Engagement and Social Inclusion Sub-Committee Report No. AR18/41319 titled ' <i>Yerkalapata – Leading the Way: City of Mount Gambier Reconciliation Action Plan</i> '	AR18/41319
25	37	Minutes of Mount Gambier Regional Sport & Recreation Centre Meeting - 22/10/2018	AR18/43298
26	38	Regional Sport and Recreation Centre Report No. AR18/41402 - Community and Recreation Hub Overview	AR18/741402
27	39	Regional Sport and Recreation Centre Report No. AR18/41729 - Community and Recreation Hub Design	AR18/41729
28	40	Regional Sport and Recreation Centre Report No. AR18/41772 - Community and Recreation Hub Capital Cost Estimate	AR18/41772
29	41	Regional Sport and Recreation Centre Report No. AR18/37859 - Community and Recreation Hub Capital Funding	AR18/37859
30	42	Regional Sport and Recreation Centre Report No. AR18/42536- Community and Recreation Hub Operations	AR18/42536
31	43	Regional Sport and Recreation Centre Report No. AR18/37052 - Community and Recreation Hub Survey	AR18/37052
32	44	Regional Sport and Recreation Centre Report No. AR18/41567 - Community and Recreation Hub Community Engagement and Community	AR18/41567
33	45	Minutes of Building Fire Safety Committee - 23/10/2018	AR18/43017
34	46	Minutes of Junior Sports Assistance Fund Thirty Third Annual General Meeting - 24/10/2018	AR18/44003
35	47	Junior Sports Assistance Fund Thirty Third Annual General Meeting Reports and Attachments Report No. AR18/39959 - Statement of Revenue and Expenditure for Year Ended 30/06/2018	AR18/39959
36	48	Junior Sports Assistance Fund Report No. AR18/40042 - General Developments of the Fund since Thirty Second Annual Meeting	AR18/40042
37	49	Junior Sports Assistance Fund Report No. AR18/40044 - Member Organisation Contributions 2018/2019	AR18/40044
38	50	Junior Sports Assistance Fund Report No. AR18/40050 - Committee Appointments	AR18/40050
39	51	Minutes of Junior Sports Assistance Fund Committee Meeting - 24/10/2018	AR18/44004
40	52	Junior Sports Assistance Fund Report No. AR18/40600 - Correspondence Received	AR18/40600





41	53	Junior Sports Assistance Fund Report No. AR18/40602 - Statement of Revenue and Expenses - 01/03/2018 - 30/09/2018	AR18/40602
42	54	Junior Sports Assistance Fund Report No. AR18/40626 - Applications for Financial Assistance for Juniors and Payments from the Fund from 01/04/2017 to 30/09/2018	AR18/40626
43	55	Junior Sports Assistance Fund Report No. AR18/40676 - Coaching Clinic Program	AR18/40676
44	56	Junior Sports Assistance Fund Report No. AR18/400700 - Resignation of Karen McGregor from the Junior Sports Assistance Fund	AR18/40700





Electoral Commission of South Australia  
 Level 6 / 60 Light Square Adelaide SA 5000  
 GPO Box 646 Adelaide SA 5001  
 P 08 7424 7400  
 F 08 7424 7444  
[www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au)

19 November 2018

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

### **Re: Council Elections 2018 - Election Results**

In accordance with the Local Government (Elections) Act 1999, I enclose the results for the November 2018 council elections.

The council elections were conducted entirely by post. Voting material comprising ballot papers, candidate profiles, a postal voting guide, ballot paper envelope containing the elector's declaration and reply paid envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5 pm Friday 9 November 2018 with the scrutiny and count conducted at the Council Chamber & Reception Area, 10 Watson Tce, Mount Gambier.

In accordance with section 50 of the Local Government (Elections) Act 1999, I Mick Sherry, Returning Officer, declare the following candidates elected:

<b>Mayor</b>		Vacancies (1)
MARTIN, Lynette	Elected	
<b>Area Councillor</b>		Vacancies (8)
HOOD, Ben	Elected 1	
PERRYMAN, Steven	Elected 2	
MEZINEC, Sonya	Elected 3	
AMOROSO, Kate	Elected 4	
BRUINS, Max	Elected 5	
GRECO, Christian	Elected 6	
MORELLO, Frank	Elected 7	
JENNER, Paul	Elected 8	

All candidates will be notified in writing of the results of the elections and I enclose a report on the outcome for your council. Candidates will also be advised that copies of the reports along with copies of the full scrutiny and count details are available on the ECSA website at: [ecsa.sa.gov.au/elections/council-elections-home/results](http://ecsa.sa.gov.au/elections/council-elections-home/results).

Full reports for the computer counts conducted are also available on the ECSA website at: [ecsa.sa.gov.au/elections/council-elections-home/results](http://ecsa.sa.gov.au/elections/council-elections-home/results).

I would like to thank you and your staff who have assisted in conducting these elections and remind you of the obligations for all candidates to lodge a Campaign Donations Return, regardless of whether they have been successful, within 30 days of the conclusion of the election, which is the date on this letter. You and your Governance Officers should be mindful of the operation of section 86 of the Local Government (Elections) Act 1999.

Should you require any guidance regarding the lodgement of returns, I would invite you to contact Ms Carol Vu, Manager Compliance, Funding & Disclosure Branch, on 7424 7459 at any time after Monday 3 December 2018.

Yours sincerely



Mick Sherry

**RETURNING OFFICER**

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>S400 SUPPLEMENTARY ELECTIONS</b>	Version No:	2
		Issued:	November 2018
		Next Review:	December 2022

## 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) 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 as may otherwise be required under Section 6 of that 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.

Section 6 of the Local Government (Elections) Act 1999 sets out the circumstances in which a supplementary election 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) 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 where if a single casual vacancy occurs in the office of Area Councillor, that 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 before the 1st of January of a year in which a periodic election will be held, or more than 7 months before the known polling day of a general election, a supplementary election may need to be held.

## 4. REVIEW & EVALUATION

This Policy is scheduled for review by Council in December 2022; 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](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>S400 SUPPLEMENTARY ELECTIONS</b>	Version No:	2
		Issued:	November 2018
		Next Review:	December 2022

File Reference:	AF18/51
Applicable Legislation:	Local Government (Elections) Act 1999 s6 Local Government Act 1999 s54
Reference:	
Related Policies:	
Related Procedures:	
Related Documents:	

## DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	2.0
Last revised date:	November, 2018
Effective date:	22 <sup>nd</sup> November, 2018
Minute reference:	22 <sup>nd</sup> November, 2018 Council - Item 6
Next review date:	December, 2022
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	25 <sup>th</sup> November 2014 22 <sup>nd</sup> November 2018

[REPUBLISHED]

IN *Government Gazette* No. 52 dated 22 August 2013, page 3536, due to typographical error appearing on page 3538, under the heading 'Gifts and benefits' 3.7.8 *should* have been 3.7.3, is being replaced by this notice hereunder:

#### CODE OF CONDUCT FOR COUNCIL MEMBERS

*Local Government Act 1999: Section 63 (1)*

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

### Code of Conduct for Council Members

*Published by the Minister for Planning for the purposes of Section 63 (1) of the  
Local Government Act 1999.*

#### **This Code of Conduct is to be observed by all Council members.**

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

### PART 1—PRINCIPLES

#### **1. Higher principles—Overarching Statement**

*This part does not constitute separate enforceable standards of conduct.*

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

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

### PART 2—BEHAVIOURAL CODE

#### **2. Behavioural Code**

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.



Council members must:

**General behaviour**

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

**Responsibilities as a member of Council**

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

**Relationship with fellow Council Members**

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

**Relationship with Council staff**

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

**Requirement to report breach of Part 3**

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

**Complaints**

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

**Findings**

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
  - 2.25.2 Pass a censure motion in respect of the Council member;
  - 2.25.3 Request a public apology, whether written or verbal;
  - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
  - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
  - 2.25.6 Request the member to repay monies to the Council.

**PART 3—MISCONDUCT****3. Misconduct**

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

**Member duties**

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

**Gifts and benefits**

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
  - 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
  - 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.
- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:



- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
  - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
  - 3.9.1.3 Council functions or events;
  - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
- 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

#### **Register of Interests**

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

#### **Campaign donation returns**

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

#### **Conflict of interest**

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

#### **Misuse of Council resources**

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

#### **Repeated or sustained breaches of Part 2**

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

## **APPENDIX—CRIMINAL MATTERS**

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

#### ***Breaches of the Local Government Act 1999***

##### **Member duties**

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

**Provision of false information**

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

**Restrictions on publication of information from Register of Interests**

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

**Breaches of other Acts**

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
  - inducing, whether by threats or promises or otherwise, the commission of the offence;
  - being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
  - conspiring with others to effect the commission of the offence.
-



Local Government Act 1999—4.10.2018  
 Chapter 5—Members of council  
 Part 4—Conduct and disclosure of interests  
 Division 3—Conflicts of interest

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## Division 3—Conflicts of interest

### Subdivision 1—Material conflicts of interest

#### 73—Material conflicts of interest

- (1) Subject to this section, for the purposes of this Subdivision, a member of a council has a **material conflict of interest** in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:
  - (a) the member;
  - (b) a relative of the member;
  - (c) a body corporate of which the member is a director or a member of the governing body;
  - (d) a proprietary company in which the member is a shareholder;
  - (e) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
  - (f) a partner of the member;
  - (g) the employer or an employee of the member;
  - (h) a person from whom the member has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services;
  - (i) a person of a prescribed class.
- (2) A member of a council will not be taken to have a material conflict of interest in a matter to be discussed at a meeting of the council—
  - (a) if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area; or
  - (b) on account of an interest under subsection (1) of a relative of the member, other than the member's spouse or domestic partner, if the member does not know, and could not reasonably be expected to know, of the interest.
- (3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a material conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.
- (4) In this section—
 

**agency or instrumentality of the Crown** includes—

  - (a) an administrative unit of the Public Service;



- (b) a body corporate comprised of, or including or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown.

#### **74—Dealing with material conflicts of interest**

- (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
  - (a) inform the meeting of the member's material conflict of interest in the matter; and
  - (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.

##### **Maximum penalty:**

- (a) if the member votes on the matter with an intention to gain a benefit, or avoid a loss, for the member or another person—\$15 000 or 4 years imprisonment; or
  - (b) in any other case—\$5 000.
- (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting, or being in the chamber where the meeting is being conducted, if the member—
  - (a) has been granted an approval under subsection (3); and
  - (b) is complying with the conditions of the approval.
- (3) The Minister may grant an approval in writing to a member of the council to take part in the meeting, or to be in the chamber where the meeting is being conducted, if—
  - (a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; or
  - (b) it appears to the Minister to be in the interests of the council's community and area.
- (4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.
- (5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:
  - (a) the member's name;
  - (b) the nature of the interest, as described by the member;
  - (c) if the member took part in the meeting, or was in the chamber during the meeting, under an approval under subsection (3), the fact that the member took part in the meeting, or was in the chamber during the meeting (as the case requires).

- (6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.

## **Subdivision 2—Actual and perceived conflicts of interest**

### **75—Actual and perceived conflicts of interest**

- (1) In this Subdivision—

*actual conflict of interest*—see section 75A(1)(a);

*conflict of interest*—see subsections (2) and (3);

*perceived conflict of interest*—see section 75A(1)(b).

- (2) For the purposes of this Subdivision but subject to this section, a *conflict of interest* is a conflict between—

- (a) a member of a council's interests (whether direct or indirect personal or pecuniary); and
- (b) the public interest,

that might lead to a decision that is contrary to the public interest.

- (3) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—

- (a) by reason only of—

- (i) an engagement with a community group, sporting club or similar organisation undertaken by the member in his or her capacity as a member; or
- (ii) membership of a political party; or
- (iii) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or
- (iv) the member having been a student of a particular school or his or her involvement with a school as parent of a student at the school; or
- (v) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council; or

- (b) in prescribed circumstances.

- (4) A member of a council will not be taken, for the purposes of this Subdivision, to have a conflict of interest in a matter to be discussed at a meeting of the council if the relevant member's interest in the matter is held in common with all or a substantial proportion of the ratepayers, electors or residents of the council area.

### **75A—Dealing with actual and perceived conflicts of interest**

- (1) If, in relation to a matter to be discussed at a meeting of a council, a member of the council—

- (a) has a conflict of interest in the matter (an *actual conflict of interest*); or

- (b) could reasonably be taken, from the perspective of an impartial, fair-minded person, to have a conflict of interest in the matter (a *perceived conflict of interest*),

the member must deal with the actual or perceived conflict of interest in a transparent and accountable way.

- (2) Without limiting subsection (1), the member must inform the meeting of—
  - (a) the member's interest in the matter; and
  - (b) if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest.
- (3) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude himself or herself from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- (4) If a member of a council discloses an actual or perceived conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting and on a website determined by the chief executive officer:
  - (a) the member's name;
  - (b) the nature of the interest, as described by the member;
  - (c) the manner in which the member dealt with the actual or perceived conflict of interest;
  - (d) if the member voted on the matter, the manner in which he or she voted;
  - (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- (5) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with an actual or perceived conflict of interest of the member in a matter to be discussed at the meeting.
- (6) This section does not apply to a matter of ordinary business of the council of a kind prescribed by regulation for the purposes of this section.

### **Subdivision 3—Other matters**

#### **75B—Application of Division to members and meetings of committees and subsidiaries**

- (1) The provisions of this Division extend to committees and to members of committees established by councils as if—
  - (a) a committee were a council; and
  - (b) a member of a committee were a member of a council.

# Campaign Donations Return

**LG2**

Any person who is a candidate for election to an office of a council, whether successfully elected or not, must complete this return. The return must be forwarded to the Chief Executive Officer of the council within 30 days after the conclusion of the election.

**Please read the instructions and notes over the page before filling in this form.**

Please **PRINT** details on this form

## To the Council Chief Executive Officer:

Name of Council

## Candidate Information

Miss ☐

Ms ☐

Mrs ☐

Mr ☐

Dr ☐

Surname

Given Names

Period to which return relates (*refer Note 2*)

from

to

**I declare that during this period** (*tick appropriate box*)

No gifts of a kind required to be disclosed were received by me (*refer Notes 4 & 5*) ☐

or

Gifts of a kind required to be disclosed were received by me (*refer Notes 4 & 5*) ☐

Total value of those gifts \$

Number of persons who gave those gifts

**Specific details concerning such gifts are provided below**

Signature of Candidate or Member

Date

## Specific Details of Gifts

Amount or value of each gift (*refer Note 4*)

Name and address of each donor (*refer Note 6*)

Date on which gift was made

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If space is insufficient, please attach a list



## Instructions/Notes

1. Any person who is a candidate for election to an office of a council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council within 30 days after the conclusion of the election.
2. The period to which the return must relate is called the **disclosure period**. For the purposes of this return -
  - (a) subject to paragraph (b), the disclosure period is the period that commenced -
    - (i) in relation to a candidate in an election who was a new candidate [other than a candidate referred to in subparagraph (ii)] – on the day on which he or she announced that he or she could be a candidate in the election or the day on which his or her nomination was lodged with the returning officer, whichever is the earlier;
    - (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under the *Local Government Act 1999* – on the day on which the person was so appointed as a member of the council;
    - (iii) in relation to a candidate in an election who was not a new candidate – at the end of 21 days after polling day for the last preceding election in which the person was a candidate,and that ended, in any of the above cases, at the end of 21 days after polling day for the election; and
  - (b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council.
3. A **gift** is a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.
4. A return need not set out any details in respect of -
  - (a) a private gift made to the candidate; or
  - (b) a gift if the amount or value of the gift is less than \$500.A gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
5. Two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift.
6. The following information must be included:
  - (a) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation -
    - (i) the name of the association; and
    - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
  - (b) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation -
    - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
    - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
  - (c) in the case of each other gift – the name and address of the person who made the gift.A **registered industrial organisation** is an industrial association or organisation registered under a law of the State or of the Commonwealth.

### NOTE

If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may -

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing -
  - (i) identifying the return; and
  - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
  - (iii) identifying those particulars; and
  - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
  - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars – stating that belief and the reasons for it and the name and address of that other person.



**Form 3**  
**Register of Members' Interests**  
**Primary Return**

Please read instructions and notes below before completing this return.

Surname: ..... Other Names: .....

Office Held: .....

1. Provide a statement of any income source<sup>2</sup> that you have or a person related to you<sup>3</sup> has or expects to have in the period of 12 months after the date of the primary return.

.....  
.....  
.....

2. State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family<sup>4</sup> holds, any office whether as director or otherwise.

.....  
.....  
.....

3. State the name or description of any company, partnership, association or other body in which you or a person related to you<sup>3</sup> is an investor<sup>5</sup>.

.....  
.....  
.....

4. State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.

.....  
.....  
.....

5. State the name of any political party, any body or association formed for political purposes or any trade or professional organisation<sup>6</sup> of which you are a member.

.....

.....

.....

6. Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you<sup>3</sup> is a beneficiary or trustee, and the name and address of each trustee.

.....

.....

.....

7. Provide the address or description of any land in which you have or a person related to you<sup>3</sup> has any beneficial interest<sup>7</sup> other than by way of security for any debt.

.....

.....

.....

8. Provide details of any fund in which you or a person related to you<sup>3</sup> has an actual or prospective interest to which contributions are made by a person other than you or a person related to you<sup>3</sup>.

.....

.....

.....

9. If you are or a person related to you<sup>3</sup> is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7,500 - state the name and address of that other person.

.....

.....

.....

10. If you are or a person related to you<sup>3</sup> is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10,000 - state that person.

.....

.....

.....

11. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.

.....  
.....  
.....

12. Provide any other additional information which you think fit.

.....  
.....  
.....

Signature of Member:.....

Date: ../../.....

## Instructions/Notes

- 1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 2 Under the Act, **income source**, in relation to a person, means:
  - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
  - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the Act, **a person related to a member** means:
  - (a) a member of the member's family; or
  - (b) a family company of the member; or
  - (c) a trustee of a family trust of the member.
- 3.2 A **family company** of a member means a proprietary company:
  - (a) in which the member or a member of the member's family is a shareholder; and
  - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A **family trust** of a member means a trust (other than a testamentary trust):
  - (a) of which the member or a member of the member's family is a beneficiary; and
  - (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.
- 4 Under the Act, **family**, in relation to a member, means:
  - (a) a spouse or domestic partner of the member; and
  - (b) a child of the member who is under the age of 18 years and normally resides with the member.
- 5 For the purpose of this return, a person is an investor in a body if:
  - (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
  - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
- 6 Under the Act, **trade or professional organisation** means a body, corporate or unincorporate, of:
  - (a) employers or employees; or
  - (b) persons engaged in a profession, trade or other occupation,  
being a body of which the object, or 1 of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
- 7 Under the Act, **beneficial interest** in property includes a right to re-acquire the property.

### Notes:

- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.



No. 6 of 2018

**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 elected 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:

<b>Council Group</b>	<b>\$ per annum</b>
Group 1A	\$23,350
Group 1B	\$20,630
Group 2	\$17,270
Group 3	\$13,900
Group 4	\$9,900
Group 5	\$6,500

Council Groups are provided in Appendix 1.

5. **Principal Members**

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

6. **Deputy Mayor, Deputy Chairperson or Presiding Member of a Committee**

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.

7. An additional allowance in the form of a sitting fee is payable to a councillor (other than the principal member or deputy principal member, chairperson or 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:

- Where the councillor is a member of a council in Group 1A or Group 1B; an allowance of \$230 per meeting limited to an aggregate amount of allowance of \$1,380 per annum;
- Where the councillor is a member of a council in Group 2 or Group 3; an allowance of \$170 per meeting limited to an aggregate amount of allowance of \$1,020 per annum;
- Where the councillor is a member of a council in Group 4 or Group 5; an allowance of \$110 per meeting limited to an aggregate amount of allowance of \$660 per annum.

**TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS**

- An allowance of \$410 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.
- An allowance of \$700 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.
- An allowance of \$1,050 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.
- An allowance of \$1,490 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.
- The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.

13. A list of the non-metropolitan councils to which this payment applies is provided in Appendix 2.

**DATE OF OPERATION**

14. As provided for by section 76(8) of the Act, this Determination will come into operation on the conclusion of the 2018 Local Government Elections.



John Lewin  
**PRESIDENT**



Peter Alexander  
**MEMBER**



Pamela Martin  
**MEMBER**

Dated this 30<sup>th</sup> day of August 2018



## **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 (formerly Mallala)
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**

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

Street Address  
Level 5  
400 King William St  
Adelaide SA 5000

Postal Address  
GPO BOX 1018  
Adelaide SA 5001  
DX 662 Adelaide

Tel (08) 8235 3000  
Fax (08) 8232 0926  
general@wallmans.com.au

www.wallmans.com.au  
ABN 98 802 494 422



**WALLMANS**  
LAWYERS

Our Ref: MJK:jls:101705

Your Ref:

22 November 2010

Ms Wendy Campana  
Chief Executive Officer  
Local Government Association of South Australia  
GPO Box 2693  
ADELAIDE SA 5001

**VIA EMAIL: Wendy.Campana@lga.sa.gov.au**

Dear Wendy

### **ELECTED MEMBER ALLOWANCES – TAXATION IMPLICATIONS**

I refer to your request to provide an updated general advice with regard to the treatment, for taxation purposes, of the annual allowance and reimbursement of prescribed expenses for elected members.

The Local Government Act 1999 ("the 1999 Act") and the Local Government (Members Allowances and Benefits) Regulations 2010 ("the 2010 Regulations"), together with the periodic determinations of the Remuneration Tribunal, regulate the amount and payment of allowances and reimbursement of expenses. The allowances set by the Tribunal for the current term for elected members varies from \$16,800 to \$5,000 according to the grouping in which the Council has been placed by the Remuneration Tribunal. The principal member of a Council is entitled to receive four times the amount set for elected members. A deputy to a principal member or the presiding member of a standing committee is entitled to an amount of 1.25 times the amount set for elected members.

### **Taxation Issues**

As you will appreciate, this is a detailed and complex area of the law which is best handled between individual elected members and their personal taxation advisers.

Accordingly, the comments below should be treated as statements of general principle only and not relied upon as legal advice to any individual person.

An elected member's allowance is remuneration paid to him or her and is considered assessable income which must be declared in their annual income tax return. In the absence of an express resolution (as detailed below) the allowance does not constitute "salary and wages" and, therefore, is excluded from the PAYG provisions of the Income Tax Assessment Act 1936.

However, Section 12-45 of Schedule 1 and Division 446 of Part 5-45 of the Taxation Administration Act 1953 operate such that if there is a unanimous resolution of the Council that it be treated as an "eligible local governing body" the annual allowance will be deemed to be "salary and wages" for taxation purposes and the Council will be subject to the PAYG withholding provisions. Following a resolution of this nature the Council will be required to withhold the requisite amount of taxation from the allowance prior to the allowance being

paid to the elected members. Further, the formal substantiation requirements of the Income Tax Assessment Act 1936 will apply and require the Council to issue a statement of earnings or a payment summary to elected members at the end of each financial year. The Council is also required to make payment of the PAYG tax directly to the Tax Office on behalf of its elected members.

Under Division 446, where a Council makes a 'unanimous resolution' it will continue in force (regardless of elections) until there is a further unanimous resolution annulling the original resolution. Additionally, the resolution to be treated as an *eligible local governing body* must be notified to the Commissioner of Taxation within 7 days of being made and must take effect within a 28 day period beginning on the day after the day on which the resolution is made. The Commissioner will notify the resolution and its date of effect in the Gazette.

A resolution by a Council to be treated as an "*eligible local governing body*" will not exempt elected members from the requirement to declare their allowance in their annual income tax returns. Furthermore, the provisions of other taxation laws administered by the Commissioner of Taxation such as Superannuation and Child Support and Fringe Benefits Tax will, upon passing a resolution to be treated as an *eligible local governing body* as described above, also apply to the elected members.

Other considerations to be taken into account by any Council which is considering whether or not to resolve to become an '*eligible local governing body*' are

- the members will, in effect, receive a 9% 'pay rise' because superannuation must be paid in addition to the amount that has been set for their allowance;
- members will be subject to FBT considerations because they are treated for taxation purposes as employees. For example, a vehicle for the Mayor and members' entertainment will be subject to FBT costs to the Council; and
- an effective salary sacrifice arrangement could be entered into between the Council and elected members such that contributions could be made to a complying superannuation fund in lieu of the allowance which would not become assessable income in the hands of the members.

### **Superannuation**

For the purposes of the Superannuation legislation, elected members are not "*employees*" and are, therefore, not subject to the provisions of this legislation unless the Council has resolved to be treated as an "*eligible local governing body*". Where such a resolution is passed the allowance paid to elected members will attract the superannuation guarantee of 9% where the allowance is set at a rate which produces an income of \$450.00 or more per month.

### **Reimbursement of Expenses**

The 1999 Act and the 2010 Regulations prescribe certain types of expenses, such as travel and child or other dependant expenses, that must be reimbursed to elected members. Expenses which are reimbursed to an elected member by the Council will not be further claimable as allowable tax deductions in the elected member's income tax return. In the event that these expenses are not reimbursed to an elected member there may be an entitlement to claim the expenses as allowable deductions against income. If the deductions claimed by each elected member totals more than \$300.00 the elected member must be able to provide substantiation of the expenses incurred. Further information as to the nature of expenses that may be incurred by elected members and which may be claimed as allowable deductions in part or in whole, is available from the Australian Taxation Office.

In accordance with Section 77(1)(b) of the 1999 Act the Council may identify other expenses which may be reimbursed to elected members by decision of the Council. Again, where such expenses are reimbursed, elected members cannot claim those expenses as allowable deductions. However, in the event that an elected member receives reimbursement for vehicle expenses on a "cents per kilometre" basis then, in accordance with Taxation Ruling 92/15, the amount of the reimbursement must be included in the elected member's assessable income and be claimed as an allowable deduction.

### **Other Benefits**

Pursuant to Section 78 of the 1999 Act, other benefits can be made available to elected members in performing and discharging their functions and duties of office. Where there is any component of the benefit that is of a private nature, it will be treated as assessable income for the elected member. Section 78 envisages the use of benefits for purposes other than the performance or discharge of official functions or duties. The benefits in these circumstances will constitute assessable income for the elected members for taxation purposes but may also constitute allowable deductions under certain circumstances.

### **Acceptance or Refusal of Allowances**

Section 76 of the 1999 Act and Regulation 4 of the 2010 Regulations provide that a Council may pay allowances to elected members in instalments up to quarterly in advance or quarterly in arrears. Individual Councils will determine the payment arrangements within these parameters. Section 76(12) of the Act recognises that elected members may decline to accept payment of an allowance. Whilst Section 76(12) does not expressly address the issue it does permit an elected member to decline to accept an allowance either in whole or in part. Declining part of an allowance may be achieved in a number of ways including by arrangement with the Council, refusing one or more payments, or making a partial refund to the Council. Any refusal of an allowance will not preclude the obligation on the elected member to include any payments received from the Council as part of their assessable income. Any refusal of an allowance, whether in whole or in part, may only be achieved by written notification from the elected member of the Council. An elected member may not, however, direct the Council to make payment of all or any part of the allowance to a third party.

### **Payment of Allowances**

The 1999 Act provides that elected members allowances must be paid at times, and in a manner, prescribed by the 2010 Regulations unless, of course, the member declines to accept payment of the allowance in whole or in part. The 2010 Regulations do not prescribe any times and manner of payment but simply invest Councils with a power, to be exercised at their discretion, to pay allowances up to quarterly in advance or quarterly in arrears. Provided that the payment is not paid any more frequently than quarterly in advance, or delayed more than quarterly in arrears, the Council may set the payment times.

The timing of the payment of allowances and the quantum when payment is made is, therefore, entirely a matter for individual Councils to determine. In this regard, a Council could even choose to give consideration to making payment of a large component of the allowance towards the end of the financial year where that arrangement would facilitate any tax arrangements and liabilities incurred by its elected members.


I iterate that this is a detailed and complex area of the law and that the above comments should be treated as statements of general principle only. Individual elected members and Councils must obtain expert taxation advice from their own personal taxation advisers in respect of their own circumstances.

If you have any questions in relation to this matter please do not hesitate to contact me.

Yours sincerely  
WALLMANS LAWYERS

A handwritten signature in black ink, appearing to read 'M Kelledy', with a long, sweeping underline.

MICHAEL KELLEDY  
Partner  
Direct Line: 08 8235 3091  
Mobile: 0434 608 737  
Email: michael.kelledy@wallmans.com.au

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## 1. INTRODUCTION

The City of Mount Gambier 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 LG Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

This Policy sets out the provisions of the LG 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 LG 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.

Council Members are paid an allowance for performing and discharging their functions and duties on Council. Section 59 of the LG Act provides (in part) that the role of a Council Member, as a member of the governing body of the Council, is to:

- Participate in the deliberations and civic activities of the Council;
- Keep the Council's objectives and policies under review to ensure that they are appropriate and effective; and
- Keep the Council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review.

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 LG Act.

This Policy, in its entirety, will automatically lapse at the next general election of this Council.


## 2. POLICY OBJECTIVE

To ensure Council Member allowances, the reimbursement of expenses and the provision of benefits, facilities and support by the Council are compliant with the *Local Government Act 1999* and *Local Government (Members Allowances and Benefits) Regulations 2010*.

## 3. POLICY PRINCIPLES

This policy is underpinned by the following principles:

- Council Members should not be out-of-pocket as a result of performing and discharging their Council functions and duties.
- 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.
- Any reimbursements claimed by Council Members must be for expenses actually and necessarily incurred in performing and discharging their official Council functions and duties, which will be assessed according to the role of a Council Member under the LG Act.
- 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.
- The accountability of the Council to its community for the use of public monies.

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

#### 4. SCOPE AND RESPONSIBILITIES

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

The Council's Chief Executive Officer has the duty to:

- Maintain the Register of Allowances and Benefits;
- Implement Consumer Price Index ('CPI') adjustment of allowances paid to Council Members (to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the CPI under the scheme prescribed by the Regulations); and
- Ensure copies of this Policy are available for inspection by the public at the principal office of the Council.

In addition, the Chief Executive Officer is responsible for:

- Implementing and monitoring expense reimbursement procedures in accordance with the LG Act, the Regulations this Policy and any associated procedure; and
- Ensuring a copy of this Policy is provided to all Council Members.

#### 5. ALLOWANCES

Council Member allowances are determined by the Remuneration Tribunal on a four (4) yearly basis before the designated day in relation to each set of periodic elections held under the *Local Government (Elections) Act 1999*.

An allowance determined by the Remuneration Tribunal will take effect from the first ordinary meeting of the Council held after the conclusion of the relevant periodic election. Council Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.


In accordance with Regulation 4 of the Regulations, (and for the purposes of section 76 of the LG Act), an allowance may be paid in installments up to three (3) months in advance or three (3) months in arrears of each month in respect of which an installment is payable.

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. The annual allowance for:

- Principal members, is equal to four (4) times the annual allowances for Council Members of that council;
- 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 allowances for Council Members of that Council;

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



 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

The determination applicable for the City of Mount Gambier from November 2018 is as follows:

Council: Group 2 classification (out of 5 Groups)  
Group 2: Base \$17,270.00

	Per Annum
Mayoral Allowance	4 times \$17,270.00 = \$69,080.00
Deputy Mayoral Allowance	1.25 times \$17,270.00 = \$21,587.50
Presiding Member prescribed committees	As for Deputy Mayoral Allowance
Council Members	\$17,270
Presiding Member of other committees (refer above)	\$170 per meeting to a maximum \$1,020.00 per annum

All allowances are paid by electronic funds transfer (EFT) in the first five (5) business days of each calendar month 2 weeks in advance/2 weeks in arrears. Allowances in the form of a sitting fee for presiding members of other committees will be paid per calendar quarter in arrears (i.e. as at end of March, June, September and December).

NOTE: A member of a Council who holds office for part only of the period in respect of which an allowance is payable is entitled to the proportion (pro rata) of the allowance that the period for which the member held the office bears to the total period (section 76(11) of the LG Act).

An allowance under this section is to be paid in accordance with any requirement set out in the Regulations (unless the member declines to accept payment of an allowance section 76(12) of the LG Act).

### **Allowances - Payments When Acting in a Higher Office**

Where a vacancy or absence occurs in a position of Mayor, Deputy Mayor or Presiding Member and Council formally resolves that another Council Member is to formally act in the position until the vacancy is filled or the absence concludes then Council will pay the higher prescribed allowance to the Member for the acting period where the acting to fill the vacancy or absence is for a minimum of two (2) months.


## **6. MANDATORY REIMBURSEMENTS - Mandatory**

### **6.1. Travel - Section 77(1)(a)**

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 LG Act).

A "prescribed meeting" is defined under the Regulations to mean a meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member:

- 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 that part of the journey within the Council area i.e. 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 LG Act. For reimbursement for travel outside the Council area refer to "Prescribed and Approved Reimbursements" below.

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

- 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.
- 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) as per the Australian Taxation Office (ATO) cents per kilometre method.
- 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.
- 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.

## 6.2. Child/Dependant Care - Section 77(1)(a)

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

To receive reimbursement for such prescribed expenses (travel and child/dependent care) each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer. For the purposes of administrative efficiency Council Members are requested to submit these forms on a calendar quarterly basis (i.e. as at the end of March, June, September and December).

## 7. PRESCRIBED AND APPROVED REIMBURSEMENTS (Section 77(1)(b)) - Discretionary

There are additional prescribed expenses incurred by Council Members, that can be reimbursed by the Council that do not fall within the category of mandatory reimbursement outlined above.


Section 77(1)(b) of the LG Act provides that the Council (meaning the Council as the governing body) may approve the reimbursement of additional expenses as set out in the Regulations incurred by Council Members, either on a case-by-case basis or under a policy adopted by Council. This Policy sets out the types of approved expenses that may be reimbursed.

These additional types of reimbursed expenses are distinguished from the payment of allowances and from the mandatory reimbursement of travel and child/dependent care expenses associated with attendance at a prescribed meeting. Section 6 of the Regulations sets out the types of discretionary additional expenses that may be reimbursed under Section 77(1)(b) of the Act with the approval of the Council. These are:

### 7.1. Travelling Expenses (Outside the Council Area)

Council Members will be entitled to receive reimbursement for expenses incurred when required to travel to a function or activity on Council business that the Council Member has been authorised or directed to attend on behalf of Council. 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/Chairperson 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 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;

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>M405 MEMBERS –</b> <b>Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

- 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) as per the ATO cents per kilometre method;
- 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); and
- Travel by taxi, bus, plane or other means of public transport will be reimbursed on the basis of being expenses where they are 'actually and necessarily' 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.

## 7.2. Care Expenses

Council Members will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred for the care of a child of a Council Member or a dependent 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 the Council (other than expenses for which the Member is reimbursed under section 77 (1)(a) of the LG 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.
- Re-imbursement of discretionary care expenses pursuant to Section 77(1)(b) will be limited to the following annual values:  
 Mayor - \$4,000  
 All Other Members - \$500 (per Member)

### Other Expenses

Council Member's will be entitled to receive reimbursement for reasonable expenses actually and necessarily incurred as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity that is directly related to the performance or discharge of the roles or duties of the Member.


Expenses will only be reimbursed for attendance at conferences, seminars, etc. that have been approved by Council or under delegation/policy. The following types of expenses will be reimbursable: airfares, registration fees, accommodation, meals, taxi fares, car parking and incidentals (up to a daily maximum of \$20.00).

*Note: Tax invoices, receipts or other acceptable evidence of expenditure (including ABN and GST details) that has been incurred must be provided with a claim made for all discretionary prescribed and approved reimbursements.*

## 8. CLAIMS FOR REIMBURSEMENT

To receive reimbursement of expenses incurred in association with prescribed meetings under clause 6 each Council Member is required to complete a **Form 1** and submit it to the Chief Executive Officer.

To receive reimbursement of discretionary expenses under clause 7 each Council Member is required to complete a **Form 2** and submit it to the Chief Executive Officer.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>M405 MEMBERS –</b> <b>Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

For the purposes of administrative efficiency Council Members are requested to submit these forms on a monthly basis for the purpose of re-imbursement aligned with the monthly allowance payment and maintaining the Register of Member Allowances and Benefits.

Reimbursement of expenses will only be paid to a Council Member upon presentation of the completed form/s and adequate evidence supporting the claims made.

## 9. FACILITIES AND SUPPORT

Council can provide facilities and other support to Council Members to assist them to perform or discharge their official functions and duties.

The Council must specifically approve the particular facility and support as necessary or expedient to the performance or discharge of all Council Members' official functions or duties which must be made available to all Council Members on a uniform basis, other than those facilities or support specifically provided to the Mayor as set out below.

Council has considered and is satisfied that the following facilities and support (including allowance, reimbursement) 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, other official Council functions and activities, and otherwise only as approved by Council;
- Business cards;
- Reimbursement up to a maximum of \$1,500 per term of Council for expenses associated with the Members own purchase and maintenance of a computing devices(s), accessories and software to assist members in the performance of their duties. Reimbursement will be paid upon presentation to the Chief Executive Officer of the relevant Form and tax invoice(s) or receipt;
- The device must be capable of connecting to Council's wireless local area network and Extranet;
- A mobile data plan allowance paid annually in advance in the first five (5) business days of December of \$600 for data/telecommunication mobile plan. Amounts incurred in excess of the annual allowance is the responsibility of the Member.

The provision of these facilities and support are made available to all Council Members (including the Mayor) under the LG Act on the following basis they are necessary or expedient for the Council Member to perform or discharge their official functions or duties.

In addition to the above, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following additional facilities and support to assist them in performing and discharging their official functions and duties:

- A mobile phone with an included mobile call and data 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; and
- A fully serviced and maintained motor vehicle to a maximum purchase price of \$40,000 (GST exclusive) and a Council approved fuel card.

Council has determined that the provision of the above facilities and support are made available to Council Members on the following terms:

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

- The computing devices and accessories are the sole responsibility and remain the property of the Council Member;
- Computing devices must have Council approved internet security software installed for the protection of Council documents and information. At the time of this policy update 'Trend' is the internet security software used by Council;
- Any expense incurred by the Council Member in excess of the reimbursement for computing device, accessories and allowance for data plan is the responsibility of the Council Member;
- That all emails and documents related to Council matters or communicated in the Members capacity as an Elected Member must be captured in Council's Electronic Document Records Management System in accordance with Council Policy R180 Records Management; and
- The Mayoral vehicle shall be available for use as a pool vehicle for Council Members for extended travel purposes.

Council Members when accessing Council documents and information must comply with relevant provisions of Council Policies including R180 Records Management Policy, and internal procedures including "Computer Network / Software Use" procedure, "Mobile Device Use" procedures and will sign and comply with any associated acknowledgement/agreement documentation as required from time to time.

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 LG 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 1999.

## 10. OTHER REIMBURSEMENTS/FACILITIES

Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

## 11. FACILITIES AND SUPPORT - PRIVATE USE

Facilities or support provided to a Council Member must not be used 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 cost or expenses associated with that use.*


Given that any facilities and support have been provided to assist Council Members in carrying out their Council duties then only additional variable costs arising from private use must be reimbursed to the Council.

Adequate records will need to be maintained to assist in substantiating the degree of private use of Council facilities and support by Elected Members. This may not need to occur on an ongoing basis - e.g. if accurate records of usage are made for a reasonable period of time (e.g. 3 months) where such records are representative of ordinary usage and usage has not materially altered.

## 12. REGISTER OF ALLOWANCES AND BENEFITS

Pursuant to section 79(1) and (2) of the Local Government Act, the Chief Executive Officer must maintain a Register in which they shall ensure that a record is kept of:



 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

- 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 LG Act (in the case of section 79(1)(b)); and
  - c. Other benefits and allowances 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, allowance 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 Regulations).

Reimbursements paid under section 77(1)(a) are not required to be recorded in the Register.

The Chief Executive Officer is required to record in the Register any changes in the allowance or a benefit payable to, or provided for the benefit of, Council Members. Accordingly, the Chief Executive Officer will update the Register each quarter and therefore each Council Member is required to provide his or her claim form for reimbursement to the Chief Executive Officer quarterly.

The Register of Allowances and Benefits is available for inspection by members of the public, free of charge, at the Council's office at 10 Watson Terrace, Mount Gambier during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee.

Note: For the purpose of section 79 of the Local Government Act 1999 and subclause 11(b) – above, any cost or expense incurred by Council in association with a Council Member(s) may be considered as being provision to the Council Member of a 'benefit'.

For example, Council meeting all costs associated with a Council Members attendance at the ALGA conference in Canberra is considered a "benefit" provided to the Council Member.

Accordingly, such costs and expenses are necessarily to be recorded in the Register of Allowances and Benefits for each Council Member.

### 13. REVIEW AND EVALUATION

Council Member allowances are determined by the Remuneration Tribunal of South Australia on a 4 yearly basis.


The correctness and effectiveness of this Policy will also be reviewed and evaluated in November 2022.

This Policy will lapse at the next Local Government general election at which time the newly elected Council will be required to adopt a new policy dealing with Council Member's allowances and benefits for their term in office (section 77(2) LG Act).

### 14. AVAILABILITY OF THE ELECTED MEMBER'S ALLOWANCES AND SUPPORT POLICY

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


Any enquiries regarding this policy are to be directed to the Chief Executive Officer, telephone 8721 2555 or email [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au).

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 s76-s79 LG (Members Allowances & Benefits) Regs 2010
Reference: Strategic Plan – Beyond 2015	Goal 5, Objective 5
Related Policies:	
Related Procedures:	
Related Documents:	Remuneration Tribunal of South Australia Determination 6 of 2018

## DOCUMENT DETAILS

Responsibility:	GENERAL MANAGER, COUNCIL BUSINESS SERVICES
Version:	3.0
Last revised date:	22 November 2018
Effective date:	22 November 2018
Minute reference:	Special Statutory Council Meeting 22/11/2018 - Item 13
Next review date:	December 2022
<u>Document History</u> First Adopted By Council: Previous Reviews:	25 November, 2014 21 April, 2015

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## Form 1

Lodge with: Chief Executive Officer

### Council Member's Reimbursement Claim Form 1

Name: .....

Period: .....

Total Reimbursement Claim Amount: \$.....

**Reimbursement of prescribed expenses associated with attending a prescribed meeting that is not subject to Council approval (refer to section 77(1)(a) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*)**

#### 1. Travel Expenses & Travel Time Payment (if applicable)

1.1 Date of Travel	1.2 Council Function or Business Attended*	1.3 Mode of Transport	1.4 Distance Travelled (km)**, if Motor Vehicle

#### 1.5 Details of your motor vehicle (where applicable):

- Model and make of motor vehicle: .....
- Engine size: .....
- Total number of kilometres for reimbursement claim: .....


#### 1.6 Bus and/or taxi costs (where applicable):

- Reimbursement claim: \$.....

**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 1 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*.



 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## 2. Care Expenses:

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Prescribed meeting attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

**Please attach copies of all receipts.**

NOTE: A 'prescribed meeting' means a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.

Method of payment is Direct Debit:

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

BSB:

Account No:

Name of Account:

Bank and Branch:

**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 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 of Council Member


Date: .....

FOR OFFICE USE ONLY

.....  
Signature of Chief Executive Officer (Acknowledging receipt)

Date: .....

Claim processed by: .....

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

## Form 2

Lodge with: Chief Executive Officer

Name: .....

Period: .....

Total Reimbursement Claim Amount: \$.....

**Reimbursement of Council approved expenses (Refer to section 77(1)(b) of the *Local Government Act 1999* and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010* and the Council Member's Allowances & Benefits Policy)**

### 1. Travel Expenses

1.1 Date of Travel	1.2 Council Function or Business Attended	1.3 Mode of Transport	1.4 Distance Travelled (km), if Motor Vehicle

#### 1.5 Details of your motor vehicle (where applicable):

- Model and make of motor vehicle: .....
- Engine size: .....
- Total number of kilometres for reimbursement claim: .....


#### 1.6 Bus and/or taxi costs and associated receipts (where applicable):

- Reimbursement claim: \$.....

### 2. Care Expenses

2.1 Name of Child/Dependant	2.2 Date of Care	2.3 Council Function or Business Attended	2.4 Hours of Care Provided	2.5 Care Provider

- Reimbursement claim: \$.....

 City of Mount Gambier	<b>COUNCIL POLICY M405 MEMBERS – Allowances and Benefits</b>	Version No:	3.0
		Issued:	December 2018
		Next Review:	December 2022

### 3. Telephone, Facsimile or Other Telecommunications Device

- Reimbursement claim: \$.....

**Please attach copies of the applicable telephone account/s or facsimile transmissions highlighting those calls being claimed for reimbursement**

### 4. Conference, Seminar or Training Course

4.1 Date	4.2 Council Function or Business Activity	4.3 Venue/Location of Function or Business Activity

- Reimbursement claim: \$.....

**Please attach copies of all receipts.**

Method of payment is Direct Debit:

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

BSB:

Account No:Name of Account:

Bank and Branch:

**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 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 of Council Member


Date: .....

FOR OFFICE USE ONLY

.....  
Signature of Chief Executive Officer (Acknowledging receipt)

Date: .....

Claim processed by: .....

 City of Mount Gambier	<b>M500 – MEMBERS TRAINING &amp; DEVELOPMENT</b>	Version No:	2
		Issued:	November 2019
		Next Review:	December 2022

## 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 Regulations.

## 2. POLICY OBJECTIVE

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

## 3. SCOPE

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

## 4. TRAINING & DEVELOPMENT

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


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

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

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

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

Newly elected Council Members must undertake all four modules. Returning Council Members should undertake appropriate modules identified through an analysis of their skills and training needs.

 City of Mount Gambier	<b>M500 – MEMBERS TRAINING &amp; DEVELOPMENT</b>	Version No:	2
		Issued:	November 2019
		Next Review:	December 2022

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

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

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


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

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

*Note:*

*In accordance with Council resolution of 22nd November 2018 (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).*

 City of Mount Gambier	<b>M500 – MEMBERS TRAINING &amp; DEVELOPMENT</b>	Version No:	2
		Issued:	November 2019
		Next Review:	December 2022

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

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

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

## 5. ANNUAL BUDGET ALLOCATION

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

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

## 6. PAYMENTS/REIMBURSEMENTS

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

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

## 7. ANNUAL REPORTING


The Council's annual report will include 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](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

 City of Mount Gambier	<b>M500 – MEMBERS TRAINING &amp; DEVELOPMENT</b>	Version No:	2
		Issued:	November 2019
		Next Review:	December 2022

File Reference:	AF18/51
Applicable Legislation:	Section 80A Local Government Act 1999; Reg. 8AA Local Government (General) Regulations 2013
Strategic Reference:	
Related Policies:	M405 - Allowances, Re-imbursements, Benefits & Facilities
Related Procedures:	Member Training - Administrative Procedures
Related Documents:	Member Training - Application Pro-Forma Member Training - Evaluation Pro-Forma

## DOCUMENT DETAILS

Responsibility:	Manager Executive Administration
Version:	2.0
Last revised date:	22 <sup>nd</sup> November, 2019
Effective date:	22 <sup>nd</sup> November, 2019
Minute reference:	22 <sup>nd</sup> November, 2019 - Item 14
Next review date:	December, 2022
<u>Document History</u> First Adopted By Council: Reviewed/Amended:	15 <sup>th</sup> December, 2015 22 <sup>nd</sup> November 2019

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

## 1. PURPOSE

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

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

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

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

Section 90(8a) of the Act also provides that an informal gathering or discussion may only be held if the Council has adopted a policy on the holding of informal gatherings and discussions and the informal gathering or discussion complies with the policy. A policy under this section must comply with any requirements prescribed in Regulation 8AB.

This Policy:

- prescribes the practices and procedures to be adopted by this Council for the conduct of Council and Committee meetings.
- sets out a Code of Practice for the principles, policies and procedures that Council must follow for providing public access to meetings, agendas and documents and the release of meeting minutes and documents in accordance with Section 92
- prescribed the practices and procedures for the holding of informal gatherings and discussions in accordance with Section 90(8a) and Regulation 8AB.

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

- Confidentiality Guidelines: How to Apply Section 90 (2016)
- Council Meeting Procedures Handbook (2016)
- Minute Takers Handbook for Local Government (2014)

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



 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

## 2. PUBLIC ACCESS TO MEETINGS AND MEETING DOCUMENTS

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

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

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

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

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

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

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

## 3. OTHER ACCESS TO PUBLIC DOCUMENTS

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

Requests to access other Council documents may also be made under the Freedom of Information Act 1991. Any inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer – Manager Executive Administration, telephone 8721 2555.

## 4. USE OF CONFIDENTIALITY PROVISIONS

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

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

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

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

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

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

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

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

These circumstances and model orders for the purpose of sections 90(2) of the Act are covered extensively in the LGA publication Confidentiality Guidelines: How to Apply Section 90 (2016).

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

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

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council;
- cause a loss of confidence in the Council or Committee;
- involve discussion of a matter that is controversial within the Council area; or
- make the Council susceptible to adverse criticism.

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

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

Before a meeting orders that the public be excluded to receive, discuss and consider a particular matter, the meeting must, in public, formally determine if this is necessary

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

and appropriate, and pass a resolution to exclude the public while dealing with that particular matter.

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

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

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

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

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

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

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

#### 4.3 REPORTING ON USE OF CONFIDENTIAL ORDERS

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

## 5. OTHER MEETING PRACTICES & PROCEDURES

### 5.1 FILMING AND AUDIO RECORDING DEVICES

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

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

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

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

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

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

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

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

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

### 5.2 PRESENTATION OF COMMITTEE RECOMMENDATIONS TO COUNCIL

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

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

### 5.3 VOTING 'EN-BLOC'

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

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

### 5.4 APPOINTMENT OF DEPUTY MAYOR

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

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

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

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

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

The following shall apply to the determination of Deputy Mayor:

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

### Role of Deputy Mayor

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

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

## 5.5 APPOINTMENT TO COMMITTEES AND OTHER BODIES AND ORGANISATIONS

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

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

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

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

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

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

- A nominee need not be present at the meeting, but must provide a written acceptance to the Chief Executive Officer prior to consideration.
- Candidate nominees should display the qualities sought to fill the vacant position including relevant skills, experience and interests.
- Prior to commencing the secret ballot process, by passing a resolution, Council:
  - i. may determine not to nominate or appoint any person to fill a vacancy.
  - ii. should determine the term to apply to the nomination/appointment, that may survive the next general/periodic election.



 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

- The Mayor may vote on the question of position appointments to Committee's and other bodies and organisation's.
- A Member not in his or her seat at the meeting does not vote.
- The candidate with the highest number of votes (or where two or more candidates receive the equal highest number of votes the first name drawn in the lot) shall be declared as being nominated/appointed to the vacant position.
- A division cannot be called for when a vote on the question of appointing a person to fill a vacant position is taken.
- The Mayor may (but is not required to) accept a motion to endorse the filling of the vacant position however any failure or variation of the motion shall be of no effect on the result of the secret ballot.
- Council may determine to appoint proxies/deputies to certain positions to ensure representation in the absence of selected members/delegates/representatives.

#### Limestone Coast Local Government Association Positions

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

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

#### Payment of Allowances/Sitting Fees

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

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

#### Roles of Nominees/Appointees

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

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

#### Attendance by Non-Appointed Persons

Subject to any valid provision to the contrary, any non-appointed Elected Member or Council Officer may attend meetings of any Committee or other body or organisation to whom Council has nominated/appointed a Member or delegate/representative, but may



 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

not speak or be heard or vote at the meeting unless invited by the meeting organiser and in accordance with a direction of the Council or the Chief Executive Officer.

#### Independence of Bodies/Organisations

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

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

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

## **6. INFORMAL GATHERINGS**

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

Informal gatherings of Council members or Council committee members (either with or without Council staff) are, by their nature, non-compulsory. However, all Council members and Council committee members are encouraged to attend relevant informal gatherings, particularly where the informal gathering or discussion is intended to provide history, context or additional information to Council members or Council committee members.

The Local Government Act sets out the following examples of informal gatherings or discussions:

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

The *Local Government (General) Regulations 2013* defines 'designated informal gathering or discussion' as:

*an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.*

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

An informal gathering which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not a 'designated informal gathering or discussion'.

The following policy provisions apply to informal gatherings of the Council or a Council committee, including designated informal gatherings or discussions.

#### 6.1 PURPOSE OF DESIGNATED INFORMAL GATHERINGS OR DISCUSSION

Designated informal gatherings or discussions may be used to:

- *discuss issues that involve strategy or policy or other matters of Council administration*
- *brief Council members or Council committee members on issues relating to their functions.*

Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council committee.

#### 6.2 DESIGNATED INFORMAL GATHERINGS OR DISCUSSION TO BE OPEN TO THE PUBLIC EXCEPT IN SPECIAL CIRCUMSTANCES

Designated informal gatherings or discussions will be held at a place open to the public, except where the designated informal gathering or discussion has been declared by the Council or Chief Executive Officer to be a 'confidential informal discussion'.

The Council or Chief Executive Officer may, on a case-by-case, declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:

- a planning session of a general or strategic nature; or
- is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act.

An informal gathering or discussion of the Council or a Council committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.

#### 6.3 PROCEDURES APPLYING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS

Both the Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the Local Government Act.

Designated informal gatherings or discussions are not subject to the procedural meeting requirements of the Local Government Act and *Regulations*.

Designated informal gatherings or discussions will be chaired by the Chief Executive Officer or another senior Council officer. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the Local Government Act.

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

Formal minutes will not be recorded of a designated informal gathering or discussion. Notes of a designated informal gathering or discussion ('Record of Proceedings') may be tabled at the Council meeting following the designated informal gathering or discussion.

If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Council members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then these confidential matters will be scheduled to be discussed following all other matters that are to be openly discussed. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing.

#### 6.4 PUBLICATION OF INFORMATION RELATING TO DESIGNATED INFORMAL GATHERINGS OR DISCUSSIONS

For all designated informal gatherings or discussions, the following information will be published on the Council's website:

- (i) the place, date and time at which the designated informal gathering or discussion will be held;
- (ii) the matter that is to be discussed at the designated informal gathering or discussion;
- (iii) whether or not the designated informal gathering or discussion is to be held at a place open to the public.

Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or discussion being held entirely or partially in confidence must be published on the Council's website.

## 7. AVAILABILITY OF POLICY

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

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

## 8. REVIEW & EVALUATION

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

## 9. GRIEVANCE

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

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

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

The procedures adopted by Council are available from the Chief Executive Officer, telephone 8721 2555 or from Council web-site [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au).

## 10. FURTHER INFORMATION

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

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

 City of Mount Gambier	<b>COUNCIL POLICY</b> <b>C410 CONDUCT OF MEETINGS</b>	Version No:	5
		Issued:	November 2018
		Next Review:	December 2022

File Reference:	AF11/1740
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013 Local Government (General) Regulations 2013 Freedom of Information Act 1991
Strategic Reference:	
Related Policies:	P195 Community Consultation and Engagement Policy R180 Records Management Policy C290 Internal Review of Council's Decisions
Related Procedures:	
Related Documents:	Confidentiality Guidelines: How to Apply Section 90 (2016) Council Meeting Procedures Handbook (2016) Minute Takers Handbook for Local Government (2014) Freedom of information - Information Statement Confidential Items Register

## DOCUMENT DETAILS

Responsibility:	MANAGER EXECUTIVE ADMINISTRATION
Version:	5.0
Last revised date:	22 <sup>nd</sup> November, 2018
Effective date:	22 <sup>nd</sup> November, 2018
Minute reference:	22 <sup>nd</sup> November, 2018, Item 17
Next review date:	December 2022
<u>Document History</u> First Adopted By Council:  Reviewed/Amended:	November 2014  Superseded Policies - C300, C310, C275, C315, S110, S130, M190, C280 & C285, 17 <sup>th</sup> March, 2015  15 <sup>th</sup> December, 2015, 15 <sup>th</sup> March 2016, 21 <sup>st</sup> November 2016, 22 <sup>nd</sup> November 2018



## **Strategic Standing Committee**

### **TERMS OF REFERENCE**

A Committee of Council  
established pursuant to the provisions of  
Section 41  
of the Local Government Act 1999  
and  
Section 101A  
of the Development Act 1993.

Terms of Reference for the conduct of the business of the Council Committee were approved and adopted by the City of Mount Gambier at its meeting held on 20<sup>th</sup> June, 2017.

# Strategic Standing Committee

The Strategic Standing Committee has been established with a Strategic 'forward planning' focus on the following matters:

- Strategic Direction
- Strategic Plans:
  - (Futures Paper/Community Plan, Cultural Development Plan, Reconciliation Action Plan, Youth Strategy, Tourism Strategy, City Growth, Digital Strategy)
  - Long Term Financial Plan
  - Budget & Annual Business Plan
  - Asset & Infrastructure Management Plan
- Council Policies
- By-Laws
- Annual Report
- Development Plan Amendments
- Seeking of Grant Funding
- Unsolicited/New Proposals (strategic nature)

and for the purpose of Section 101A of the Development Act 1993, to:

- provide advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.
- To assist Council in undertaking strategic planning and monitoring directed at achieving:
  - orderly and efficient development within City of Mount Gambier Council area;
  - high levels of integration of transport and land use planning;
  - relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
  - the implementation of affordable housing policies set out in the planning strategy within the area of Council;
  - other outcomes of a prescribed kind (if any).
  - To provide advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:
    - a Strategic Directions Report; or
    - a Development Plan Amendment proposal.
  - Other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

# **Strategic Standing Committee**

## **CONTENTS**

1.	Name	1.
2.	Definitions	1.
	Notices	1.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	3.
7.	No Proxy	3.
8.	Resignation of Committee Member	3.
9.	Quorum	3.
10.	Attendance at Meetings by Telephone or Other Electronic Means	3.
11.	Meetings of the Committee	4.
12.	Procedures at Meetings	4.
13.	Liability of the Committee	4.
14.	Delegation	5.
15.	Sub-Committees	5.
16.	Minutes of the Committee	5.
17.	Amendments to these Terms of Reference	6.
18.	Interpretation of these Terms of Reference	6.
19.	Winding Up	6.



## **1. NAME**

The name of the Council Committee shall be the Strategic Standing Committee (in these Terms of Reference referred to as “the Committee”).

## **2. DEFINITIONS**

2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.

2.1.2 “Committee” means the Committee of Council established pursuant to clause 3.

2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.

2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.

2.1.5 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.

2.1.6 “Prescribed Committee” means a Prescribed Committee as defined in the Remuneration Tribunal Determination 7 of 2014 (or any replacement determination)

2.1.7 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.

2.1.8 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.

2.1.9 “Sub-Committee” means a sub-committee established in accordance with the Act.

2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.

### **2.5 Notices**

All communication to be given to the Committee shall be addressed to: -

City of Mount Gambier Strategic Standing Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### 3. ESTABLISHMENT

3.1 The Strategic Standing Committee is established under Section 41 of the Local Government Act 1999 and Section 101A of the Development Act 1993.

3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.

3.3 The Committee is established by the Council with:

3.3.1 a Strategic 'forward planning' focus on the following matters:

- Strategic Direction
- Strategic Plans:
  - (Futures Paper/Community Plan, Cultural Development Plan, Reconciliation Action Plan, Youth Strategy, Tourism Strategy, City Growth, Digital Strategy)
  - Long Term Financial Plan
  - Budget & Annual Business Plan
  - Asset & Infrastructure Management Plan
- Council Policies
- By-Laws
- Annual Report
- Development Plan Amendments
- Seeking of Grant Funding
- Unsolicited/New Proposals (strategic nature)

and for the purposes of Section 101A of the Development Act 1993, for:

3.3.2 provision of advice to Council in relation to the extent to which Council's strategic planning and development policies accord with the planning strategy.

3.3.3 assisting Council in undertaking strategic planning and monitoring directed at achieving:

- orderly and efficient development within City of Mount Gambier Council area;
- high levels of integration of transport and land use planning;
- relevant targets set out in the planning strategy within the City of Mount Gambier Council area;
- the implementation of affordable housing policies set out in the planning strategy within the area of Council;
- other outcomes of a prescribed kind (if any).

3.3.4 provision of advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when Council is preparing:

- a Strategic Directions Report; or
- a Development Plan Amendment proposal.

3.3.5 other functions (other than functions relating to development assessment or compliance) assigned to the committee by Council.

3.4 The Committee shall be a Prescribed Committee that is enduring to perform, assist and provide advice to Council on matters described in these Terms of Reference.

#### **4. OBJECTIVES**

The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment

#### **5. MEMBERSHIP**

- 5.1 Membership of the Committee will comprise Elected Members as determined by resolution of Council in accordance with Council policy guiding appointment to committees.
- 5.2 The Council reserves the right from time to time to remove any Member of the Committee and appoint another Committee Member in their stead.
- 5.3 All Strategic Standing Committee Members hold office at the pleasure of the Council.
- 5.4 The Mayor has Ex-Officio membership on this Committee.
- 5.5 The Committee will determine the Committee Member to be appointed to the position of Presiding Member of the Committee, which appointment will be reviewed by the Committee every 12 months.

#### **6. CASUAL VACANCIES AND REPLACEMENT MEMBERS**

- 6.1 If a Committee Member is absent from 3 or more consecutive meetings of the Committee without an apology accepted by the Committee then that Committee Member's position shall be considered vacant.
- 6.2 The Council will determine the filling of any vacancy in the Committee Membership in accordance with clause 5.

#### **7. NO PROXY**

- 7.1 The appointment of a person as proxy for any Strategic Standing Committee Member on the Committee is not permissible.

#### **8. RESIGNATION OF COMMITTEE MEMBER**

- 8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member and Council has received written notice to that effect.

#### **9. QUORUM**

- 9.1 At all Meetings of the Committee a quorum must be present.
- 9.2 A quorum will be determined by dividing by 2 the number of Strategic Standing Committee Members formally appointed to the Committee ignoring any fraction and adding 1.

## **10 ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS**

A Committee Member (including, subject to the operation of clause 11.2, the Presiding Member) may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:

- 10.1 Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and confirmed to the Chief Executive Officer not less than 24 hours prior to the meetings scheduled commencement time, and;
- 10.2 The Chief Executive Officer having confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Members participation in the meeting and compliance with the Act, and;
- 10.3 A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
- 10.4 All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
- 10.5 The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
- 10.6 The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;
- 10.7 Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

## **11 MEETINGS OF THE COMMITTEE**

- 11.1 The Committee shall meet in accordance with its ordinary meeting schedule or otherwise in accordance with this clause.
- 11.2 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 11.3 No business shall be transacted at any meeting of the Committee unless a quorum of Strategic Standing Committee Members is present.
- 11.4 Each Strategic Standing Committee Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 11.5 Each Strategic Standing Committee Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

## **12 PROCEDURES AT MEETINGS**

- 12.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013.
- 12.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

## **13 LIABILITY OF THE COMMITTEE**

- 13.1 A liability incurred by the Committee rests against Council.
- 13.2 No liability attaches to a Strategic Standing Committee Member of the Committee for an honest act or omission by that Strategic Standing Committee Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

## **14 DELEGATION**

- 14.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

## **15 SUB-COMMITTEES**

- 15.1 The Committee may establish a subcommittee to assist it in a matter.
- 15.2 When establishing a subcommittee the Committee must set out the Terms of Reference for the subcommittee.
- 15.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-committee is established to assist with.
- 15.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Act.
- 15.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 15.6 If a Sub-Committee established under this Clause 15 fails to achieve quorum on 3 consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Strategic Standing Committee for consideration.

## **16 MINUTES OF THE COMMITTEE**

### **16.2 Administration**

- 16.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 16.1.2 Minutes of the Committee shall be available to all Strategic Standing Committee Members of the Committee, Council and the public.
- 16.1.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act
- 16.1.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.
- 16.1.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

## **17 AMENDMENTS TO THESE TERMS OF REFERENCE**

- 17.1 It will be lawful for the Council by resolution of the Council to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.
- 17.2 Notwithstanding 17.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

## **18 INTERPRETATION OF THESE TERMS OF REFERENCE**

- 18.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Council shall determine the dispute and the decision of the Council shall be final and binding.

## **19 WINDING UP**

- 19.1 Subject to the making of alternate arrangements to fulfill it's obligations under Section 101A of the Development Act 1993 the Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.



## **Operational Standing Committee**

### **TERMS OF REFERENCE**

A Committee of Council  
established pursuant to the provisions of  
Section 41  
of the Local Government Act 1999

Terms of Reference for the conduct of the business of the Council Committee were approved and adopted by the City of Mount Gambier at its meeting held on 20<sup>th</sup> June, 2017.



# Operational Standing Committee

The Operational Standing Committee has been established with a broad Operational 'business' focus on the following matters:

- Tenders
- Projects
- Legal Matters
- Road Closures
- Events
- Traffic Management
- Financial Management
- Quarterly Budget Reviews
- Leasing/Licensing
- Infrastructure
- Community Liaison
- Allocation & Delivery of Grants
- Regulatory Function
- Compliance

# **Operational Standing Committee**

## **CONTENTS**

1.	Name	1.
2.	Definitions	1.
	Notices	1.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	3.
7.	No Proxy	3.
8.	Resignation of Committee Member	3.
9.	Quorum	3.
10.	Attendance at Meetings by Telephone or Other Electronic Means	3.
11.	Meetings of the Committee	4.
12.	Procedures at Meetings	4.
13.	Liability of the Committee	4.
14.	Delegation	5.
15.	Sub-Committees	5.
16.	Minutes of the Committee	5.
17.	Amendments to these Terms of Reference	6.
18.	Interpretation of these Terms of Reference	6.
19.	Winding Up	6.

## **1. NAME**

The name of the Council Committee shall be the Operational Standing Committee (in these Terms of Reference referred to as “the Committee”).

## **2. DEFINITIONS**

2.1 For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.

2.1.2 “Committee” means the Committee of Council established pursuant to clause 3.

2.1.3 “Committee Member” means the persons appointed by the Council to the Committee pursuant to clause 5.

2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.

2.1.5 “Council” means the City of Mount Gambier that established the Committee and to which the Committee reports.

2.1.6 “Prescribed Committee” means a Prescribed Committee as defined in the Remuneration Tribunal Determination 7 of 2014 (or any replacement determination)

2.1.7 “Presiding Member of the Committee of Council” means the person appointed to that position pursuant to clause 5.

2.1.8 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Committee Members.

2.1.9 “Sub-Committee” means a sub-committee established in accordance with the Act.

2.2 Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

2.3 A reference in these Terms of Reference to a “singular” includes a reference to the “plural” and a reference to a “plural” includes a reference to the “singular”.

2.4 These Terms of Reference shall be interpreted in line with the provisions of the Act.

### **2.5 Notices**

All communication to be given to the Committee shall be addressed to: -

City of Mount Gambier Operational Standing Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Operational Standing Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.
- 3.3 The Committee is established by the Council with:
- 3.3.1 a Operational 'forward planning' focus on the following matters:
- Tenders
  - Projects
  - Legal Matters
  - Road Closures
  - Events
  - Traffic Management
  - Financial Management
  - Quarterly Budget Reviews
  - Leasing/Licensing
  - Infrastructure
  - Community Liaison
  - Allocation & Delivery of Grants
  - Regulatory Function
  - Compliance
- 3.4 The Committee shall be a Prescribed Committee that is enduring to perform, assist and provide advice to Council on matters described in these Terms of Reference.

### **4. OBJECTIVES**

The Committee is created with the express objective of providing considered advice to Council within the scope of its purpose and reasons for establishment

### **5. MEMBERSHIP**

- 5.1 Membership of the Committee will comprise Elected Members as determined by resolution of Council in accordance with Council policy guiding appointment to committees.
- 5.2 The Council reserves the right from time to time to remove any Member of the Committee and appoint another Committee Member in their stead.
- 5.3 All Operational Standing Committee Members hold office at the pleasure of the Council.
- 5.4 The Mayor has Ex-Officio membership on this Committee.
- 5.5 The Committee will determine the Committee Member to be appointed to the position of Presiding Member of the Committee, which appointment will be reviewed by the Committee every 12 months.

## **6 CASUAL VACANCIES AND REPLACEMENT MEMBERS**

- 6.1 If a Committee Member is absent from 3 or more consecutive meetings of the Committee without an apology accepted by the Committee then that Committee Member's position shall be considered vacant.
- 6.2 The Council will determine the filling of any vacancy in the Committee Membership in accordance with clause 5.

## **7 NO PROXY**

- 7.1 The appointment of a person as proxy for any Operational Standing Committee Member on the Committee is not permissible.

## **8 RESIGNATION OF COMMITTEE MEMBER**

- 8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member and Council has received written notice to that effect.

## **9 QUORUM**

- 9.1 At all Meetings of the Committee a quorum must be present.
- 9.2 A quorum will be determined by dividing by 2 the number of Operational Standing Committee Members formally appointed to the Committee ignoring any fraction and adding 1.

## **10 ATTENDANCE AT MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS**

A Committee Member (including, subject to the operation of clause 11.2, the Presiding Member) may be considered as being present at a Committee Meeting despite not being physically present at the meeting, subject to the following conditions:

- 10.1 Written approval to participate in the meeting by telephone or other electronic means has been sought and obtained from the Committees Presiding Member and confirmed to the Chief Executive Officer not less than 24 hours prior to the meetings scheduled commencement time, and;
- 10.2 The Chief Executive Officer having confirmed prior to the scheduled commencement time of that meeting that the necessary technologies are available to accommodate the Committee Members participation in the meeting and compliance with the Act, and;
- 10.3 A Committee Member participating by such means being for the specified meeting only and not for 2 or more consecutive meetings of the Committee, and;
- 10.4 All Committee Members being able to hear each other Committee Member whilst a Committee Member is participating by telephone or other electronic means, and;
- 10.5 The Committee Member that is participating by telephone or other electronic means expressing their vote on each and every question in a manner that can be identified by all other persons present at the meeting (whether all other persons at the meeting are physically present or present by telephone or other electronic means), and;
- 10.6 The Presiding Member (or Acting Presiding Member) being authorised to disconnect the Committee Member in the event that the technology causes any disruption or inconvenience to the Committee meeting, and;

- 10.7 Should the telephone or other electronic connection fail, any attempt(s) to re-connect are made at the discretion of the Presiding Member, and;

Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

## **11 MEETINGS OF THE COMMITTEE**

- 11.1 The Committee shall meet in accordance with its ordinary meeting schedule or otherwise in accordance with this clause.
- 11.2 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 11.3 No business shall be transacted at any meeting of the Committee unless a quorum of Operational Standing Committee Members is present.
- 11.4 Each Operational Standing Committee Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 11.5 Each Operational Standing Committee Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

## **12 PROCEDURES AT MEETINGS**

- 12.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013.
- 12.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

## **13 LIABILITY OF THE COMMITTEE**

- 13.1 A liability incurred by the Committee rests against Council.
- 13.2 No liability attaches to a Operational Standing Committee Member of the Committee for an honest act or omission by that Operational Standing Committee Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.

## **14 DELEGATION**

- 14.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

## **15 SUB-COMMITTEES**

- 15.1 The Committee may establish a subcommittee to assist it in a matter.
- 15.2 When establishing a subcommittee the Committee must set out the Terms of Reference for the subcommittee.
- 15.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-committee is established to assist with.
- 15.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Act.
- 15.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 15.6 If a Sub-Committee established under this Clause 15 fails to achieve quorum on 3 consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Operational Standing Committee for consideration.

## **16 MINUTES OF THE COMMITTEE**

### **16.2 Administration**

- 16.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 16.1.2 Minutes of the Committee shall be available to all Operational Standing Committee Members of the Committee, Council and the public.
- 16.1.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act
- 16.1.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.
- 16.1.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

## **17 AMENDMENTS TO THESE TERMS OF REFERENCE**

- 17.1 It will be lawful for the Council by resolution of the Council to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.



17.2 Notwithstanding 17.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Committee shall be obtained.

## **18 INTERPRETATION OF THESE TERMS OF REFERENCE**

18.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Council shall determine the dispute and the decision of the Council shall be final and binding.

## **19 WINDING UP**

19.1 The Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.

16<sup>th</sup> May, 2017  
Ref: AF11/1718

# **CITY OF MOUNT GAMBIER**

## **JUNIOR SPORTS ASSISTANCE FUND**

A Committee of Council established  
pursuant to the provisions of Section 41  
of the Local Government Act, 1999

Terms of Reference and the Rules for the conduct of the business of the Committee were approved and adopted by the City of Mount Gambier at its meeting held on 16<sup>th</sup> September, 2014.

**CITY OF MOUNT GAMBIER  
JUNIOR SPORTS ASSISTANCE FUND**

**CONTENTS**

<b>1.0</b>	<b>Name</b>	<b>1.</b>
<b>2.0</b>	<b>Interpretation</b>	<b>1.</b>
	Definition	1.
	Defined Terms	2.
	Local Government Act	2.
	Notices	2.
<b>3.0</b>	<b>Establishment</b>	<b>3.</b>
<b>4.0</b>	<b>Delegation</b>	<b>3.</b>
<b>5.0</b>	<b>Objectives</b>	<b>3.</b>
<b>6.0</b>	<b>Membership of Committee</b>	<b>4.</b>
<b>7.0</b>	<b>Casual Vacancies and Replacement of Representatives</b>	<b>4.</b>
<b>8.0</b>	<b>No Proxy</b>	<b>4.</b>
<b>9.0</b>	<b>Resignation of Representatives</b>	<b>4.</b>
<b>10.0</b>	<b>Deputy Presiding Member</b>	<b>4.</b>
<b>11.0</b>	<b>Quorum</b>	<b>5.</b>
<b>12.0</b>	<b>Meetings of the Committee</b>	<b>5.</b>
<b>13.0</b>	<b>Procedures at Meetings</b>	<b>5.</b>
<b>14.0</b>	<b>Sub-Committees of the Committee</b>	<b>5.</b>
<b>15.0</b>	<b>Establishment and Contributions to the Fund</b>	<b>6.</b>
	Establishment	6.
	Council	6.
	Affiliated Sporting Organisations	6.
	Other Sporting Groups	7.
	Sponsorship or Donations	7.
<b>16.0</b>	<b>Application for Financial Assistance</b>	<b>7.</b>

**CITY OF MOUNT GAMBIER  
JUNIOR SPORTS ASSISTANCE FUND**

**CONTENTS**

<b>17.0</b>	<b>Distributions from the Fund</b>	<b>7.</b>
<b>18.0</b>	<b>Amount of Money Available for Distribution</b>	<b>8.</b>
<b>19.0</b>	<b>Return of Money should Fund dissolve</b>	<b>8.</b>
<b>20.0</b>	<b>Liability of Committee</b>	<b>8.</b>
<b>21.0</b>	<b>Records of the Committee</b>	<b>9.</b>
	Accounting	9.
	Administration	9.
<b>22.0</b>	<b>Penalties</b>	<b>10.</b>
<b>23.0</b>	<b>Amendments to these Rules</b>	<b>10.</b>
<b>24.0</b>	<b>Interpretation of these Rules</b>	<b>10.</b>

## **TERMS OF REFERENCE AND RULES OF THE CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**

### **1.0 Name**

The name of the Committee be the CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND (in these rules referred to as “the Committee”).

### **2.0 Interpretation**

For the purposes of these rules, unless inconsistent with the subject matter or context:

#### **2.1 Definition**

- 2.1.1 “Act” means the Local Government Act, 1999 and includes all Regulations and Schedules.
- 2.1.2 “Affiliated Sporting Organisation” means any sporting group which has agreed to financially contribute to the Fund in accordance with the rules and any terms and conditions of the Committee.
- 2.1.3 “Committee” means the City of Mount Gambier Junior Sports Assistance Fund.
- 2.1.4 “Auditor” means the Auditor as prescribed in the Local Government Act, 1999 and being the Auditor for the Council.
- 2.1.5 “Committee” means the Committee established pursuant to Rule 6.0.
- 2.1.6 “Committee Member” means the person appointed by Council to the Committee.
- 2.1.7 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to Rule 3.2.
- 2.1.8 “Core Contributions” means those financial contributions made by affiliated sporting organisation in accordance with Rule 15.0 and the City of Mount Gambier.
- 2.1.9 “Council” means the City of Mount Gambier.
- 2.1.10 “Presiding Member of the Committee” means the person appointed to that position by Council pursuant to Rule 6.0.
- 2.1.11 “Financial Year” means a twelve month period between and including 1<sup>st</sup> July and 30<sup>th</sup> June.
- 2.1.12 “Fund” mean the City of Mount Gambier Junior Sports Assistance Fund established by Council.

- 2.1.13 “Junior Sports Person” means a person who has not yet reached eighteen (18) years of age as at the 1<sup>st</sup> January in the year of the event date in respect of an application for assistance by an Affiliated Sporting Organisation under these Rules.
- 2.1.14 “Member Organisation” has the same meaning as “Affiliated Sporting Organisation”.
- 2.1.15 “Observers” means those persons attending any meeting of the Committee, but do not have a vote on any matter to be determined by the Committee.
- 2.1.16 “Secretary” means the person appointed by the Chief Executive Officer of Council to carry out those duties in accordance with the Rules of the Committee and any other discretion and direction associated with the administration of the Committee. The Secretary has no voting rights.
- 2.1.17 “Selected Junior Sports Person” means a person who has been selected on individual merits, to represent the State of South Australia or the Country of Australia or equivalent sporting achievement in an officially accredited/recognised national or international event.
- 2.1.18 “Singular” includes a reference to the “plural”.
- 2.1.19 “Special Coaching Clinics” means any coaching clinics whatsoever organised by an Affiliated Sporting Organisation which has received funds from the Committee for a clinic with such funds expended in accordance with Rule 18.
- 2.1.20 “Sponsorship Donation” means other monies contributed to the Fund from sources other than specific contributions from the affiliated sporting organisations and the Council(s) and for a specific purpose, initiative or program which the Fund agrees to implement for the benefit of its Member Organisations.
- 2.1.21 “State event”, “National event” and “International event”, means events that have been officially accredited or recognised as being “national or international events” and a statement to that effect is provided by that Sport’s State Administrator where applicable or available.

## 2.2 Defined Terms

Any words, phrases or terms used in these Rules which are defined in the Act shall have the same meaning as are given to them in the Act.

## 2.3 Local Government Act

These Rules shall be interpreted in every respect to be subject to the provisions of the Local Government Act then enforce.

## 2.4 Notices

All notices to be given to the Committee shall be addressed to:

The Secretary  
City of Mount Gambier Junior Sports Assistance Fund  
P O Box 56  
MOUNT GAMBIER SA 5290

and addressed to the usual and current business office or address of the Council, and the notice may, unless specified otherwise, and without prejudice to any other means of service, be deemed by ordinary post in which case the same shall be said to have been given two (2) clear business days after the same was posted.

### **3.0 Establishment**

- 3.1 "The Committee" is established under Section 41 of the Local Government Act, 1999.
- 3.2 "The Committee" will be established and become operative from the time a resolution of Council is passed and is established to co-ordinate and administer the City of Mount Gambier Junior Sports Assistance Fund.

### **4.0 Delegation**

The Council has delegated to the Committee the power to receive and expend revenue reasonably required to enable it to carry out the Objectives for which it is established.

### **5.0 Objectives**

- 5.1 The Committee is created for the express purpose of providing financial assistance to local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team and who compete at National sporting events (or equivalent) and who are a member of an Affiliated Sporting Organisation.
- 5.2 The Council will join with local sporting organisations to establish an ongoing pool of money for distribution to those juniors selected to represent the State or to represent Australia or equivalent.
- 5.3 The Fund will assist those who already have ability and have shown natural skills, commitment and advancement to where at least State selection has been achieved.
- 5.4 To establish an income stream to the Fund that is reasonable, understandable and acceptable to the majority of Member Organisations.
- 5.5 To establish an expenditure strategy of the Fund which is reasonable, fair and accountable.
- 5.6 To develop an organisational and operational framework which is creative, effective and accountable.
- 5.7 To develop a strategy to attract extra income to the Fund from sources other than Member Organisations and Council contributions and for the purposes of expanding the range of support benefits that the Fund can provide to its Member Organisations.

- 5.8 To consider a strategy of funding the engagement of the best sporting coaches in Australia to undertake specialised coaching clinics for selected junior sportspersons, and other sportspersons of Member Organisations e.g. umpires of juniors, coaches of juniors etc.
- 5.9 To consider other strategies that seek external sponsorship of a general nature to the Fund, and/or for a specific purpose or a general initiative, all for the benefit of Member Organisations.
- 5.10 To develop and establish administrative procedures to receive, consider and process funding applications and then distribute any agreed funds to the relevant Member Organisations within a timeframe of 10 working days.

## **6.0 Membership of the Committee**

- 6.1 Membership of the Committee shall be:
  - 6.1.1 an Elected Member for the time being of Council and appointed by Council who shall be the Presiding Member of the Committee
  - 6.1.2 a person nominated by the Council of the District Council of Grant, and
  - 6.1.3 up to four community persons appointed by Council.
- 6.2 The Council reserves the right from time to time to remove any appointee to the Committee and appoint another appointee in their stead. All appointees hold office at the pleasure of Council.
- 6.3 The Mayor of the City of Mount Gambier shall be ex officio a member of the Committee with voting rights.

## **7.0 Casual Vacancies and Replacement of Representatives**

The Council may replace any appointee on the Committee or fill any casual vacancy, by notifying the Committee the identity of the persons proposed to replace the former appointee or fill the casual vacancy.

## **8.0 No Proxy**

The appointment of a person as a proxy for any appointee on the Committee is not permissible.

## **9.0 Resignation of Representatives**

Any Committee appointee may resign from the Committee, but such resignation shall not be effective until the Secretary has received written notice to that effect.



## **10.0 Deputy Presiding Member**

- 10.1 The Committee shall elect a Deputy Presiding Member from among their number by a show of hands or by secret ballot at the first meeting of the Committee to be held after the commencement date and every 48 calendar months thereafter.
- 10.2 In the absence of the Presiding Member, the Deputy Presiding Member shall preside at any meeting of the Committee.
- 10.3 If any meeting of the Committee duly convened under these Rules, the Presiding Member or the Deputy Presiding Member shall not be present, the Committee shall elect an Acting Presiding Member (for that meeting only) from their number present at the meeting and for the purposes of that meeting only, that Acting Presiding Member shall have all of the normal powers of the Presiding Member.

## **11.0 Quorum**

At all meetings of the Committee, three appointees present shall constitute a quorum.

## **12.0 Meetings of the Committee**

- 12.1 The Committee shall meet as and when determined by the Presiding Member, but must meet at least three times every financial year, plus the Annual Meeting of Member Organisations.
- 12.2 The Secretary shall give notice to each Committee Member at least five clear days prior to any meeting and notice to each Affiliated Sporting Organisation at least five clear days prior to any meeting.
- 12.3 The Secretary shall send a copy of the notice of a meeting of the Committee to each Affiliated Sporting Organisation.
- 12.4 The Secretary must, at the request of the Presiding Member or three other Committee Members, call a special meeting of the Committee.
- 12.5 All notices of meetings shall be issued under the hand of the Secretary of the Committee.
- 12.6 No business shall be transacted at any meeting of the Committee unless a quorum is present at the time when the meeting proceeds to business.
- 12.7 Each Committee Members including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 12.8 Each appointee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

### **13.0 Procedure at Meetings**

The procedure to be observed in relation to the conduct of meetings of the Committee will be as determined by the Local Government (Proceedings at Meetings) Regulations.

### **14.0 Sub-Committees of the Committee**

- 14.1 The Committee has the discretion to appoint sub committees of its committee membership to receive any program applications for funding, evaluate and determine those applications for funding.
- 14.2 The Secretary shall advise the affiliated sporting organisation of the status of its applications on behalf of the juniors sportspersons immediately on the receipt of the sub-committees determination.
- 14.3 No conflict of interest shall arise if a Committee member of an affiliated sporting organisation is also a member of the Committee or the sub-committee considering an application for funds from that affiliated sporting organisation.

### **15.0 Establishment and Contributions to the Fund**

#### **15.1 Establishment**

- 15.1.1 City of Mount Gambier Junior Sports Assistance Fund is hereby established.
- 15.1.2 The Fund shall consist of two separate accounting components, that is, “core contributions” and “sponsorship donations”.
- 15.1.3 The “core” component will receive monies from the affiliated sporting organisations, the City of Mount Gambier and any other funds by agreement between the Committee and the donor e.g. District Council of Grant.
- 15.1.4 The “Sponsorship Donations” components will receive monies from any interested source and will be expended in accordance with any specific agreement between the Committee and the Sponsor organisation..
- 15.1.5 The Secretary shall report to each meeting of the Committee the current status of each component of the Fund.

#### **15.2 Council**

- 15.2.1 Council shall provide a sum of money on an annual basis of an amount being at least equal to the annual contributions made to the Fund by all affiliated sporting organisations for that particular financial year (but excluding contributions made or achieved by way of sponsorship or donation).
- 15.2.2 The Contributions shall be paid by the Council(s) to the Fund no later that the 31<sup>st</sup> August in each year.

**15.3     Affiliated Sporting Organisations**

- 15.3.1   All participating and affiliated sporting organisations shall contribute annually to the Fund based on a formula determined by the Committee annually and adopted by the affiliated sporting organisations at the Annual Meeting to apply for the ensuing financial year.
- 15.3.2   The formula determined by the Committee shall be based on the principles of fairness, equity, accountability and be transparent.
- 15.3.3   All participating and affiliated sporting organisation contributing to the Fund, shall agree in writing to continue contributing to the Fund on an annual basis for at least five financial years from the commencement date or any extension period of five years therefrom.
- 15.3.4   Contributions from affiliated organisations will be paid to the Fund no later than the 30<sup>th</sup> September in each year.

**15.4     Other Sporting Groups**

Other sporting organisation wishing to join the Fund after the commencement date shall agree to the Rules in writing and shall pay a contribution or contributions that is solely determined by the Committee in respect of any “back payments” to ensure that the new sporting organisation contributes financially at a level or incurs a penalty that ensures equality with existing affiliated sporting organisations who are already members, and have paid contributions to the Fund over a longer period of time.

**15.5     Sponsorship of Donations**

- 15.5.1   The Committee shall be entitled to seek out and receive sponsorship, donations and/or assistance from any other sporting organisation, group, company or individual who may wish to contribute to the Fund on such terms and conditions agreed to by the Committee and the other party.
- 15.5.2   Any agreement of terms and conditions between the Committee and sporting organisation, groups, companies or individuals in relation to sponsorship, donations and/or assistance, shall not involve any expenditure whatsoever from the “core component” of the Fund.
- 15.5.3   Proceeds from sponsorships, donations, and/or assistance shall be paid directly into the Fund.

**16.0   Application for Financial Assistance from Affiliated Sporting Organisations**

- 16.1   The Committee may consider any application for assistance for a past event.
- 16.2   An application will not be received by the Committee unless it is in the form approved by the Committee.
- 16.3   The Committee will consider all applications received on the approved form(s) and each application will be considered independently on its merits.

- 16.4 An application approved by the Committee in one instance may not necessarily be approved in another. A junior sportsperson who has received assistance from the Fund will be eligible for further assistance.
- 16.5 No application for financial assistance from an affiliated sporting organisation, on behalf of a junior sportspersons, shall be submitted for an event that is to be held three months in advance of the date of the application.
- 16.6 An application for financial assistance can only be made by an affiliated sporting organisation on behalf of a junior sportsperson who is a member of the said affiliated sporting organisation.

## **17.0 Distributions from the Fund**

- 17.1 Subject to Rule 15.4, a Member Organisation may join the Fund at any time on the understanding that the organisation, can not draw on the core component of the Fund for a period of time or under terms and conditions determined by the Committee.
- 17.2 Financial assistance approved by the Committee will be paid to the member organisation and not direct to the junior sportsperson, on the understanding the member organisation will distribute the approved funding to the junior sportsperson (or family) prior to them leaving for the approved event.
- 17.3 The Committee will have the discretion to distribute funds from the sponsorship/donations component of the Fund, for special coaching clinics at any time after the commencement date of the Committee.

## **18.0 Amount of Money Available for Distribution**

- 18.1 The distribution policy from the core component of the Fund will be as determined by the Committee and reviewed annually.
- 18.2 The Committee will also have the discretion to allocate expenditure from the core component of the Fund for special coaching clinics.
- 18.3 The amount of funds allocated by the Committee for special coaching clinics from the sponsorship/donation component of the Fund will be at the complete discretion of the Committee.
- 18.4 The interest or surpluses arising from the transactions of the Fund shall be applied in accordance with the Funds objectives and shall not be distributed amongst the affiliated sporting organisations other than for the purpose for which the Fund was established.

## **19.0 Return of Money Should Fund Dissolve**

- 19.1 In the event that the Fund is unable to operate or the Council decides to dissolve the Fund, then the Council shall determine the method and amount by which the money then remaining in the Fund shall be distributed or retained by Council.
- 19.2 The Council in making such a determination shall have regard to (but not bound by) the following:

- payments back to each of the affiliated sporting organisations in proportion to their total contributions to the Fund, together with the total interest amount accrued to the Fund irrespective of any payments that may have been made from the Fund;
- a payment to the Council (or Councils) in proportion to their total contribution to the Fund, less any charges or payments that may have been made from the Fund, or charged to the Fund, such payments shall be deducted from the Fund itself;
- a discretion in relation to any payment from the sponsorship/donation portion of the Fund.

19.3 In the event that the Fund is unable to operate or the Council decides to dissolve the Fund, then the Council is responsible for the liabilities of the Fund.

## **20.0 Liability of Authority**

20.1 A liability incurred by the Fund or the Committee may be enforced against the Council.

20.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Fund's functions or duties.

## **21.0 Records of the Authority**

### **21.1 Accounting**

21.1.1 The Council shall ensure that adequate and proper accounting records are maintained in respect of the Fund and which shall be audited on an annual basis by the Auditor for the time being of the Council.

21.1.2 A separate Fund reconciliation shall be prepared by Council as soon as practicable (but before the Annual General Meeting of the Authority) after the conclusion of any financial year a copy of the said reconciliation shall be forwarded to all affiliated sporting organisations which had made a contribution to the Fund during that particular financial year.

### **21.2 Administration**

21.2.1 The Secretary shall present a reconciliation of the Fund to each meeting of the Committee.

21.2.1 The Secretary must cause minutes to be kept of the proceedings of the Committee.

21.2.3 The minutes of every meeting shall include:

- the names of all the representatives present and the time at which they entered or left the meeting;
- the names of observers or visitors to any meeting;
- every motion or amendment and the names of the mover and seconder; and
- whether the motion or amendment is carried, lost or lapsed.

- 21.2.4 Minutes of the Committee shall be distributed to all Committee Members and members of the Fund.
- 21.2.5 Copies of the minutes of the Committee may be distributed to all affiliated sporting organisations.
- 21.2.6 The Secretary shall maintain a record in which is detailed the following:
- name of an affiliated sporting organisation, its President, Secretary or other contact name;
  - the amount or amounts of the financial contributions by the affiliated organisations;
  - the date on which the contributions were made; and
  - the names of sponsors or persons donating to the Fund and the date such monies were received.
- 21.2.7 A record of applications received for financial assistance, any reports associated with such applications and the determinations, associated with the applications, must be maintained by the Secretary.
- 21.2.8 The Fund must after the Annual General Meeting submit an annual report on the Fund's activities to the Council (which may be the minutes of that Annual General Meeting).

## **22.0 Penalties**

- 22.1 Any affiliated sporting organisation failing to pay their annual contribution on or before the 30<sup>th</sup> September in any financial year, will cease to be an affiliated member, provided that the Committee may at any time at its discretion and on payment of the contribution in arrears and such re-entrance fee (if any) as it may decide to impose, re-admit any such affiliated sporting organisation member to the Fund.
- 22.2 The Committee may remove any affiliated sporting organisation from the membership of the Fund, if that sporting organisation is in breach of these Rules, and that sporting organisation will surrender any benefits of the Fund whatsoever.
- 22.3 Before removing any affiliated sporting organisation for a breach of the Rules, the Committee must provide a reasonable opportunity to the said organisation, to put its case as to why it should not be removed from the Fund.

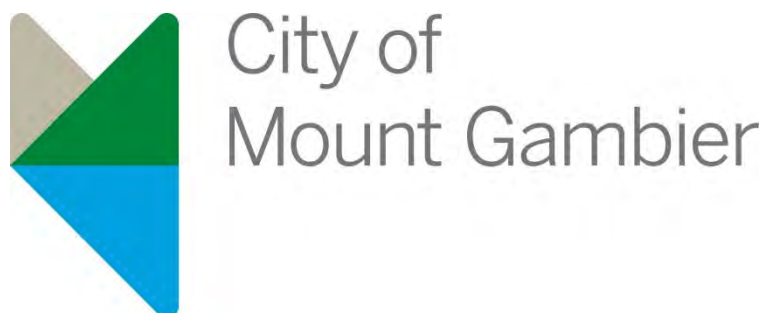
## **23.0 Amendments to these Terms of Reference**

It will be lawful for the Council by resolution of the Council to revoke, vary or add to any of the provisions of these Terms or Reference and Rules at its own discretion.

## **24.0 Interpretation of these Rules**

- 24.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference and Rules, or any part thereof or any irregularities whatsoever, then the dispute shall be determined summarily by the Council and the decision of the Council shall be final and binding.
- 24.2 Any affiliated sporting organisation having any grievances as to the management, operation, interpretation or definition of the Terms of Reference and Rules, or the Fund, or wishing to make recommendations as to the general operation of the Fund, shall communicate in writing any such grievance to the Committee and to Council.
- 24.3 The Council shall determine the grievance or recommendation and advise the author and the Committee of its decision.

Ref. AF11/725  
GM.MJT



## **Regional Sport and Recreation Centre Committee**

### **TERMS OF REFERENCE**

A Committee of Council Established  
pursuant to the provisions of Section 41  
of the Local Government Act 1999.

Terms of Reference for the conduct of the business of the Council Regional Sport and Recreation Centre Committee were approved and adopted by the City of Mount Gambier at its meeting held on 19 June 2018.



# **Regional Sport and Recreation Centre Committee**

The Regional Sport and Recreation Centre Committee has been established to:

- provide considered advice to assist Council in decision making on matters associated with the grant application and potential development of a Regional Sport and Recreation Centre.
- conduct and/or assist with stakeholder and community engagement
- assist with advocacy that supports Council's resolved position on the Regional Sport and Recreation Centre.

# **Regional Sport and Recreation Centre Committee**

## **CONTENTS**

1.	Name	1.
2.	Interpretation	1.
	Definitions	1.
	Application of Local Government Act	1.
	Notices	1.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	2.
7.	No Proxy	3.
8.	Resignation of Representatives	3.
9.	Quorum	3.
10.	Meetings of the Committee	3.
11.	Procedures at Meetings	3.
12.	Liability of the Committee	4.
13.	Delegation	4.
14.	Sub-Committees	4.
15.	Minutes of the Committee	4.
16.	Amendments to Terms of Reference	5.
17.	Interpretation of Terms of Reference	5.
18.	Winding Up	5.

## **1. NAME**

- 1.1 The name of the Council Committee shall be the Regional Sport and Recreation Centre Committee (in these Terms of Reference referred to as “the Committee”).

## **2. INTERPRETATION**

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

### **2.1 Definitions**

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Committee” means the Committee of Council established pursuant to 3.
- 2.1.3 “Committee Member” means the persons appointed by the Council pursuant to clause 5.
- 2.1.4 “Commencement Date” means the date on which the Committee is established and becomes operative pursuant to clause 3.2.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Council Members” means the Elected Members of the Council.
- 2.1.7 “Presiding Member” means the person appointed to that position pursuant to 5.
- 2.1.8 “Observers” means those persons attending any meeting of the Committee of Council, but not having a vote on any matter to be determined by the Committee and not having been appointed as Members.
- 2.1.9 “Singular” includes a reference to the “plural”.
- 2.1.10 “Standing Committee” means the Strategic Standing Committee or Operational Standing Committee of the Council.

Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

### **2.2 Application of Local Government Act**

The Committee shall operate and the Terms of Reference shall be interpreted in accordance with the provisions of the Local Government Act.

### **2.3 Notices**

All communication to be given to the Committee shall be addressed to: -

Regional Sport and Recreation Centre Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Regional Sport and Recreation Centre Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Committee will be established and become operative from the time a resolution of the Council is passed.
- 3.3 The Committee is established by the Council to provide considered advice to assist decision making on matters associated with the development of a Regional Sport and Recreation Centre.

### **4. OBJECTIVES**

- 4.1 The Committee is created for the express purpose of providing considered advice to assist Council in decision making on matters associated with the development of a Regional Sport and Recreation Centre.

### **5. MEMBERSHIP**

- 5.1 Membership of the Committee will comprise Elected Members of the Council as determined by resolution of Council in accordance with Council policy guiding appointment to committees.
- 5.2 The Mayor has Ex-Officio membership on this Committee.
- 5.3 City of Mount Gambier Elected Members will serve on the Committee for a term of office determined at the pleasure of Council.
- 5.4 The Committee has the right to co-opt individual members who have special expertise to assist the Committee under its objective. Such co-opted members have the right to attend meetings and participate in discussion but will have no voting rights on the Committee.
- 5.5 The Committee will appoint one of the Committee Members determined by Council as a Presiding Member.
- 5.6 If a Committee Member is absent from 2 or more consecutive meetings of the Committee without an apology accepted by the Council then that Committee Members position shall be considered vacant.
- 5.7 The Council reserves the right not to appoint any nominee, to remove and replace any Committee Member including a co-opted member, or to leave any Committee Member position vacant.

### **6 CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES**

- 6.1 The Council may replace any Member on the Committee or fill any casual vacancies, by notifying the Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

## **7 NO PROXY**

- 7.1 The appointment of a person as proxy for any Member on the Committee is not permissible.

## **8 RESIGNATION OF REPRESENTATIVES**

- 8.1 Any Committee Member may resign from the Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

## **9 QUORUM**

- 9.1 At all Meetings of the Committee a quorum must be present.
- 9.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

## **10 MEETINGS OF THE COMMITTEE**

- 10.1 The Committee shall hold ordinary meetings at least monthly as and when determined by the Presiding Member.
- 10.2 No business shall be transacted at any meeting of the Committee unless a quorum of Members is present.
- 10.3 The Presiding Member, when physically present, shall preside at all meetings of the Committee and at any other time the Committee shall appoint an Acting Presiding Member who shall preside at that meeting.
- 10.4 Each Member of the Committee including the Presiding Member present at any meeting of the Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 10.5 Each Member of the Committee including the Presiding Member present at any meeting of the Committee shall have one deliberate vote only.

## **11 PROCEDURES AT MEETINGS**

- 11.1 The procedure to be observed in relation to the conduct of meetings of the Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.
- 11.2 In accordance with s89 of the Act, insofar as a procedure is not prescribed by regulation, it shall be as determined by the Council, and insofar as a procedure is not determined by the Council, it shall be as determined by the Committee itself.

## **12 LIABILITY OF THE COMMITTEE**

- 12.1 A liability incurred by the Committee rests against Council.
- 12.2 No liability attaches to a Member of the Committee for an honest act or omission by that Member of the Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Committee's functions or duties.
- 12.3 All members of the committee are bound by the Council Member Code of Conduct as published in accordance with Section 63 of the Act.

## **13 DELEGATION**

- 13.1 The Committee has no delegation to act with all recommendations of the Committee (and of any Sub-Committees established by the Committee) to be considered by full Council for final decision and resolution.

## **14 SUB-COMMITTEES**

- 14.1 The Committee may establish a Sub-Committee to assist it in a matter directly related to the Committees objectives .
- 14.2 When establishing a Sub-Committee the Committee must set out the Terms of Reference for the subcommittee.
- 14.3 The Committee may appoint to a Sub-Committee Council Members who are not members of the Committee, Council Officers and members of the public with skills or expertise in a field relevant to the matters which the Sub-committee is established to assist with.
- 14.4 A Sub-Committee established in accordance with this clause will report to the Committee and will have the same meeting notice, minute keeping and procedural obligations as the Committee as defined in the Act.
- 14.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 14.6 If a Sub-Committee established under this Clause 14 fails to achieve quorum on 2 consecutive occasions then the Sub-Committee will be considered to be in recess and the Chief Executive Officer is to present a report to the Committee for consideration.

## **15 MINUTES OF THE COMMITTEE**

- 15.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Committee.
- 15.2 Minutes of the Committee shall be available to all Members of the Committee, Council and the public.
- 15.3 The Minutes of the proceedings of a meeting are to comply with the requirements of the Act.

15.4 Minutes of the Committee Meeting shall be submitted for confirmation at the next meeting of the Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

15.5 Minutes of the Committee Meeting and any recommendations (including the minutes and recommendations of any Sub-Committee established by the Committee) shall be submitted to Council and shall be of no effect until endorsed as a resolution of Council.

## **16 AMENDMENTS TO TERMS OF REFERENCE**

16.1 It will be lawful for the Council by resolution to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Act and any other relevant legislation.

16.2 Notwithstanding 16.1 hereof before the Council resolves to revoke, vary or add to any of the provisions of these Terms of Reference it may but will be under no obligation to obtain the opinion of the Committee.

## **17 INTERPRETATION OF TERMS OF REFERENCE**

17.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever that are unable to be resolved by the Presiding Member then the Council shall determine the dispute and the decision of the Council shall be final and binding.

## **18 WINDING UP**

18.1 The Council may cease the operation of the Committee and the Committee may make such recommendation to the Council on the completion of its function.



## **Environmental Sustainability Sub-Committee**

### **TERMS OF REFERENCE**

A Sub-Committee of Council Established  
pursuant to the provisions of Section 41  
of the Local Government Act 1999.

Terms of Reference for the conduct of the business of the Council Environmental Sustainability Sub-Committee were approved and adopted by the City of Mount Gambier at its meeting held on 21<sup>st</sup> November 2017.



# **Environmental Sustainability Sub-Committee**

The Environmental Sustainability Sub-Committee has been established to:

- Assist Council achieve its environmental sustainability goals and objectives.
- Provide advice to Council, staff and community on sustainability including assistance with assessment of projects and initiatives against Council's adopted Natural Step Framework.
- Monitor achievements in environmental sustainability against the adopted Strategic Plan, Annual Business Plan and Budget.
- Promote environmental sustainability to the organisation and community.
- Develop programs and activities that fit the Natural Step Framework and submit to the Operational Standing Committee and Council for consideration.

# **Environmental Sustainability Sub-Committee**

## **CONTENTS**

1.	Name	1.
2.	Interpretation	1.
	Definition	1.
	Defined Terms	1.
	Local Government Act	1.
	Notices	2.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	2.
7.	No Proxy	3.
8.	Resignation of Representatives	3.
9.	Quorum	3.
10.	Meeting of the Sub-Committee	3.
11.	Procedures at Meetings	4.
12.	Liability of the Sub-Committee	4.
13.	Minutes of the Sub-Committee	4.
14.	Amendments to these Terms of Reference	5.
15.	Interpretation of these Terms of Reference	5.
16.	Winding Up	5.

## **1. NAME**

- 1.1 The name of the Council Sub-Committee shall be the Environmental Sustainability Sub-Committee (in these Terms of Reference referred to as “the Sub-Committee”).

## **2. INTERPRETATION**

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

### **2.1 Definition**

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Sub-Committee” means the Sub-Committee of Council established pursuant to 3.0.
- 2.1.3 “Sub-Committee Member” means the person appointed by the Standing Committee.
- 2.1.4 “Commencement Date” means the date on which the Sub-Committee is established and becomes operative pursuant to 3.2.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Presiding Member of the Sub-Committee of Council” means the person appointed to that position pursuant to 5.3.
- 2.1.7 “Observers” means those persons attending any meeting of the Sub-Committee of Council, but not having a vote on any matter to be determined by the Sub-Committee and not having been appointed as Members.
- 2.1.8 “Singular” includes a reference to the “plural”.
- 2.1.9 Standing Committee means the Committee to which the Sub-Committee reports.

### **2.2 Defined Terms**

Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

### **2.3 Local Government Act**

The Terms of Reference shall be interpreted in line with the provisions of the Act.

### **2.4 Notices**

All communication to be given to the Sub-Committee shall be addressed to: -

Environmental Sustainability Sub-Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Sub-Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Sub-Committee will be established and become operative from the time a resolution of the Standing Committee is passed.
- 3.3 The Sub-Committee is established by the Standing Committee to assist in the co-ordination and administration of environmentally sustainable practices.

### **4. OBJECTIVES**

- 4.1 The Sub-Committee is created for the express purpose of assisting the Standing Committee to develop and implement a range of environmental sustainability initiatives and programs that are aligned to Councils strategic management framework.

### **5. MEMBERSHIP**

- 5.1 Membership of the Sub-Committee will comprise four (4) City of Mount Gambier Elected Members. The Mayor has Ex-Officio membership on this Sub-Committee.
- 5.2 City of Mount Gambier Elected Members will serve on the Sub-Committee for a term determined at the pleasure of Council.
- 5.3 Notwithstanding Clauses 5.1 and 5.3 all Sub-Committee Members hold office at the pleasure of the Council.
- 5.4 The Sub-Committee will appoint a Presiding Member.
- 5.5 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Standing Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 5.6 The Standing Committee reserves the right not to appoint any nominee, to remove and replace any Sub-Committee Member, or to leave any Sub-Committee member position vacant.

#### **CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES**

- 5.7 The Standing Committee may replace any Member on the Sub-Committee or fill any casual vacancies, by notifying the Sub-Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

### **6 NO PROXY**

- 6.1 The appointment of a person as proxy for any Member on the Sub-Committee is not permissible.

## **7 RESIGNATION OF REPRESENTATIVES**

- 7.1 Any Sub-Committee Member may resign from the Sub-Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

## **8 QUORUM**

- 8.1 At all Meetings of the Sub-Committee a quorum must be present.
- 8.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Sub-Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

## **9 MEETINGS OF THE SUB-COMMITTEE**

- 9.1 The Sub-Committee shall meet as and when determined by the Presiding Member.
- 9.2 The CEO or his appointee shall give notice to each Sub-Committee Member at least five clear days prior to any meeting.
- 9.3 The CEO or his appointee shall send a copy of the notice of a meeting and minutes of the Sub-Committee to the Standing Committee.
- 9.4 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Sub-Committee.
- 9.5 All notices of meetings shall be issued by the CEO or his appointee.
- 9.6 No business shall be transacted at any meeting of the Sub-Committee unless a quorum of Members is present.
- 9.7 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 9.8 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee shall have one deliberate vote only.

## **10 PROCEDURES AT MEETINGS**

- 10.1 The procedure to be observed in relation to the conduct of meetings of the Sub-Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.

## **11 LIABILITY OF THE SUB-COMMITTEE**

11.1 A liability incurred by the Sub-Committee rests against Council.

11.2 No liability attaches to a Member of the Sub-Committee for an honest act or omission by that Member of the Sub-Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Sub-Committee's functions or duties.

## **12 MINUTES OF THE SUB-COMMITTEE**

### **12.1 Administration**

12.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Sub-Committee.

12.1.2 Minutes of the Sub-Committee shall be available to all Members of the Sub-Committee, Standing Committee, Council and the public.

12.1.3 The Minutes of the proceedings of a meeting must include:

12.1.3.1 the names of the Members present and the time at which they entered or left the meeting;

12.1.3.2 the names of observers or visitors to any meetings;

12.1.3.3 every motion or amendment and the names of the mover and seconder;

12.1.3.4 any disclosure of interest declared by a Member;

12.1.3.5 whether the motion or amendment is carried, lost or lapsed;

12.1.3.6 Minutes of the Sub-Committee Meeting shall be distributed within 5 days of the meeting;

12.1.3.7 Minutes of the Sub-Committee Meeting shall be submitted for confirmation at the next meeting of the Sub-Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

## **13 AMENDMENTS TO THESE TERMS OF REFERENCE**

13.1 It will be lawful for the Standing Committee by resolution of the Standing Committee to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.

13.2 Notwithstanding 13.1 hereof before the Standing Committee resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Sub-Committee shall be obtained.

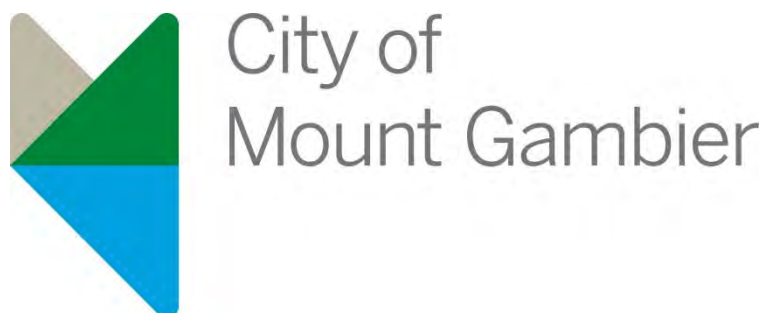
## **14 INTERPRETATION OF THESE TERMS OF REFERENCE**

- 14.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Standing Committee shall determine the dispute and the decision of the Standing Committee shall be final and binding.

## **15 WINDING UP**

- 15.1 The Standing Committee may cease the operation of the Sub-Committee and the Sub-Committee may make such recommendation to the Standing Committee on the completion of its function.

8<sup>th</sup> June 2017  
Ref.



## **Community Engagement and Social Inclusion Sub-Committee**

### **TERMS OF REFERENCE**

A Sub-Committee of Council Established  
pursuant to the provisions of Section 41  
of the Local Government Act 1999.

Terms of Reference for the conduct of the business of the Council Sub-Committee were approved and adopted by the City of Mount Gambier at its meeting held on 15<sup>th</sup> August, 2017.



## **Community Engagement and Social Inclusion Sub-Committee**

The City of Mount Gambier is committed to social inclusion to building a community that is socially, culturally, politically and economically cohesive; where all citizens feel valued and their differences respected, and where everyone has the opportunity to participate fully in the life of the City.

# **Community Engagement and Social Inclusion Sub-Committee**

## **CONTENTS**

1.	Name	1.
2.	Interpretation	1.
	Definition	1.
	Defined Terms	1.
	Local Government Act	1.
	Notices	2.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	2.
7.	No Proxy	3.
8.	Resignation of Representatives	3.
9.	Quorum	3.
10.	Meeting of the Sub-Committee	3.
11.	Procedures at Meetings	4.
12.	Liability of the Sub-Committee	4.
13.	Minutes of the Sub-Committee	4.
14.	Amendments to these Terms of Reference	5.
15.	Interpretation of these Terms of Reference	5.
16.	Winding Up	5.

## **1. NAME**

The name of the Council Sub-Committee shall be the Community Engagement and Social Inclusion Sub-Committee (in these Terms of Reference referred to as “the Sub-Committee”).

## **2. INTERPRETATION**

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

### **2.1 Definition**

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Sub-Committee” means the Sub-Committee of Council established pursuant to 3.0.
- 2.1.3 “Sub-Committee Member” means the person appointed by the Standing Committee.
- 2.1.4 “Commencement Date” means the date on which the Sub-Committee is established and becomes operative pursuant to 3.2.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Presiding Member of the Sub-Committee of Council” means the person appointed to that position pursuant to 5.3.
- 2.1.7 “Observers” mean those persons attending any meeting of the Sub-Committee of Council, but not having a vote on any matter to be determined by the Sub-Committee and not having been appointed as Members.
- 2.1.8 “Singular” includes a reference to the “plural”.
- 2.1.9 Standing Committee means the Committee that established the Sub-Committee and to which the Sub-Committee reports.

### **2.2 Defined Terms**

Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

### **2.3 Local Government Act**

The Terms of Reference shall be interpreted in line with the provisions of the Act.

### **2.4 Notices**

All communication to be given to the Sub-Committee shall be addressed to: -

Community Engagement and Social Inclusion Sub-Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Sub-Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Sub-Committee will be established and become operative from the time a resolution of the Standing Committee is passed.
- 3.3 The Sub-Committee is established by the Standing Committee to assist in the co-ordination and administration of current and future Community Engagement and Social Inclusion practices.

### **4. OBJECTIVES**

- 4.1 The Sub-Committee has been established in line with the City of Mount Gambier Social Inclusion Charter and the Community Engagement policy document to support Council's strategic framework and delivery of the Community plan by:
  - Making our services inclusive and accessible
  - Advocating on important issues for diverse communities
  - Working alongside the community on projects and activities that assist diverse communities
  - Aiming to ensure that everyone in the community has equitable access to Council's services and resources recognising that people are different and therefore require tailored responses to achieve equality for everyone

### **5. ANNUAL WORK PLAN**

- 5.1 The Sub-Committee shall prepare and submit for the approval of Council an annual Work Plan to guide its activities within the scope of the Objectives at Clause 4
- 5.2 The Sub-Committee shall operate strictly within the activities contained within the approved Annual Work Plan unless otherwise approved by the Standing Committee and Council.

### **6. MEMBERSHIP**

- 6.1 Membership of the Sub-Committee will comprise three (3) City of Mount Gambier Elected Members and four (4) Community Members. The Mayor has Ex-Officio membership on this Sub-Committee.
- 6.2 The Sub-Committee to favourably consider a representative of Aboriginal and Torres Strait Islander descent.
- 6.3 City of Mount Gambier Elected Members will serve on the Sub-Committee for a term determined at the pleasure of Council.
- 6.4 Community Members appointment will be for a four (4) year term commencing mid way through the Council term. Community Members will be stood down (with the right to re-nominate) mid way through the Council term to enable effective succession.

- 6.5 The Sub-Committee has the right to co-opt individual members who have special expertise to carry out specific projects under its objective. Such co-opted members have the right to attend meetings and participate in discussion and will have no voting rights on the Sub-Committee.
- 6.6 Notwithstanding Clauses 5.1 and 5.3 all Sub-Committee Members hold office at the pleasure of the Council.
- 6.7 The Sub-Committee will appoint a Presiding Member.
- 6.8 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Standing Committee and Council then that Sub-Committee Members position shall be considered vacant.
- 6.9 The Standing Committee reserves the right not to appoint any nominee, to remove and replace any Sub-Committee Member, or to leave any Sub-Committee member position vacant.

## **7. CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES**

- 7.1 The Standing Committee may replace any Member on the Sub-Committee or fill any casual vacancies, by notifying the Sub-Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

## **8. NO PROXY**

- 8.1 The appointment of a person as proxy for any Member on the Sub-Committee is not permissible.

## **9. RESIGNATION OF REPRESENTATIVES**

- 9.1 Any Sub-Committee Member may resign from the Sub-Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

## **10. QUORUM**

- 10.1 At all Meetings of the Sub-Committee a quorum must be present.
- 10.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Sub-Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

## **11. MEETINGS OF THE SUB-COMMITTEE**

- 11.1 The Sub-Committee shall hold at least four (4) ordinary meetings per calendar year in accordance with a meeting schedule prepared in conjunction with the Presiding Member.

- 11.2 The CEO or his appointee shall give notice to each Sub-Committee Member at least five clear days prior to any meeting.
- 11.3 The CEO or his appointee shall send a copy of the notice of a meeting and minutes of the Sub-Committee to the Standing Committee.
- 11.4 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Sub-Committee.
- 11.5 All notices of meetings shall be issued by the CEO or his appointee.
- 11.6 No business shall be transacted at any meeting of the Sub-Committee unless a quorum of Members is present.
- 11.7 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 11.8 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee shall have one deliberate vote only.

## **12. PROCEDURES AT MEETINGS**

The procedure to be observed in relation to the conduct of meetings of the Sub-Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.

## **13. LIABILITY OF THE SUB-COMMITTEE**

- 13.1 A liability incurred by the Sub-Committee rests against Council.
- 13.2 No liability attaches to a Member of the Sub-Committee for an honest act or omission by that Member of the Sub-Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Sub-Committee's functions or duties.
- 13.3 All members of the committee are bound by the Code of Conduct section 63 of the Local Government Act 1999.

## **14. MINUTES OF THE SUB-COMMITTEE**

### **14.1 Administration**

- 14.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Sub-Committee.
- 14.1.2 Minutes of the Sub-Committee shall be available to all Members of the Sub-Committee, Standing Committee, Council and the public.
- 14.1.3 The Minutes of the proceedings of a meeting must include:

- 14.1.3.1 the names of the Members present and the time at which they entered or left the meeting;
- 14.1.3.2 the names of observers or visitors to any meetings;
- 14.1.3.3 every motion or amendment and the names of the mover and seconder;
- 14.1.3.4 any disclosure of interest declared by a Member;
- 14.1.3.5 whether the motion or amendment is carried, lost or lapsed;
- 14.1.3.6 Minutes of the Sub-Committee Meeting shall be distributed within 5 days of the meeting;
- 14.1.3.7 Minutes of the Sub-Committee Meeting shall be submitted for confirmation at the next meeting of the Sub-Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

## **15. AMENDMENTS TO THESE TERMS OF REFERENCE**

- 15.1 It will be lawful for the Standing Committee by resolution of the Standing Committee to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.
- 15.2 Notwithstanding 13.1 hereof before the Standing Committee resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Sub-Committee shall be obtained.

## **16. INTERPRETATION OF THESE TERMS OF REFERENCE**

- 16.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Standing Committee shall determine the dispute and the decision of the Standing Committee shall be final and binding.

## **17. WINDING UP**

- 17.1 The Standing Committee may cease the operation of the Sub-Committee and the Sub-Committee may make such recommendation to the Standing Committee on the completion of its function.



## **Heritage Sub-Committee**

### **TERMS OF REFERENCE**

A Sub-Committee of Council Established  
pursuant to the provisions of Section 41  
of the Local Government Act 1999.

Terms of Reference for the conduct of the business of the Council Sub-Committee were approved and adopted by the City of Mount Gambier at its meeting held on 18<sup>th</sup> July, 2017.



# **Heritage Sub-Committee**

The Heritage Sub-Committee has been established to:

1. Raise awareness of the importance of heritage conservation to develop a stronger sense of place and identity.
2. Build networks of stakeholders across the community with knowledge and expertise in heritage related matters to advise on particular matters as required.
3. Develop opportunities to partner with community groups and other agencies to build and enhance conservation of heritage assets including adjoining local government areas.
4. Promote the natural, cultural and historic heritage of the City of Mount Gambier through educative and tourism programs.
5. Provide advice to Council, staff and the community about heritage events to encourage greater engagement .
6. Advocate and support processes that contribute to developing the richness and number of heritage assets across the community
7. Seek pathways to influence legislation and policy in relation to heritage matters.
8. Work with community groups to seek funding for priority projects especially with regard to Indigenous cultures and assets relevant to this region .
9. Monitor achievements of the Heritage Committee against the Council Strategic and Community Plans.
10. Provide advice to the Council on the identification, conservation, preservation and promotion of places of cultural heritage significance in the City of Mount Gambier.
11. Review and provide recommendation to the Council on current Council Policies in regard to heritage matters.
12. Make recommendations to maintain and update the register of places of heritage significance as contained within the City of Mount Gambier Development Plan.

# **Heritage Sub-Committee**

## **CONTENTS**

1.	Name	1.
2.	Interpretation	1.
	Definition	1.
	Defined Terms	1.
	Local Government Act	1.
	Notices	2.
3.	Establishment	2.
4.	Objectives	2.
5.	Membership	2.
6.	Casual Vacancies and Replacement of Representatives	2.
7.	No Proxy	3.
8.	Resignation of Representatives	3.
9.	Quorum	3.
10.	Meeting of the Sub-Committee	3.
11.	Procedures at Meetings	4.
12.	Liability of the Sub-Committee	4.
13.	Minutes of the Sub-Committee	4.
14.	Amendments to these Terms of Reference	5.
15.	Interpretation of these Terms of Reference	5.
16.	Winding Up	5.

## **1. NAME**

The name of the Council Sub-Committee shall be the Heritage Sub-Committee (in these Terms of Reference referred to as “the Sub-Committee”).

## **2. INTERPRETATION**

For the purpose of these Terms of Reference, unless inconsistent with the subject matter or context: -

### **2.1 Definition**

- 2.1.1 “Act” means the Local Government Act 1999 and includes all Regulations and Schedules.
- 2.1.2 “Sub-Committee” means the Sub-Committee of Council established pursuant to 3.0.
- 2.1.3 “Sub-Committee Member” means the person appointed by the Standing Committee.
- 2.1.4 “Commencement Date” means the date on which the Sub-Committee is established and becomes operative pursuant to 3.2.
- 2.1.5 “Council” means the City of Mount Gambier.
- 2.1.6 “Presiding Member of the Sub-Committee of Council” means the person appointed to that position pursuant to 5.3.
- 2.1.7 “Observers” means those persons attending any meeting of the Sub-Committee of Council, but not having a vote on any matter to be determined by the Sub-Committee and not having been appointed as Members.
- 2.1.8 “Singular” includes a reference to the “plural”.
- 2.1.9 Standing Committee means the Committee that established the Sub-Committee and to which the Sub-Committee reports.

### **2.2 Defined Terms**

Any words, phrases or terms used in these Terms of Reference that are defined in the Act shall have the same meaning as are given in the Act.

### **2.3 Local Government Act**

The Terms of Reference shall be interpreted in line with the provisions of the Act.

### **2.4 Notices**

All communication to be given to the Sub-Committee shall be addressed to: -

Heritage Sub-Committee  
PO Box 56  
MOUNT GAMBIER SA 5290  
Email: [city@mountgambier.sa.gov.au](mailto:city@mountgambier.sa.gov.au)

### **3. ESTABLISHMENT**

- 3.1 The Sub-Committee is established under Section 41 of the Local Government Act 1999.
- 3.2 The Sub-Committee will be established and become operative from the time a resolution of the Standing Committee is passed.
- 3.3 The Sub-Committee is established by the Standing Committee to assist in the co-ordination and administration of Heritage related matters for the achievement of Council Strategic and Community Plans.

### **4. OBJECTIVES**

- 4.1 The Mount Gambier Heritage Sub-Committee has been established to assist the Mount Gambier City Council achieve its strategic goals as outlined in the Community Plan – The Futures Paper 2016-2020. Goal Number 4 refers to Our Climate, Natural Resources, Arts, Culture and Heritage and notes that; “Creative cities value cultural heritage and find innovative solutions to promote and implement sustainable environmental practices. Preserving the environment is regarded by the community as an important measure of the quality of life in Mount Gambier”.

### **5. MEMBERSHIP**

- 5.1 Membership of the Sub-Committee will comprise two (2) or more City of Mount Gambier Elected Members, a representative from the South East Heritage Advisor Program and six (6) community representatives. The Mayor has Ex-Officio membership on this Sub-Committee.
- 5.2 City of Mount Gambier Elected Members will serve on the Sub-Committee for a term determined at the pleasure of Council.
- 5.3 Community Members appointment will be for a four (4) year term commencing midway through the Council term. Community Members will be stood down (with a right to re-nominate) midway through the Council term to enable effective succession. To enable this process to occur the initial term of Community Members to be for a term of at least three years to conclude at the end of October 2020.
- 5.4 Notwithstanding Clauses 5.1 and 5.3 all Sub-Committee Members hold office at the pleasure of the Council.
- 5.5 The Sub-Committee will appoint a Presiding Member.
- 5.6 If a Sub-Committee Member is absent from 2 or more consecutive meetings of the Sub-Committee without an apology accepted by the Standing Committee and Council then that Sub-Committee Members position shall be considered vacant.

- 5.7 The Standing Committee reserves the right not to appoint any nominee, to remove and replace any Sub-Committee Member, or to leave any Sub-Committee member position vacant.
- 5.8 The Heritage Sub-Committee has the right to co-opt individual members who have special expertise to carry out specific projects under its objective. Such co-opted members have the right to attend meetings and participate in discussion and will have no voting rights on the Heritage Committee.

## **CASUAL VACANCIES AND REPLACEMENT REPRESENTATIVES**

- 5.1 The Standing Committee may replace any Member on the Sub-Committee or fill any casual vacancies, by notifying the Sub-Committee the identity of the person proposed to replace the representative or fill the casual vacancy.

## **6 NO PROXY**

- 6.1 The appointment of a person as proxy for any Member on the Sub-Committee is not permissible.

## **7 RESIGNATION OF REPRESENTATIVES**

- 7.1 Any Sub-Committee Member may resign from the Sub-Committee, but such resignation shall not be effective until the Presiding Member has received written notice to that effect.

## **8 QUORUM**

- 8.1 At all Meetings of the Sub-Committee a quorum must be present.
- 8.2 A quorum will be determined by dividing by 2 the number of Members formally appointed to the Sub-Committee ignoring any fraction and adding 1 (excluding Mayor as ex-officio).

## **9 MEETINGS OF THE SUB-COMMITTEE**

- 9.1 The Sub-Committee shall hold at least 5 ordinary meetings per calendar year in accordance with a meeting schedule prepared in conjunction with the presiding member.
- 9.2 The CEO or his appointee shall give notice to each Sub-Committee Member at least five clear days prior to any meeting.
- 9.3 The CEO or his appointee shall send a copy of the notice of a meeting and minutes of the Sub-Committee to the Standing Committee.
- 9.4 The CEO or his appointee must, at the request of the Presiding Member or three other Members, call a special meeting of the Sub-Committee.

- 9.5 All notices of meetings shall be issued by the CEO or his appointee.
- 9.6 No business shall be transacted at any meeting of the Sub-Committee unless a quorum of Members is present.
- 9.7 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee must vote on any matter requiring determination and all decisions shall be decided on a simple majority of votes cast.
- 9.8 Each Member of the Sub-Committee including the Presiding Member present at any meeting of the Sub-Committee shall have one deliberate vote only.

## **10 PROCEDURES AT MEETINGS**

The procedure to be observed in relation to the conduct of meetings of the Sub-Committee is in accordance with Local Government (Procedures at Meetings) Regulations 2013.

## **11 LIABILITY OF THE SUB-COMMITTEE**

- 11.1 A liability incurred by the Sub-Committee rests against Council.
- 11.2 No liability attaches to a Member of the Sub-Committee for an honest act or omission by that Member of the Sub-Committee in the performance or discharge, or purported performance or discharge, of the Member's or the Sub-Committee's functions or duties.
- 11.3 All members of the committee are bound by the Code of Conduct section 63 of the Local Government Act 1999.

## **12 MINUTES OF THE SUB-COMMITTEE**

### **12.1 Administration**

- 12.1.1 The CEO or his appointee must cause minutes to be kept of the proceedings of the Sub-Committee.
- 12.1.2 Minutes of the Sub-Committee shall be available to all Members of the Sub-Committee, Standing Committee, Council and the public.
- 12.1.3 The Minutes of the proceedings of a meeting must include:
- 13.1.3.1 the names of the Members present and the time at which they entered or left the meeting;
  - 13.1.3.2 the names of observers or visitors to any meetings;
  - 13.1.3.3 every motion or amendment and the names of the mover and seconder;

- 13.1.3.4 any disclosure of interest declared by a Member;
- 13.1.3.5 whether the motion or amendment is carried, lost or lapsed;
- 13.1.3.6 Minutes of the Sub-Committee Meeting shall be distributed within 5 days of the meeting;
- 13.1.3.7 Minutes of the Sub-Committee Meeting shall be submitted for confirmation at the next meeting of the Sub-Committee and if confirmed, shall be signed by the Presiding Member or other person presiding at the subsequent meeting.

### **13 AMENDMENTS TO THESE TERMS OF REFERENCE**

- 13.1 It will be lawful for the Standing Committee by resolution of the Standing Committee to revoke, vary or add to any of the provisions of these Terms of Reference at its own discretion within the parameters of the Local Government Act and other relevant legislation.
- 13.2 Notwithstanding 13.1 hereof before the Standing Committee resolves to revoke, vary or add to any of the provisions of these Terms of Reference the opinion of the Sub-Committee shall be obtained.

### **14 INTERPRETATION OF THESE TERMS OF REFERENCE**

- 14.1 Should there be any dispute as to the definition and/or interpretation of these Terms of Reference, or any part thereof or any irregularities whatsoever, then the Standing Committee shall determine the dispute and the decision of the Standing Committee shall be final and binding.

### **15 WINDING UP**

- 15.1 The Standing Committee may cease the operation of the Sub-Committee and the Sub-Committee may make such recommendation to the Standing Committee on the completion of its function.

TERMS OF REFERENCE:  
CITY OF MOUNT GAMBIER AUDIT COMMITTEE  
(the Committee)

## 1 Membership

- 1.1 Members of the Committee are appointed by Council.
- 1.2 The Committee will consist of at least one independent member with at least one additional member from the Elected Members of Council, consistent with any Regulations<sup>1</sup>. The size of the committee shall be three (3) members.

The Mayor is an ex officio member of the committee.

- 1.3 Independent member(s)<sup>2</sup> of the Committee must meet at least one of the following minimum requirements for membership:
- Have recent and relevant financial qualifications and/or experience in a relevant financial role
  - Working knowledge of risk management
  - Experience with internal or external auditing.
- 1.3 Only members of the Committee are entitled to vote (move and second) in committee meetings. Members of Council's staff may attend any meeting as observers and be responsible for preparing papers for the committee. In accordance with the principles of open, transparent and informed decision making, committee meetings must be conducted in a place open to the public. The agenda and minutes of the committee meetings, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.
- 1.4 Council's external auditors shall be invited to attend a minimum of two (2) meetings of the Committee each financial year. Attendance is at the external auditor's discretion.
- 1.5 Appointments to the Committee shall be for a period of at least two years, reviewed at a common appointment date every two years. The common appointment date for existing appointees is 31 December. Appointees may be reappointed by Council.
- 1.6 Resignation of appointment must be in writing.
- 1.7 Members of the Committee, including the Presiding Member are appointed by Council.

## 2 Administrative Resources

The Chief Executive Officer shall provide sufficient administrative resources to the committee to enable it to adequately carry out its functions. This includes, but is not limited to:

- Adequate meeting space
- Adequate human resources to prepare agendas, reports minutes
- Connectivity for video conference, skype, internet connection, if required, etc.

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<sup>1</sup> Section 126(2) provides that an audit committee may include persons who are not members of Council.

<sup>2</sup> A person would not be considered independent if he or she was an Elected Member of that Council. Subject to any codes of conduct adopted by Council, this does not preclude an Elected Member or an employee of a Council from being a member of an audit committee of another Council.



### **3 Quorum**

The quorum necessary for the transaction of business shall be 50% of the number of members<sup>3</sup> of the Committee plus one. A duly convened meeting of the Committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Committee.

### **4 Frequency of Meetings**

The Committee shall meet at least four times a year at appropriate times in the reporting and audit cycle and otherwise as required.

### **5 Notice of Meetings**

5.1 Ordinary meetings of the Committee will be held at times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.

5.2 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed and supporting papers shall be forwarded to each member of the committee and known observers, no later than three (3) clear days before the date of the meeting.

### **6 Minutes of Meetings**

6.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Local Government (Procedure at Meetings) Regulations 2013.

6.2 Minutes of the Committee meetings shall be circulated within seven (7) days after a meeting to all members of the Committee and made available to the public.

### **7 Role of the Committee**

#### **7.1 Financial reporting and management**

The Committee shall:

7.1.1 Monitor the integrity of the financial statements of the Council, including in its annual report, reviewing significant financial reporting issues and judgements which they contain.

7.1.2 Review and challenge where necessary:

7.1.2.1 The consistency of, and/or any changes to accounting policies.

7.1.2.2 The methods used to account for significant or unusual transactions where different approaches are possible.

7.1.2.3 The compliance with appropriate accounting standards and use of appropriate estimates and judgements, taking into account the views of the external auditors.

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<sup>3</sup> Where calculating 50% results in a fraction, the fraction is dropped. For example, 3 divided by 1 equals 1.5; drop the fraction of 0.5 and the result is 1.

7.1.2.4 The clarity of disclosure in the Council's financial reports and the context in which statements are made; and

7.1.2.5 All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management).

7.1.3 Monitor the budgeting process and the process of review of actuals versus budget.

7.1.4 Monitor that budgets are aligned to the Strategic Management Plans.

## **7.2 Internal Controls and Risk Management Systems**

The Committee shall:

7.2.1 Monitor the effectiveness of the Council's internal controls and risk management systems; and

7.2.2 Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management.<sup>4</sup>

## **7.3 Whistle blowing**

The Committee shall review the Council's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. The Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

## **7.4 Internal audit where Council does not have a separate internal audit function**

The Committee shall:

7.4.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system.

7.4.2 Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

7.4.3 Review all reports on the Council's operations from the external auditors<sup>5</sup>.

7.4.4 Review and monitor management's responsiveness to the findings and recommendations of the external auditors; and

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<sup>4</sup> It is important that the audit committee understand the business of the Council to appreciate the risks it manages on a daily basis, and to ensure that there are appropriate management plans to manage and mitigate this business risk. This will include insurance matters, financial reporting, legal and regulatory compliance, business continuity, and statutory compliance. This can be facilitated by discussions with the external auditors and by presentations by management on how business risks are identified and managed.

<sup>5</sup> Note that the reports to the audit committee need not be the detailed reports that are presented to management for their review. Ordinarily a high level review report is all that is required detailing the work undertaken, the findings and management response.

- 7.4.5 Where appropriate, meet the auditor without management being present, to discuss any issues arising from the internal audits carried out. In addition, the external Auditor shall be given the right of direct access to the Mayor of the Council and to the Presiding Member of the Committee.

## **7.5 External audit**

The Committee shall:

- 7.5.1 Develop and implement a policy on the supply of the statutory audit and non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter.

- 7.5.2 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor.

The Committee shall oversee the selection process for new external auditor and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required.

- 7.5.3 Oversee Council's relationship with the external auditors including, but not limited to:

7.5.3.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted.

7.5.3.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit.

7.5.3.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the external auditors, including the provision of any non-audit services.

7.5.3.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business).

7.5.3.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners, and

7.5.3.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditors on the Committee's own internal quality procedures).

7.5.3.7 Action(s) to follow up on matters raised by the external auditors.

- 7.5.4 Meet as needed with the external auditor. The Committee shall meet the external auditor at least once a year (without management being present if requested) to discuss the external auditor's report and any issues arising from the audit.

7.5.5 Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement.

7.5.6 Review the findings of the audit with the auditor. This shall include, but not be limited to, the following:

- A discussion of any major issues which arose during the external audit
- Any accounting and audit judgements, and
- Levels of errors identified during the external audit.

The Committee shall also review the overall effectiveness of the external auditor.

7.5.7 Review any representation letter(s) requested by the auditor before they are signed by management<sup>6</sup>.

7.5.8 Review the management letter and management's response to the external auditor's findings and recommendations.

## **8 Reporting responsibilities**

The Committee shall make whatever recommendations to Council it deems appropriate on any area within these Terms of Reference where in its view action or improvement is needed.

## **9 Other matters**

The Committee shall:

- 9.1 Have access to reasonable resources in order to carry out its duties<sup>7</sup>.
- 9.2 Be provided with appropriate and timely training, both in the form of an induction program for new members and on an ongoing basis for all members.
- 9.3 Give due consideration to laws and regulations of the Local Government Act, 1999, including all amendments and revisions.
- 9.4 Oversee any investigation of activities within these Terms of Reference.
- 9.5 At least once per year, review its own performance; At least once every two years review its constitution and terms of reference, to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.

Sitting Fees for Audit Committee Members are set by Council.

Audit Committee Meeting 15 December 2017

Last Adopted Date: 16 August 2017

Adopted by Council: 19 December 2017 (TBC)

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<sup>6</sup> Note that these representation letters are a standard practice of any audit and provide the external auditors confirmation from management, (in particular the Chief Executive Officer) that, amongst other matters, accounting standards have been consistently applied, that all matters that need to be disclosed have been so disclosed and that the valuation of assets has been consistently applied.

<sup>7</sup> Subject to any budget allocation being approved by Council.



City of  
Mount Gambier

## **City of Mount Gambier Council Assessment Panel**

### **TERM OF REFERENCE**

Adopted by the City of Mount Gambier at its meeting held on  
19<sup>th</sup> September, 2017.

**City of Mount Gambier Council Assessment Panel  
Terms of Reference  
Applicable from 1 October 2017**

**CONTENTS**

1.	Background	1.
2.	Membership of CAP	1.
	Appointment of Members	1.
	Appointment of Deputy Members	1.
	Expression of Interest	2.
	Presiding Member and Acting Presiding Member	2.
	Term of Appointment	2.
3.	Vacancy in Membership	3.
4.	Conditions of Appointment	3.
5.	Removal from Office	4.

## 1. BACKGROUND

- 1.1 The City of Mount Gambier Assessment Panel (**CAP**) was appointed as a relevant authority under Section 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (Act)* by resolution of the City of Mount Gambier (**the Council**) on 19 September 2017.
- 1.2 The CAP is a relevant authority under the Act and, during transition to the Act, will act as a delegate of the Council for the purpose of the *Development Act 1993*.

## 2. MEMBERSHIP OF CAP

### Appointment of Members

- 2.1 The CAP will be constituted of 5 Members (**CAP Members**), to be appointed by the Council, comprising:
  - 2.1.1 one Member of the Council (**Council Member**);
  - 2.1.2 4 Independent Members (**Independent Members**), not being Members of the Council or State Parliament.
- 2.2 The Council may determine that the CAP will be constituted by a different number of members for different classes of development, in which case the relevant details will be specified by the Council.
- 2.3 When appointing CAP Members, the Council may have regard to the following:
  - 2.3.1 the candidate's knowledge of the operation and requirements of the Act and, during transition to the Act, the Development Act;
  - 2.3.2 in relation to Independent Members, the candidate's qualifications or experience in a field that is relevant to the activities of the CAP;
  - 2.3.3 in relation to the Council Member, the candidate's experience in local government;
  - 2.3.4 that a balance of qualifications and experience among CAP Members is desirable;
  - 2.3.5 that gender diversity among CAP Members is desirable;
  - 2.3.6 such other matters as the Council considers relevant.

### Appointment of Deputy Members

- 2.4 The Council must appoint at least one Deputy Member to the CAP for the purpose of filling in for a CAP Member who is unable to attend a CAP meeting or part of a CAP meeting.
- 2.5 Subject to clause 2.6, a Deputy Member must not be a Member of the Council or State Parliament.

- 2.6 Where a Deputy Member appointed for the Council Member is also a member of the Council, that person may not act as a deputy for any other CAP Member (whereas a Deputy Member who is not a member of the Council may act as a deputy for any CAP Member).
- 2.7 Where more than one Deputy Member is appointed, the Council must specify the circumstances in which each Deputy Members (or any one or more of them) will be invited to attend a CAP meeting.
- 2.8 In appointing a Deputy Member, the Council may have regard to the matters in clause 2.3, as well as to the qualifications and experience of the CAP Member or CAP Members to whom the candidate will be a deputy.
- 2.9 Unless the context otherwise requires, a reference to a CAP Member in this document includes a Deputy Member.

### **Expression of Interest**

- 2.10 The Council will call for expressions of interest for appointment of CAP Members.

### **Presiding Member and Acting Presiding Member**

- 2.11 The Council will appoint an Independent Member to be the Presiding Member of the CAP for such term and on such conditions as determined by the Council.
- 2.12 The Presiding Member will preside at any CAP meeting at which he or she is present.
- 2.13 In the event that the Presiding Member is not present at a meeting (or part thereof) an Acting Presiding Member will be appointed by those CAP Members who are present at the meeting.
- 2.14 A Presiding Member is eligible to be reappointed as the Presiding Member at the expiry of his or her term of office as Presiding Member.
- 2.15 In the event that the Presiding Member resigns or is removed from office, the Council will appoint an Independent Member to be the Presiding Member for such term and on such conditions as determined by the Council.

### **Term of Appointment**

- 2.16 Subject to clause 5, Independent Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.17 Subject to clause 5, the Council Member will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.18 Deputy Members will be appointed for a term of up to 2 years and on such other conditions as determined by the Council.
- 2.19 A CAP Member is eligible for reappointment for a further term, or further terms, upon the expiry of his or her current term.



- 2.20 A CAP Member whose term of office has expired may nevertheless continue to act as a Member until the vacancy is filled or for a period of six months from the expiry of the Member's term of office, whichever occurs first.

### **3. VACANCY IN MEMBERSHIP**

- 3.1 In the event of a vacancy arising in the office of a CAP Member, the Council may appoint a person to be a CAP Member for the balance of the original CAP Member's term of office as soon as is reasonably practicable in the same manner as the original CAP Member was appointed.
- 3.2 The CAP Member appointed to fill a vacancy may be a Deputy Member in which case that person will automatically cease to be a Deputy Member.
- 3.3 In appointing a CAP Member pursuant to clause 3.1, the Council may have regard to the matters in clause 2.2 or 2.8 as the case requires.
- 3.4 A vacancy in the membership of the CAP will not invalidate any decisions of the CAP, provided a quorum is maintained during meetings.

### **4. CONDITIONS OF APPOINTMENT**

- 4.1 At all times, CAP Members must act honestly, lawfully, in good faith, and in accordance with any code of conduct applicable to CAP Members.
- 4.2 CAP Members may be remunerated as determined by the Council for the reasonable time and costs incurred by CAP Members in attending CAP meetings.
- 4.3 Different levels of remuneration may be fixed by the Council for Independent Members, the Council Member, the Presiding Member and Deputy Members.

#### **4.3.1 Sitting fees (including GST):**

- |                                |       |
|--------------------------------|-------|
| • Independent Presiding Member | \$250 |
| • Other Independent Members    | \$200 |
| • Council Member appointees    | \$200 |
| • Council Officer appointees   | NIL*  |

(the above sitting fees are for formal ordinary meetings of a Panel which are likely to be monthly when a substantial majority of the CAP business will be conducted)

#### **4.3.2 Should it be necessary to convene formal special meetings of a Panel then the likely sitting fees will be as follows on the basis of the lesser number of items on the agenda:**

- |                                |      |
|--------------------------------|------|
| • Independent Presiding Member | \$60 |
| • Other Independent Members    | \$50 |
| • Council Member appointees    | \$50 |
| • Council Officer appointees   | NIL* |

#### **4.3.3 Where the meeting does not require the attendance of Members in person and can be undertaken by phone link up due to a small agenda**

and the minor nature of items for discussion and no site inspection is necessary the sitting fees be as follows:

- Independent Presiding Member \$60
- Other Independent Members \$50
- Council Member appointees \$50
- Council Officer appointees NIL\*

***\*Special Note: It is not the intention of the Council to appoint any Council Officers to any Panel.***

- 4.3.4 Travel reimbursement of 57.8 cents per kilometer may be available upon application to Council should a member of the Council Development Assessment Panel not be a resident within the City of Mount Gambier and the District Council of Grant.
- 4.3.5 A review of the sitting fees and expenses etc. will be undertaken within 6 months of the formation of the new Panel.
- 4.3.6 Invoices seeking payment for attendance at a meeting of the Council Development Assessment Panel shall be submitted regularly, on a monthly basis, after the meeting of the Council Development Assessment Panel for that month.
- 4.3.7 It is the view of the Councils that the sitting fees referred to above are sufficient to be inclusive of:
  - (a) view of all sites to be considered (and related travel costs);
  - (b) review of the agenda for each meeting;
  - (c) assessment of the applications against the provisions of the Development Plan;
  - (d) attendance at every Panel meeting;
  - (e) discussions with Council Officers, at the DAP meeting, regarding alternate recommendations or queries in relation to agenda items.

4.4 Upon the commencement of Section 83(1)(c) of the Act:

- 4.4.1 CAP Members, excluding a Member who is a Member or former Member of the Council, must be accredited professionals under the Act;
- 4.4.2 CAP Members who are Members or former Members of the Council must have sufficient experience in local government to satisfy the Council that they are appropriately qualified to act as a Member of the CAP.

## **5. REMOVAL FROM OFFICE**

5.1 A CAP Member will automatically lose office where:

- 5.1.1 the CAP Member has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors;

- 5.1.2 the CAP Member has been convicted of an indictable offence punishable by imprisonment;
  - 5.1.3 in the case of a Council Member, the Member ceases to be a member of the Council.
- 5.2 Subject to Clause 5.4, the Council may by resolution remove a CAP Member from office where, in the opinion of the Council, the behaviour of the CAP Member amounts to:
- 5.2.1 a breach of a condition of his or her appointment as a CAP Member;
  - 5.2.2 misconduct;
  - 5.2.3 a breach of any legislative obligation or duty of a CAP Member;
  - 5.2.4 neglect of duty in attending to role and responsibilities as a CAP Member;
  - 5.2.5 a failure to carry out satisfactorily the duties of his or her office;
  - 5.2.6 a breach of fiduciary duty that arises by virtue of his or her office;
  - 5.2.7 inability to carry out satisfactorily the duties of his or her office.
  - 5.2.8 except in relation to Deputy Members, a failure without reasonable excuse to attend three consecutive CAP meetings without the CAP previously having resolved to grant a leave of absence to the CAP Member;
  - 5.2.9 in relation to a Deputy Member, a failure without reasonable excuse on three consecutive occasions to attend a meeting of the CAP when requested to do so;
  - 5.2.10 for any other reason the Council considers appropriate.
- 5.3 The removal of the CAP Member pursuant to clause 5.2 will take effect upon the Council passing a resolution to remove the CAP Member from office (unless the Council resolves otherwise), and such resolution will be confirmed in writing to the CAP Member within 7 days of being passed.
- 5.4 Prior to resolving to remove a CAP Member from office pursuant to clause 5.2, the Council must:
- 5.4.1 give written notice to the CAP Member of:
    - 5.4.1.1 its intention to remove the CAP Member from office pursuant to clause 5.2;
    - 5.4.1.2 the alleged behaviour of the CAP Member falling within clause 5.2.1 or reason the Council considers it appropriate to remove the CAP Member,
- not less than 7 days before the meeting of the Council at which the matter is to be considered.

- 5.4.2 give the CAP Member an opportunity to make submissions to the Council on its intention to remove the CAP Member from office either orally at the Council meeting at which the matter is to be considered, or in writing by such date as the Council reasonably determines;
- 5.4.3 have due regard to the CAP Member's submission in determining whether to remove the CAP Member from office.

28 August 2017  
Ref. AR17/33514

**CITY OF MOUNT GAMBIER**  
**BUILDING FIRE SAFETY COMMITTEE**  
**TERMS OF REFERENCE**

1. Application
2. Membership
3. Administration
4. Meetings
5. Chairperson
6. Voting
7. Quorums
8. Adjournments
9. Conduct at Committee Meetings
10. Inspections
11. Notices
12. Cost Recovery

## City of Mount Gambier

### Terms of Reference for Building Fire Safety Committee

#### 1. APPLICATION

- (i) The Building Fire Safety Committee is formed pursuant to Section 71 of the Development Act 1993;
- (ii) The required Section 71 “appropriate authority” is the Building Fire Safety Committee (herein after referred to as ‘the Committee’);
- (iii) Objectives of the Committee are to seek to achieve in the following order of priority: (as set out in S71 (16) of the Development Act 1993)
  - (a) firstly, a reasonable standard of fire safety for the occupiers of the relevant building;
  - (b) secondly, the minimal spread of fire and smoke;
  - (c) thirdly, an acceptable fire fighting environment.
- (iv) To have due regard to the provisions of Section 71 of the Development Act 1993.

#### 2. MEMBERSHIP

- (i)
  - (a) A person who holds prescribed qualifications in building surveying appointed by the City of Mount Gambier;
  - (b) A person nominated by the Chief Officer of the South Australian Metropolitan Fire Service;
  - (c) A person/s with expertise in the area of fire safety appointed by the City of Mount Gambier;
  - (d) “If so determined by the City of Mount Gambier” a person/s selected by the City of Mount Gambier.
- (ii) A term of office for a member of this Committee will be a period not exceeding three years;
- (iii) Any member of the Committee shall not be prevented from being appointed as a member of the Committee for future terms of office.

#### 3. ADMINISTRATION

- (i) The City of Mount Gambier shall provide the following services:
  - (a) Administrative support at general meetings of the Committee;
  - (b) Administrative support and record storage;



- (c) Distribute copies of agendas, reports, notices and all other relevant documents to member of the Committee as may be required from time to time;
- (d) Report to Council through the Operational Services Committee of Council.

#### **4. MEETINGS**

- (i) General meetings of the Committee shall be held at such time and place as necessary to ensure the provisions of Section 71 of the Development Act are met;
- (ii) Discuss and review reports, inspections and document minutes of such reviews and discussions.

#### **5. CHAIRPERSON**

- (i) The chairperson shall be the elected member appointed by Council to the Committee.

#### **6. VOTING**

- (i) Questions arising for decision at all meetings of the Committee will be decided by a vote of the majority of committee members present on the basis of one vote per member whereby the Chairperson shall be entitled to a deliberative vote but not entitled to a casting vote;
- (ii) Each member present at a meeting of the Committee must vote on a question arising for decision at that meeting. The failure by any committee member to vote on any question arising for decision will deem that member to have voted in the negative.

#### **7. QUORUMS**

- (i) A quorum to be present at each meeting of the Committee;
- (ii) The minimum number of members of the Committee present at a meeting of the Committee shall be the number of committee members divided by two (2) ignoring any fraction resulting from the division and adding one.

#### **8. ADJOURNMENTS**

- (i) The members present at any meeting of the Committee may adjourn any such meeting from time to time and from place to place.



## **9. CONDUCT AT COMMITTEE MEETINGS**

- (i) Minutes – the Committee shall cause proper minutes to be kept of its proceedings at meetings.
- (ii) Issuing of Notices – any notices issued under Section 71 of the Development Act 1993 shall be signed by not less than one member of the Committee, with such notice to be in accordance with the resolution of the Committee.
- (iii) Disclosure of Interest – a member of the Committee who is in any way directly or indirectly financially interested in any matter arising for decision of the Committee must disclose the nature of the interest at a meeting of the Committee and must not take part in any decision of the Committee with respect to the matter.
- (iv) Powers of the Committee – the powers of the Committee shall not extend beyond those delegated to it by Council pursuant to Section 71 of the development Act 1993.

## **10. INSPECTIONS**

- (i) Inspections may be carried out by an Authorised Officer on any building within the Council Area;
- (ii) Any costs associated with general meetings of the Committee shall be the responsibility of the City of Mount Gambier;
- (iii) The Authorised Officer/s of the City of Mount Gambier shall undertake inspections of buildings deemed as a high to low risk to life, such as
  - accommodation parts of hotels, health care building and the like;
  - accommodation parts of motels;
  - backpacker, guest houses, boarding houses and the like;
  - hotels, night clubs and the like where high number of patrons are frequent;
  - businesses within the Council area which may have a significant financial and community impact as a result of fire;
  - others as necessary.

## **11. NOTICES**

- (i) The Committee shall be responsible for the preparation of all reports, notices and other documents relating to such notices.





## 12. COST RECOVERY

- (i) All costs and expenses in relation to actions under S84(7) - Enforcement notices or S71 - Fire Safety of the Development Act 1993 shall be borne by the City of Mount Gambier. Such action shall be approved by the City of Mount Gambier Chief Executive Officer.
- (ii) The City of Mount Gambier shall be responsible for the engagement of and any payment to consultants and the like who may be required to provide professional advice, or appear on behalf of the Committee in any Court action in relation to any building fire safety matter within its Area. Such action shall be approved by the City of Mount Gambier Chief Executive Officer.

*Adopted by the City of Mount Gambier Building Fire Safety Committee on 3<sup>rd</sup> August 2015*



## **MINUTES OF COUNCIL ASSESSMENT PANEL MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on  
Thursday, 18 October 2018 at 5:45 p.m.

**PRESENT** Mrs E Travers (Presiding Member)  
Cr I Von Stanke  
Mrs M Trotter  
Mr P Seebohm

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Planning Officer - Mrs E Ruffin

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

### **1. APOLOGY(IES)**

Nil

### **2. CONFIRMATION OF COUNCIL ASSESSMENT PANEL MINUTES**

Meeting held on 20 September 2018

That the minutes of the Council Assessment Panel meeting held on 20 September 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr I Von Stanke

Seconded: Mr P Seebohm

Carried

### **3. INVITES**

The Presiding Member read the following statement to the Applicant/Owner/Representor that attended the meeting:

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the new Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- The Assessment Panel continues to operate under the Development Act, until such time as the new Planning, Development and Infrastructure Act 2016 is fully functional.
- When the Panel is considering an application, it must assess the proposal against Council's Development Plan.
- This will involve a judgement based on whether or not the proposed development meets and satisfies planning principles.
- The Council Assessment Panel consists of four Independent Members and one Elected Council Member.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.



- Once the Panel has heard your representation, you will be asked to leave as the Assessment Panel holds its discussions and reaches its decision in confidence.
- You may ring the Council tomorrow afternoon to find out the result of tonight's meeting.

**3.1. Development Application No. 381/0286/2018 - (Item 4.1)**

- Mr Bruce Morale, the owner, spoke in relation to this matter at 5:48 p.m.

**3.2. Development Application No. 381/0216/2018 - (Item 4.2)**

**Cr Von Stanke Moved that Mr Brennan be able to speak in Confidence at the meeting as they were discussing personal affairs of a legal and financial matter.**

**Mrs Trotter seconded**

**Carried**

- Mr Frank Brennan, Planning Consultant on behalf of Mr & Mrs Janeway, spoke in relation to this matter at 5:55 p.m.

**3.3. Development Application No. 381/0221/2018 - (Item 4.3)**

- Mr John Sinkinson the Applicant, spoke in relation to this matter at 5:50 p.m.

**4. COUNCIL ASSESSMENT PANEL REPORTS**

**4.1. Council Assessment Panel Report No. PR/8951**

<b>DEVELOPMENT NUMBER</b>	DA 381/0286/2018	
<b>APPLICANT</b>	Parham Construction Pty Ltd	
<b>OWNER</b>	Bruce and Kelly Morale	
<b>DESCRIPTION</b>	Proposed outbuilding extension	
<b>ADDRESS</b>	3/90 Tollner Road, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 1	
<b>ZONING</b>	Country Living	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A

**REPORT RECOMMENDATION**

- (a) That Council Assessment Panel Report No. PR/8951 be noted.
- (b) That the Applicant and Owner be advised that having regard to the Development Plan and all the supporting documentation, the proposal is considered to be at serious variance with Council's Development Plan. The application be refused Development Plan Consent for the following reasons:



- (1) The proposed outbuilding extension does not contribute to the desired character of the area
- (2) The proposed outbuilding extension bulk and scale does not complement the existing improvements on site.
- (3) The proposed outbuilding extension will dominate the streetscape, and is not appropriately screened from view.

The Council Assessment Panel moved:

Carried

#### 4.2. Council Assessment Panel Report No. AR18/40380

<b>DEVELOPMENT NUMBER</b>	DA 381/0216/2018	
<b>APPLICANT</b>	Mr Frank Brennan on behalf of Mr and Mrs Janeway	
<b>OWNER</b>	Mr A and Mrs K Janeway	
<b>DESCRIPTION</b>	Alteration and additions to an existing garage.	
<b>ADDRESS</b>	139 -145 Pinehall Avenue, Mount Gambier	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 1	
<b>ZONING</b>	Residential	
<b>POLICY AREA</b>	Suttontown Road Policy Area 8	
<b>HERITAGE</b>	N/A	N/A

<b>REPORT RECOMMENDATION</b>
<p>(a) That Council Assessment Panel Report No. AR18/40380 be noted.</p> <p>(b) The Applicant be advised:</p> <ol style="list-style-type: none"> <li>(i) That the Council Assessment Panel expresses concern and disappointment that the garage was constructed significantly differently to what was approved. This constitutes a breach of the Development Act, 1993.</li> <li>(ii) The Council Assessment Panel is willing to favourably consider the garage being constructed in accordance with the amended plan as provided to the Panel illustrating all additions of the garage being removed, with the exception of the additional 2.0 metres extension constructed to the northern end of the garage. The additional 2.0 metre extension constructed to the northern end of the garage can remain as constructed.</li> </ol>



- (iii) The Council Assessment Panel willingness to accept this amendment to the construction of the garage is on the basis that all internal modifications to the garage are removed. This includes the kitchen, with all associated fittings/fixtures and plumbing, the internal walls creating the store rooms and the trophy rooms are removed, so as to ensure that the garage is used as a garage in association with the approved dwelling.
- (iv) The Council Assessment Panel requests that an amended plan be submitted clearly illustrating the garage in this form so as to remove any confusion as to what is being considered and granted provisional development plan consent. It is noted that there are some errors on the plan, such as reference to the floor area of the bathroom has remained on the documentation. An amended plan illustrating these amendments will need to be submitted to Council within 28 eight days of the date of this decision and prior to any further approvals being granted.
- (c) Council's Manager Development Services be granted the power, function and duty to grant provision development plan consent upon the receipt of an amended plan in accordance with the decision of the Council Assessment Panel subject to the following conditions of consent:
  - (1) The garage shall not be used for any residential purposes or human occupation.
  - (2) The garage shall be used in association with and ancillary to the detached dwelling approved on the subject site.

The Council Assessment Panel moved:

Carried

#### 4.3. Council Assessment Panel Report No. AR18/39822

<b>DEVELOPMENT NUMBER</b>	DA 381/0221/2018	
<b>APPLICANT</b>	John Sinkinson	
<b>OWNER</b>	Brendon and Lynette Hirth	
<b>DESCRIPTION</b>	Proposed Storage Unit Complex	
<b>ADDRESS</b>	39 Crouch Street, MOUNT GAMBIER, SA 5290	
<b>NATURE OF DEVELOPMENT</b>	Consent / Category 2	
<b>ZONING</b>	Light Industry	
<b>POLICY AREA</b>	N/A	
<b>HERITAGE</b>	N/A	N/A



## REPORT RECOMMENDATION

- (a) That Council Assessment Panel Report No. AR18/39822 be noted.
- (b) The Applicant and owner be advised that having regard to the Development Plan and all supporting documentation, the proposed development is not considered to be at serious variance with Council's Development Plan and other relevant documentation and be granted Development Plan Consent subject to the following conditions;
  - (1) The development shall be carried out in accordance with the Plan/s as approved by the Council and with the Conditions of Approval.
  - (2) The building and land shall not be used for purposes other than those approved by Council.
  - (3) The car parking and driveway areas and footpath crossover as shown on the plan/s approved by Council, shall be graded, paved and sealed with bitumen or other similar material and line-marked and maintained in a usable condition at all times.
  - (4) Directional signs for traffic shall be placed on the site of the proposed development.
  - (5) A detailed design for the proposed stormwater disposal system, as conceptually described in Woodlands Consulting Services Pty Ltd report dated 9<sup>th</sup> September 2018, shall be approved by Council prior to Development Approval being granted.
  - (6) The footpath and crossover areas shall be constructed in accordance with Council Policy F175 – Footpaths and Crossovers
  - (7) Landscaping shall be undertaken and maintained at all times in accordance with the Plan approved by Council.
  - (8) At all times particularly during hours of darkness, whomsoever may be making use of this planning consent, shall take measures that are reasonably possible to keep within the boundaries of the subject land all noise associated with the operation of the business or the coming and going of persons to the subject land, the sound of voices, vehicle noises, radio sets and other amplified music, so as to not intrude upon the residential component of the locality, all to the reasonable satisfaction of the Council.
  - (9) The trading hours of the use of the land hereby approved shall not exceed 7 am – 10 pm daily.
  - (10) Any lights on the subject land must be directed and screened so that overspill of light into nearby premises is avoided.
  - (11) All the waste materials accumulated on the property shall be screened from view, and removed on a regular basis.



- (c) The reasons for approval being;
- (1) To ensure the development promotes orderly and proper development.
  - (2) To ensure the development improves and enhances the character and amenity of the area.
  - (3) To ensure appropriate and adequate management of sites in the interface zone between zone boundaries.

The Council Assessment Panel moved:

Carried

**5. MOTION(S) - With Notice**

Nil Submitted

**6. MOTION(S) - Without Notice**

Nil Submitted

Meeting closed at 6.34 p.m.

18 October, 2018

AF17/507  
AR18/42180

CONFIRMED THIS                      DAY OF                      2018

.....  
PRESIDING MEMBER



**MINUTES OF COMMUNITY ENGAGEMENT & SOCIAL INCLUSION SUB-COMMITTEE**

Meeting held in the Committee Room, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Thursday 18 October 2018 at 5:30 p.m.

**PRESENT** Cr Hanna Persello (Presiding Member)  
Cr Penny Richardson  
Judy McKay  
Mel Stephenson

**COUNCIL OFFICERS** General Manager Community Wellbeing - Ms B Cernovskis  
Library Manager - Mrs G Davison  
Community Development and Engagement Officer - Mr B Kilsby  
Community Development and Engagement Officer - Mrs H Gajic

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

**1. APOLOGY(IES)**

Apology received from Kate Amoroso

That the apology from Kate Amoroso be received.

Moved: Mel Stephenson

Seconded: Judy McKay

Carried

**2. CONFIRMATION OF COMMUNITY ENGAGEMENT & SOCIAL INCLUSION SUB-COMMITTEE MINUTES**

Meeting held on 16 August 2018.

That the minutes of the Community Engagement & Social Inclusion Sub-Committee meeting held on 16 August 2018 be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Richardson

Seconded: Mel Stephenson

Carried

**3. QUESTIONS****3.1. With Notice**

Nil submitted.

**3.2. Without Notice**

Nil received.

**4. DEPUTATION**

5:30 pm Ute Herman-Bullock, General Manager Strategy and Innovation, a.c care

5:45 pm Tania Harrap, Manager, Limestone Coast Office, Department of Child Protection and Rachel Fenn, Social Work Supervisor, Department of Child Protection.



**5. COMMUNITY ENGAGEMENT & SOCIAL INCLUSION SUB-COMMITTEE ITEMS**

**5.1. Yerkalapata - Leading the Way: City of Mount Gambier Reconciliation Action Plan Update - Report No. AR18/41319**

SUB-COMMITTEE RECOMMENDATION
(a) That Community Engagement and Social Inclusion Sub-Committee Report No. AR18/41319 titled ' <i>Yerkalapata – Leading the Way: City of Mount Gambier Reconciliation Action Plan</i> ' as presented to the Community Engagement and Social Inclusion Sub-Committee meeting on 18 October 2018 be noted.

Moved: Cr Richardson

Seconded: Judy McKay

Carried

**6. MOTION WITH NOTICE**

Nil submitted.

**7. MOTION WITHOUT NOTICE**

Nil received.

Meeting closed at 7:00 p.m.

SM

AF17/434  
AR18/42184

CONFIRMED THIS                      DAY OF                      2018.

.....  
PRESIDING MEMBER



**REPORT TITLE**

**Yerkalapata – Leading the Way: City of Mount Gambier  
Reconciliation Action Plan Update**

<b>COMMITTEE</b>	Community Engagement and Social Inclusion Sub-Committee
<b>MEETING DATE:</b>	18 October 2018
<b>REPORT NO.</b>	AR18/41319
<b>RM8 REFERENCE</b>	AF17/432
<b>AUTHOR</b>	Ben Kilsby
<b>SUMMARY</b>	Update on the activities of the City of Mount Gambier Reconciliation Action Plan working group.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Community Engagement and Social Inclusion Sub-Committee Report No. AR18/41319 titled '*Yerkalapata – Leading the Way: City of Mount Gambier Reconciliation Action Plan*' as presented to the Community Engagement and Social Inclusion Sub-Committee meeting on 18 October 2018 be noted.
- (b) To be determined at the meeting.

## Background

This report provides an update on the progress of the actions of the Reconciliation Action Plan (RAP) focus group.

## Discussion

### Dual Naming

A review of best practice in the delivery of dual naming across other Council's in South Australia has identified a range of inconsistencies in approaches between each Council area. This said, the review highlighted that each Council's activity was underpinned by a clear policy position which guided the naming of culturally significant geographical places.

Council is required under Section 219 of the Local Government Act to have a policy which provides a position regarding the assigning of names. While Council currently holds a policy (S135 Streets – Naming of) that articulates a position regarding the naming of streets, the policy is silent on the provision of names for culturally significant geological places.

Council staff will work closely with the Reconciliation Action Plan focus group to articulate an agreed position regarding dual naming in Mount Gambier. This will be followed by a review of the current policy to ensure clarity regarding the dual naming of sites of cultural significance in the City, as identified by the Reconciliation Action Plan focus group. The review will also confirm that Council is compliant with its obligations under the Geographical Names Act 1991.

### Site Visits

As part of Council's ongoing role in stakeholder engagement, staff have completed a range of site visits over the past few months. These visits included:

- **Nunga Playgroup**  
Council staff toured the Nunga Playgroup and delivered a story time session with children as part of community engagement activity for the Mount Gambier Regional Sports and Recreation Centre. Children viewed flash cards of water play pads and placed stickers on the images that they liked the most. Parents viewed plans and provided programming ideas and feedback on the design. This feedback was presented to architects and has been considered in the first review of draft plans for the site.
- **Pangula Mannamurna**  
Staff met with incoming CEO Andrew Birtwistle-Smith to discuss his participation in the Reconciliation Action Plan focus group as a representative of Pangula and hear about his vision and objectives for the organisation. Andrew identified his strong interest in collaborating with Council and looks forward to supporting our shared reconciliation agenda.
- **Burrandies Aboriginal Corporation**  
Staff toured the Burrandies property with CEO Robyn Campbell and discussed a range of collaborative opportunities regarding language development, articulation of content for interpretive signage and training/employment opportunities within Mount Gambier.

### RAP Working Group Invitations

Council has assisted Elders with information and materials required to co-opt a number of new members to the RAP focus group. Aunty Val Brennan has approached a number of individuals



including Michelle Jacquelin-Furr, Andrew Birtwistle-Smith and a number of potential indigenous youth representatives.

## Conclusion

The RAP focus group will continue to meet to implement the endorsed initiatives that are strategically aligned with the direction of Council.

## Attachments

Nil.



**Ben KILSBY**

COMMUNITY DEVELOPMENT AND ENGAGEMENT OFFICER



**Barbara CERNOVSKIS**

GENERAL MANAGER COMMUNITY WELLBEING

5 October 2018  
BK/BJC





#### 4. DEPUTATIONS

Nil

*The Presiding Member sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:*

*Purpose of the Suspension:*

*To discuss the following:*

- *Member for Barker, Mr Tony Pasin to provide a briefing to the Sport and Recreation Centre Committee regarding Federal grant funding.*

*Carried by more than two-thirds of the members present at the meeting.*

*Meeting Procedures were suspended at 5:33 p.m.*

Cr Perryman arrived at 5:34 p.m.

*The Presiding Member determined that the period of suspension should be brought to an end.*

*Carried by more than two-thirds of the members present at the meeting.*

*The Period of Suspension came to an end and Meeting Procedures resumed at 5:51 p.m.*

#### 5. REGIONAL SPORT AND RECREATION CENTRE COMMITTEE REPORTS

##### 5.1. Community and Recreation Hub Overview - Report No. AR18/41402

COMMITTEE RECOMMENDATION
(a) That Regional Sport and Recreation Centre Committee Report No. AR18/41402 titled ' <i>Community and Recreation Hub Overview</i> ' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried

##### 5.2. Community and Recreation Hub Design - Report No. AR18/41729

COMMITTEE RECOMMENDATION
(a) That Regional Sport and Recreation Centre Committee Report No. AR18/41729 titled ' <i>Community and Recreation Hub Design</i> ' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried



**5.3. Community and Recreation Hub Capital Cost Estimate - Report No. AR18/41772**

**COMMITTEE RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41772 titled '*Community and Recreation Hub Capital Cost Estimation*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried

**5.4. Community and Recreation Hub Capital Funding - Report No. AR18/37859**

**COMMITTEE RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37859 titled '*Community and Recreation Hub Capital Funding*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Morello

Carried

**5.5. Community and Recreation Hub Operations - Report No. AR18/42536**

**COMMITTEE RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/42536 titled '*Community and Recreation Hub Operations*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Persello

Carried

**5.6. Community and Recreation Hub Community Survey - Report No. AR18/37052**

**COMMITTEE RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37052 titled '*Community and Recreation Hub Community Survey*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved: Cr Persello

Seconded: Cr Morello

Carried



**5.7. Community and Recreation Hub Community Engagement and Communication  
- Report No. AR18/41567**

COMMITTEE RECOMMENDATION
(a) That Regional Sport and Recreation Centre Committee Report No. AR18/41567 titled ' <i>Community and Recreation Hub Community Engagement and Communication</i> ' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved: Cr Von Stanke

Seconded: Cr Meziniec

Carried

**6. MOTION(S) - With Notice**

Nil submitted.

**7. MOTION(S) - Without Notice**

Nil received.

Meeting closed at 6:25 p.m.

AR18/43298  
SM

CONFIRMED THIS                      DAY OF                      2018.

.....  
PRESIDING MEMBER





**5.1. Community and Recreation Hub Overview - Report No. AR18/41402**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/41402
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Mark McShane
<b>SUMMARY</b>	This report provides an overview of the Community and Recreation Hub Project during 2018.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41402 titled '*Community and Recreation Hub Overview*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:



## Background

This report provides an overview of the Community and Recreation Hub project during 2018. The historical context for such a facility extends over many decades with the proposed facility providing a year round community focal point for the next 40-50 years. It is anticipated that the facility will provide for improved health and wellbeing outcomes through increased participation in exercise, provide opportunities to further develop event tourism and provide new employment through additional recreation programs, operations and asset management.

Through flexibility in design increasing opportunities for recreation and leisure pursuits for all ages, the provision of youth engagement choices, the promotion of social inclusion for those with disabilities and migrant communities, we anticipate that the new facility will contribute to regional population retention and attraction.

Noting that many current facilities in Mount Gambier are aging and facing increasing demand into the future, the interim design provides for:

- Conference, events and performance space, adaptable for many users with 1000 person plus capacity.
- 6 Indoor multi-purpose courts catering for all sports from indoor bowls, traditional ball sports, gymnastics and dance.
- All year round aquatics facility including children's water play, learn to swim pool, 25 metre pool and warm water pool.
- Community and Function Rooms.
- Fitness and Gym Areas.
- Dedicated Youth Space.
- Increased ability for many sporting organisations to attract major competitions, State and National, to Mount Gambier. Able to attract major conferences, events and performances into Mount Gambier and be of significant economic benefit.

## Discussion

The possibility of funding for a multi-purpose indoor facility became evident early 2018 via the Federal Government's Regional Growth Fund. Grant funding criteria was specific to regions and to projects that demonstrated significant and diverse community use, positive social impact, employment generation and economic benefits. The minimum grant funding amount was \$10 million, reflective of the scale of possible projects.

It must be stressed that the grant amounts sought from the Federal and State Governments are significantly large, certainly beyond what the Council has previously requested. The Community and Recreation Hub is reliant on this significant funding and the close partnering between the three tiers of government to provide long term social and economic benefits to the community. Should grant funding not reach the amounts requested then some rebalancing of the project and financial remodelling will be necessary to deliver the project outcomes.

The Federal Member for Barker, Mr Tony Pasin MP initiated discussion in the community with sporting groups and Council. Community interest was evident by 300 people attending a public meeting held on 21 March, 2018 with a community interest group being formed to progress the



issue. The group organised a petition supportive of a multi-purpose facility that ultimately led to a 10,000 signature petition presented to a Special Council Meeting on 24 April, 2018.

A summary of the resolutions made by Council is as follows;

	Date 2018	Purpose
1	March	To develop EOI and fund development costs
2	April	To approve EOI submission and continue development work for Stage 2
3	June	To establish the Community Reference Group, development of communication and engagement plans and accept tenders for architectural services
4	August	Anticipating stage 2 endorsement, continue development of the all documents, prepare a community survey, lobby State Government for Funding and engage with the community within the confines of an election time period.
5	Proposed Nov	Release of the community survey.

The first Council decision relating to a proposed recreation facility was made in March 2018 with Council resolving the following;

- “(a) That Council allocates \$30,000 this financial year for the preparation of documentation for a proposed multifunctional indoor recreation and aquatics centre, including a feasibility study, concept plans including initial engagement with stakeholder groups, facility management options and a ratepayer impact report.*
- (b) That documentation to be tabled at the Strategic Standing Committee meeting by or prior to July 2018.*
- (c) That the documentation will form the basis of an extensive community and stakeholder engagement process to be determined after the completion of the above reports.*
- (d) That Council establish a working party comprising the Mayor, Councillors (to be determined at tonight’s meeting), the Chief Executive Officer, the General Manager City Growth and other relevant stakeholders as determined by the working party, to develop an expression of interest for the Federal Government’s Regional Growth Fund. The EOI will be further considered by Council ahead of potential lodgement by the 27<sup>th</sup> April.”*

The allocation of funds focused on updating a previous 2007 comprehensive report conducted by SGL Consulting on a multi-use sport and aquatic facility and to refresh designs and cost estimates.

While noting the extremely short time frame, the Working Party met 5 times over four weeks and the key elements of the project, design and cost estimates were completed by external specialists. Simultaneously with the above, the Federal Government’s Expression of Interest was prepared by Council Staff and the Working Party in anticipation of Council’s endorsement of its submission.

At the Special Meeting 24 April, 2018 Council resolved;



- “(a) That Council report No. AR18/15113 titled ‘Mount Gambier Regional Sport and Recreation Centre’ as presented to the Council on 24 April 2018 be noted.*
- (b) That Council endorses the submission of an Expression of Interest (EOI) to the Department of Infrastructure, Regional Development and Cities for the Regional Growth Fund to secure funding for a Regional Sport and recreation Centre by the due date of April 27 2018.*
- (c) Staff are authorised to make non material changes to wording and content of the EOI to finalise for submission.*
- (d) That Council, in anticipation of the EOI being favourably assessed;*
- i) endorses the continued development of the full business case for the building and operation of a Regional Sport and Recreation Centre as proposed in the EOI;*
  - ii) endorses funding of \$80,000 to enable more detailed architectural design, project management, costings and associated work to be prepared to satisfy the criteria of a full business case submission;*
  - iii) engages with a broad range of stakeholders in developing the design and functionality of the proposed centre;*
  - iv) continues to lobby the State Government for a funding commitment of not less than \$10 million as a vital portion of funding for the construction of the Sport and Recreation Centre;*
  - v) resolves for the Councillor Working Party to be continued and seeks nominations for participation in the next stage of development work for the proposed Sport and recreation Centre, and*
  - vi) reviews the full business case for stage two of the application process prior to the submission deadline (date not yet known), confirming Councillor commitment to the funding application for the proposed Sport and Recreation Centre.”*

Whilst the Councillor Working Party provided an agile and efficient short term solution to work on the project, Council resolved to establish a Section 41 Regional Sport and Recreation Centre Committee. This Committee provides a formal process, input and recommendations to Council on project issues.

To date the Committee’s activities have included visits to a number of recreation facilities, architectural tender assessment, cost estimator tender assessment, consideration of reports, attending workshops and Community Reference Group meetings.

Via resolution, June 2018;

- Council established a Community Reference Group (CRG) with broad representation from sporting, recreation and stakeholder groups. The CRG met on four occasions with the appointed architects, Design Inc/Co-op Studio, providing very valuable design input, feedback and project advocacy.
- Via an open tender process Council appointed Rider Levett Bucknall (RLB) as cost estimators for the project. Design Inc/Co-op Studio, RLB and Council met on several occasions working through design and cost issues.



- Council staff and the Mayor also met with a number of Peak Sporting bodies including, Swimming SA, Basketball SA, Netball SA and Tennis SA. At the local level and further to the CRG involvement, staff have met with netball, basketball and cricket.

Furthering the work carried out by SGL on facility demand analysis and costs, BRM Holdich was engaged to carry out detailed financial analysis on the operational, financial and management aspects of the facility. This work included input from Council staff on reviewing Council's Long Term Financial Plan (LTFP), financing options and Council's rating projections.

To meet the requirements of State Government Funding criteria, support was engaged via XLR8 Consulting to develop the business case able to be presented to the State Government. This followed discussion between the State Premier, Mayor Andrew Lee and the CEO in early May 2018 regarding State Government funding. Discussion and advice was also sought from the Office of Recreation and Sport in relation to State Government grant funding application.

As part of the comprehensive community engagement process, an elector survey was endorsed by Council at its meeting on 21 August, 2018;

- “(a) That Council Report No. AR18/32703 titled ‘Mount Gambier Regional Sport and Recreation Centre’ as presented to the Council on 21 August 2018 be noted.*
- (b) Council notes that the Election Caretaker Period which commences on 4 September 2018 and continues throughout the election period is governed by the Local Government Elections Act. Council’s Caretaker Policy C305 provides direction regarding certain activities that should not occur during caretaker period unless otherwise formally resolved by Council due to particular circumstances.*
- (c) Council Administration will continue to develop the concept plans for the Mount Gambier Regional Sport and Recreation Centre including documentation, financial analysis and cost estimation required to progress community consultation, preparation of a community survey and preparation of a full grant application to the Regional Growth Fund should Council’s EOI be accepted by the Federal Government.*
- (d) The CEO be authorised to prepare a community survey including the engagement of external specialist support as necessary to enable the survey for the Mount Gambier Regional Sport and Recreation Centre to be conducted as soon as practicable following the November 2018 Council elections.*
- (e) To meet the requirements of a comprehensive elector survey seeking feedback from the Mount Gambier community an estimated budget of \$65,000 is required and the CEO is authorised to expend up to this amount with adjustments in the 2018/19 budget being made from the operating surplus at Budget Review Number 3.*
- (f) The wording and content of the community survey question/s not be finalised until such time as the Council is satisfied that sufficient information has been obtained to construct an appropriate survey and the community has been informed, as much as practicable, of the Centre proposal.*
- (g) Proceeding with the full grant funding submission to both Federal and State Government agencies will be dependent on Council’s confirmation of the project’s readiness, business case, and the majority of community support as determined by the community survey. Alternatively Council may consider applying for any subsequent rounds of Federal (and State) funding.*



- (h) *Council acknowledges the ongoing support of the Community Reference Group (CRG) and members of the community who have provided input into the proposed Mount Gambier Regional Sport and Recreation Centre. The CRG be placed in recess for the duration of the election period.*
- (i) *That the Mayor and CEO be authorised to provide a closed briefing session to the District Council of Grant to discuss the issue of capital funding support for this regional facility.*

In line with the resolution;

- The Mayor and CEO provided a briefing to the District Council of Grant on 10 September, 2018.
- An open tender for the community survey resulted in Market Solutions being awarded the work.
- Councillors and staff noted the commencement of the election caretaker policy on 4 September 2018.
- Councillors noted that proceeding with the full grant submission was dependent on the project's readiness, business case and community support.

Outcomes from the Federal Government's grant application EOI were scheduled for July 2018 and later amended to October 2018. At the time of this report Council has not been informed whether we will be proceeding to the full grant application. Should this occur it will trigger the completion of the State Government Grant application.

## Conclusion

Significant further work will be necessary if we proceed to the full application and in anticipation of this, work has already been carried out on design, cost estimation and financial analysis. The likely time frame from an announcement of EOI outcomes to lodging a full application will be approximately 12 weeks and if this occurs soon then it coincides with the formation of a new Council (mid November 2018) and the Christmas / New Year period.

The input from Councillors, Community, Community Reference Group, Council Staff and external specialists must be acknowledged. Many staff have been involved ensuring time frames have and will be achieved and should we proceed to the next grant application stage we will have a real opportunity to be successful.



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

11 October 2018  
LD



**5.2. Community and Recreation Hub Design - Report No. AR18/41729**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/41729
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Mark McShane
<b>SUMMARY</b>	This report provides an overview of the process to determine the intermediate design concepts for the proposed Community and Recreation Hub.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41729 titled '*Community and Recreation Hub Design*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:





## Background

The preliminary draft design for the Hub was developed as part of Council's Expression of Interest for the Federal Government's Regional Growth fund, submitted in April 2018. The next stage of design was enriched by significant community and stakeholder input to arrive at the intermediate plans. This report provides an overview of the process to determine the next stage design concepts for the proposed Community and Recreation Hub.

## Discussion

Following an open tender process for Architectural services for the Community and Recreation Hub that were assessed by the Sport and Recreation Centre Committee and Council Staff, Design Inc Adelaide/Co-op Studio were appointed to prepare the intermediate building designs. Should government funding applications be successful and the project proceed, the Architects will then complete the full architectural drawings necessary for the building tender and construction works.

Design Inc/Co-op Studio have extensive experience in the design of multi-function community and sport facilities and this includes centres such as Campbelltown ARC, Burnside Swimming Centre, Geelong Grammar Wellbeing Centre, Puckapunyal Health and Wellbeing Centre and the Christ College Aquatic and Sport Facility.

Design Inc/Co-op Studio met regularly with the Council Committee and also on four occasions with the Community Reference Group (CRG). The CRG included 17 representatives from a broad range of sports and recreation, community groups including youth, disability, education and allied health interests. Meetings between CRG and the Architects provided significant opportunity for input into the design process and for feedback to be progressively incorporated into subsequent design stages.

In addition to CRG design input, Council staff collated information obtained from a range of other stakeholders in the community that provided ideas about what purposes the Hub could be used for. Proactive community engagement with groups included service clubs, children from junior primary to high schools, the Council's Youth Advisory Group and those with interests in music, dance and performance. The design process has thus benefitted from a broad cross section of the community providing valuable input into the design process.

The core design features and functional elements are:

- The facility is a community hub – a focal point for Mount Gambier for recreation and sport, community activities and functions.
- 6 regulation size, multi-purpose courts for ball sports such as netball, basketball, indoor soccer, volleyball. Courts can be used for badminton, carpet bowls and a range of other recreation and fitness purposes.
- The courts can be used for other purposes such as large conference events and performance for a 1000 plus and including breakout and smaller conference / meeting rooms. Versatile space with a stage for live performances, retractable seating, efficient acoustics, projection and IT facilities.
- Aquatics including a learn to swim pool, children's water splash/play area, 25 metre pool and a warm water pool. All facilities will be to regulation size with disability access.
- Youth Program area being a need identified by Council's recently completed youth plan.
- Amenities associated with the facility include crèche, café, and office space for sporting groups and allied health, storage and disability access being a major focus.
- Gym and fitness spaces located on the first floor along with community and conference rooms with associated amenities. Seating is also provided on the first floor, overlooking the 6 multi-purpose courts.





- The current 50 metre pool (and grass surrounds) will be retained along with its heating and mechanical services for summer use, within easy access from the proposed facility.
- The exterior features include increased car parking, undercover drop off areas and paved and landscaped entrance.

Should the project proceed to full grant application the interim designs will be a component of the submission. If the project is funded then further engagement will occur with the CRG, other stakeholders, the community and Council to further refine the concepts and features as submitted for the grant.

## Conclusion

The interim design has progressed through many iterations with very positive feedback and support from the CRG and Council. The facility is a community hub with a multi-purpose design going significantly beyond traditional sports.

## Attachments

[Attachment 1 \(AR18/42843\): Community and Recreation Hub Plans 17 October 2018](#)



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

11 October 2018  
LD



**5.3. Community and Recreation Hub Capital Cost Estimate - Report No. AR18/41772**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/41772
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Mark McShane
<b>SUMMARY</b>	This report provides an overview of the process to obtain the capital cost estimation based on the intermediate design.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41772 titled '*Community and Recreation Hub Capital Cost Estimation*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be received and noted.

Moved:

Seconded:



## Background

Cost estimation for the first stage of concept design for the Federal Government's Regional Growth Fund Expression of Interest in April 2018 was initially conducted by Rider Levett Bucknall (RLB) with an estimation of \$40 million for the project as designed.

As part of preparation for the second stage of project work, the intermediate designs being prepared by the appointed Architects, Design Inc/Co Op Studio, required independent costing to validate that the design could be constructed and fitted out for the purposes identified by stakeholder input. An open tender was called for a cost estimation company to carry out work on the intermediate design and for subsequent work should the project progress to full architectural design drawings. RLB was the successful tenderer.

Of importance is that the work completed by RLB is a cost estimation based on the intermediate design. The estimate represents what the facility may cost to build, however the market conditions that prevail at the time that a tender for construction may be called will test the costing estimates should the project progress to the construction phase.

## Discussion

RLB working with Design Inc/Co-op Studio and Council has, following significant work, arrived at a cost estimate (summary attached).

At the macro level the following must be highlighted:

- 1) Council would carry out a range of work within existing capital infrastructure budgets during the construction period, estimated at two years. This work would include site preparation, managing utility connections, landscaping, paving, car park surfacing, street furniture and landscaping. This work is estimated to be approximately \$1.4 million spread over two years and can be accommodated within Council's normal capital infrastructure budget over that period of approximately \$14 million.
- 2) Cost estimation from RLB for the project is \$37,725,000 based upon the intermediate design. This figure includes:
  - Contingency \$3,000,000 – 8% of cost estimate
  - Furniture, Fittings and Equipment \$2,279,050 – 6% of cost estimate
  - Professional Fees \$1,850,000 – 4.8% of cost estimate
  - Escalation of costs for build duration of 2 years \$1,500,000 – 4% of cost estimate

Work will continue on refining the cost estimates particularly if Council's EOI is successful and we are requested to lodge a full grant application.

## Conclusion

The cost estimation component has been subject to numerous changes as the designs were altered over several months. Further design changes particularly any that add to the dimensions of the facility, will require corresponding cost adjustments.



## Attachments

[Attachment 1 \(AR18/42350\): Cost Estimate Summary \(RLB\) 11 October 2018](#)

A handwritten signature in black ink, appearing to read 'M McShane', is written over a light blue rectangular background.

**Mark McShane**  
CHIEF EXECUTIVE OFFICER

11 October 2018  
LD



**5.4. Community and Recreation Hub Capital Funding - Report No. AR18/37859**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/37859
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Dr Judy Nagy
<b>SUMMARY</b>	This report summarises the sources of funding required to finance the proposed Community and Recreation Hub and the contribution required from each source.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37859 titled '*Community and Recreation Hub Capital Funding*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:



## Background

The financial needs of the Community and Recreation Hub include both capital and operational components. Both components reflect the proposed uses the facility may have which have been incorporated into the design. With the input of Elected Members, the Community Reference Group, community feedback and other groups engaged by the Community Development team, a diverse range of opinions and needs have been considered in the design process.

Those using the new facility pay for services with a mix of active and passive activities generating income to assist with operating costs. Commercialisation opportunities will also assist with operational sustainability to balance economic and social benefits for the city.

The funding required for the capital cost of the Community Recreation Hub will be \$39.116 Million. Funding for the project will reflect contributions from three levels of government with requests to the Federal Government for \$20 million, the State Government of \$10 million and the remainder to be provided by Council if the funding requests approximating \$30 million are successful.

Council acknowledges that securing funding to the above levels will be challenging, requiring support and collaboration between the three tiers of government. Grant amounts received may vary from those sought requiring rebalancing of project financial models.

## Discussion

### Federal Funding

In April 2018 an Expression of Interest for \$20 million was submitted to the Federal Government Regional Growth Fund with outcomes, in the form of an invitation to Stage 2 of the funding process, anticipated in early August 2018. To date the outcome from the EOI process is unknown however the outcome will be the driver of timelines for the Community and Recreation Hub process.

### State Funding

Mayor Andrew Lee and the CEO met with the State Premier Steven Marshall, in early May 2018 regarding the potential for State Government funding for the Community and Recreation Hub with follow up communication from the Office of Recreation and Sport.

A request to State Government for up to \$10 million requires an application for funding using a standard template through the Office of Recreation and Sport. The business case required focuses on very different parameters to those used for the Federal Government Regional Growth Fund. XLR8 Consulting have been preparing this business case with parts of the application reliant on information from the Architects and cost consultants and will be dependent on the outcomes of the EOI. If progression to the next stage by the Federal Government is not achieved then the application for State Government Funding will not continue until future opportunities for Federal funding are identified.

### Council Funding

Information to determine the affordability of the Community and Recreation Hub by Council to both build and manage the facility each year has been determined from a combination of expert reports and staff financial modeling.

\$1.39 million will be contributed through infrastructure spending by allocating capital expenditure as part of normal Council operational work in years 19/20 and 20/21. The remaining \$7.725 million can be mostly funded by Council cash reserves a deficit of \$2.9 million funded through Cash



Advance Debenture (CCAD) facilities (defined below) that Council already uses as part of treasury management processes. The cash balance will be returned to positive by 2024/25.

*Convertible Cash Advance Debenture Facilities (CCAD)*

*These are very flexible facilities that can be used as a floating rate facility or fixed for varied periods on an interest only basis. South Australian councils predominately use these facilities on a floating rate, come and go basis meaning the principal can be drawn down or repaid with 24 hours' notice.*

Funding Source	\$ 000	\$ 000	Notes
Regional Growth Fund		\$20,000	Seeking up to \$20 million. EOI outcomes not yet known
State Government		\$10,000	Seeking up to \$10 million. Application on hold pending EOI
Council			
- Internal Infrastructure spending	\$1,391		From Council capital budget
- Cash and short term borrowing	\$7,725		
		\$9,116	Council Capital contributions
<b>Total Project Cost</b>		<b>\$39,116</b>	<b>Proposed</b>

## Conclusion

In depth analysis of the Council's current and future financial position using conservative modelling demonstrates that the proposed Community and Recreation Hub can be accommodated within Council finances without compromising any current services to the community.

As noted in this report, should grant funding vary from the amounts sought, rebalancing of the financial model will be necessary.

## Attachments

Nil



**Dr Judy Nagy**  
GENERAL MANAGER CITY GROWTH



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

9 October 2018  
JN



**5.5. Community and Recreation Hub Operations - Report No. AR18/42536**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/42536
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Dr Judy Nagy
<b>SUMMARY</b>	This report summarises issues considered and evaluated for the operation of the proposed Community and Recreation Hub.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/42536 titled '*Community and Recreation Hub Operations*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:





## Background

The proposed Community and Recreation Hub will represent the largest infrastructure project ever undertaken by Council. Such projects are generally unique to a location but are a common facility provided by South Australian regional councils to enrich communities and enhance community well-being. To gain a clearer perspective of operational elements through benchmarking and comparison with other similar facilities elsewhere, Mark Booth of BRM Holdich was engaged to work with Council staff to model an operational budget for Council should the project progress.

## Discussion

### Operating models

Operational models for recreation centres can be either insourced or outsourced. Benchmarking has provided useful examples of how other Councils have chosen to operate facilities and actions that Councils have taken to maximize outcomes for the community and improve cost efficiencies.

Before considering models of operation it is important for Council to have a clear objective of the blend of commercialization and community well-being outcomes the Council wishes to achieve. This will have an impact on the preferred model of operation.

If operations are to be outsourced, contract details and tender documents need to be very specific about how community groups will use spaces. At a minimum, knowledge of the preferred times of operation, when ancillary services like the café and crèche may be open and the proposed pricing structures for the pool, courts and events would need to be known to appropriately specify contract terms. It is also important to consider the degree to which contracted operators may be more focused on their own performance objectives rather than with providing flexibility to meet the evolving needs of a community.

BRM Holdich have suggested that knowledge of the details that may be required to appropriately inform contract design and management can only realistically emerge through a period where Council actively operates the facility for a period of time before deciding on a longer term model. The proposed model for the Community and Recreation Hub reflects a hybrid approach with overall control retained by Council and specialist labor contracted as required.

### Operating Costs

Adopting a ground up approach, projected space utilisation has been modelled on the knowledge gained from many other facilities across South Australia commencing with information provide by Simply Great Leisure who were contracted by Council to conduct research and modelling. The adding in of events, office rental and the potential for commercialisation of spaces to the model have informed revenue projections.

Based on the utilisation statistics, costs have then been projected to ensure that the facility is staffed, provisioned and open at times that provide for maximum community use with programming across all uses to reflect fair and equitable access.

Predicted Costs	\$2.87 million per year
Predicted Revenues	\$1.47 million per year
Annual Council expense	<hr/> \$1.40 million per year

The major costs are typical of such facilities and include depreciation, salaries and utilities.



The proposed operating model has been evaluated against Council's Long Term Financial Plan (LTFP) to assess how the operation of the proposed Community and Recreation Hub would impact Council's operations. The timelines for the project in accordance with existing government funding criteria would see the project completed at the beginning of the 2021/22 financial year allowing three years to prepare for internal Council funding requirements.

The LTFP projections identify a positive position over the next three years that will allow the proposed facility to be funded within the current budget parameters. The financial model has also been predicated on Council receiving the amount of grants sought from both Federal and State Governments. Should the grants be less than the amount sought then the financial model will need to be recalibrated.

The current model projections indicate that no additional rate rises will be required to fund the operation of the proposed facility.

## **Conclusion**

After many months of financial modelling, design and analysis by staff and external experts, we are confident that Council can operate the proposed facility without compromising Council operations and services or asking rate payers to make further rate contributions specific to operating the facility. The financial projections include a number of assumptions that may change over time that have been modelled presuming receipt of grant funding as requested.

## **Attachments**

Nil



**Dr Judy Nagy**  
GENERAL MANAGER CITY GROWTH



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

16 October 2018  
JN



**5.6. Community and Recreation Hub Community Survey - Report No. AR18/37052**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/37052
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Dr Judy Nagy
<b>SUMMARY</b>	This report provides an update on the Community Survey for the Community and Recreation Hub.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/37052 titled '*Community and Recreation Hub Community Survey*' as presented to the Regional Sport and Recreation Centre Committee on 2 October 2018 be noted.

Moved:

Seconded:



## Background

At the Council meeting held 21<sup>st</sup> August 2018, Council passed a number of resolutions that included the following:

### 14.2. Mount Gambier Regional Sport and Recreation Centre - Report No. AR18/32703

- (d) The CEO be authorised to prepare a community survey including the engagement of external specialist support as necessary to enable the survey for the Mount Gambier Regional Sport and Recreation Centre to be conducted as soon as practicable following the November 2018 Council elections.
- (e) To meet the requirements of a comprehensive elector survey seeking feedback from the Mount Gambier community an estimated budget of \$65,000 is required and the CEO is authorised to expend up to this amount with adjustments in the 2018/19 budget being made from the operating surplus at Budget Review Number 3.
- (f) The wording and content of the community survey question/s not be finalised until such time as the Council is satisfied that sufficient information has been obtained to construct an appropriate survey and the community has been informed, as much as practicable, of the Centre proposal.
- (g) Proceeding with the full grant funding submission to both Federal and State Government agencies will be dependent on Council's confirmation of the project's readiness, business case, and the majority of community support as determined by the community survey. Alternatively Council may consider applying for any subsequent rounds of Federal (and State) funding.

## Discussion

A request for Tender to engage a provider to conduct a Community Survey was released on Wednesday 5<sup>th</sup> September 2018, with a closing date of 21<sup>st</sup> September 2018. Three valid tender applications were received by the due date. Through the open tender process, Market Solutions have been appointed and will now undertake the task of preparing the survey ready for distribution on the 28<sup>th</sup> November 2018.

### Survey and Community Engagement Timelines

Community Engagement	10 <sup>th</sup> November 2018
Survey Distribution	29 <sup>th</sup> November 2018
Survey received by electors (est.)	4 <sup>th</sup> December 2018
Survey close	21 <sup>st</sup> December 2018
Survey results	Early January 2019

Market Solutions will distribute a personally addressed survey via mail to approximately 19,000 electors of the City of Mount Gambier. The documents to be distributed will include one double sided information page providing visual impressions of the proposed facility and a number of questions and answers with infographics consistent with that already used in engagement activities. The envelope will contain a unique bar coded voting slip detailing only one question requiring a Yes/No response to be inserted into a reply paid envelope.



Two factors have driven the timelines for the survey that have been beyond the control of Council. The first factor is the receipt and consolidation of information from external experts with the documents being co-dependent. Design images and financial information will only become available in week three of October to prepare the A4 survey information page and the collateral for an intensive community engagement campaign. The information and images require lead times to produce and an engagement strategy will be planned around consistent messaging.

The second external factor is Council elections and the Caretaker Period. Community Engagement is scheduled to commence after voting closes for Council Elections from Saturday 10<sup>th</sup> November for two weeks before the voting opens and for one week after.

## Conclusion

The survey will be released late November 2018 following the first statutory meeting of Council scheduled for 22 November. The survey will be open for approximately two and a half weeks, closing on the 21 December.

While voting slips will be mechanically processed, with numerous public holidays and office closures over the festive period, we anticipate that the survey results will be available in the middle of January 2019.

## Attachments

Nil



**Dr Judy Nagy**  
GENERAL MANAGER CITY GROWTH



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

9 October 2018  
DL



**5.7. Community and Recreation Hub Community Engagement and Communication  
- Report No. AR18/41567**

<b>COMMITTEE</b>	Regional Sport and Recreation Centre Committee
<b>MEETING DATE:</b>	22 October 2018
<b>REPORT NO.</b>	AR18/41567
<b>RM8 REFERENCE</b>	AF18/175
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	This report provides an update on the Community Engagement and Communication strategy for the Community and Recreation Hub.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People
	Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage

**REPORT RECOMMENDATION**

- (a) That Regional Sport and Recreation Centre Committee Report No. AR18/41567 titled '*Community and Recreation Hub Community Engagement and Communication*' as presented to the Regional Sport and Recreation Centre Committee on 22 October 2018 be noted.

Moved:

Seconded:



## Background

At the Council meeting held 19 June 2018, Council resolved to establish a Community Reference Group as follows:

### 13.42 Community Reference Group - Report No. AF18/175

*(a) That Council establish a Community Reference Group represented by a cross section of stakeholders and community members to contribute to the project by:*

- *Participating in its design so that the needs of future users are considered*
- *Provide a local perspective on the impact of the facility in terms of use and access*

At the Council meeting held 21 August 2018, Council passed a number of resolutions that included the following:

### 14.2 Mount Gambier Regional Sport and Recreation Centre – Report No. AR18/32703

*(f) The working and content of the community survey question/s not be finalised until such time as the Council is satisfied that sufficient information has been obtained to construct an appropriate survey **and the community has been informed, as much as practicable, of the Centre proposal.***

## Discussion

Key findings from the intensive community engagement process undertaken to inform the intermediate design of the Community and Recreation Hub Key findings was the need to:

- increase awareness within the community of the project
- increase community understanding of the project
- provide accurate and consistent information amongst those that were aware of the project

Almost all community participants valued the opportunity to explore the project in more detail and to have their questions answered. This resulted in them being able to form their own opinions of the project from an informed position.

Now that the intermediate design, capital and operational costings are available, staff are developing collateral in preparation for another intensive community engagement process to be conducted. Acknowledging the current Caretaker period and the Council election, this will occur from 10 November 2018 to 7 December 2018.

The focus of the engagement is to inform the City of Mount Gambier community and electors about the Community and Recreation Hub, the intermediate design elements including possible functions and uses, the costs and to provide the opportunity for questions to enable them to make an informed decision when surveyed.

There are a number of key messages that will be consistent throughout the engagement that include:

- Intermediate Designs – function and purpose
- Capital Costs
- Operational Costs
- How/when to participate in the survey



Additionally, there will be Frequently Asked Questions (FAQ's) made available that will address some of the issues that we are already aware of such as:

- Why are we doing this?
- What will it cost?
- Will my rates increase to pay for this?
- Who will use it?
- Who gets to vote?
- When will it happen?

The FAQ's will be a dynamic list reflective of the community questions as we progress with the engagement process.

The engagement strategy will consist of a media campaign including traditional and social mediums and an extensive face to face component that includes representation at a number of shopping centres, cafes, Library, Main Corner/Riddoch, Aquatic Centre, community events, speaking engagements and targeted engagement with residents and businesses.

## Conclusion

Development of this project has been subject to compressed timelines. Therefore it is important that, for the benefit of our community, we have a broad reach during this engagement process, we are agile with our response to any enquiry and concise with accurate information that will enable our community to be informed.

## Attachments

Nil



**Barbara Cernovskis**  
GENERAL MANAGER COMMUNITY WELLBEING



**Mark McShane**  
CHIEF EXECUTIVE OFFICER

17 October 2018  
BJC





## **8. REPORT ATTACHMENTS**



## Mount Gambier Community & Recreation Hub

### Ground Floor Plan & Existing Outdoor Pool

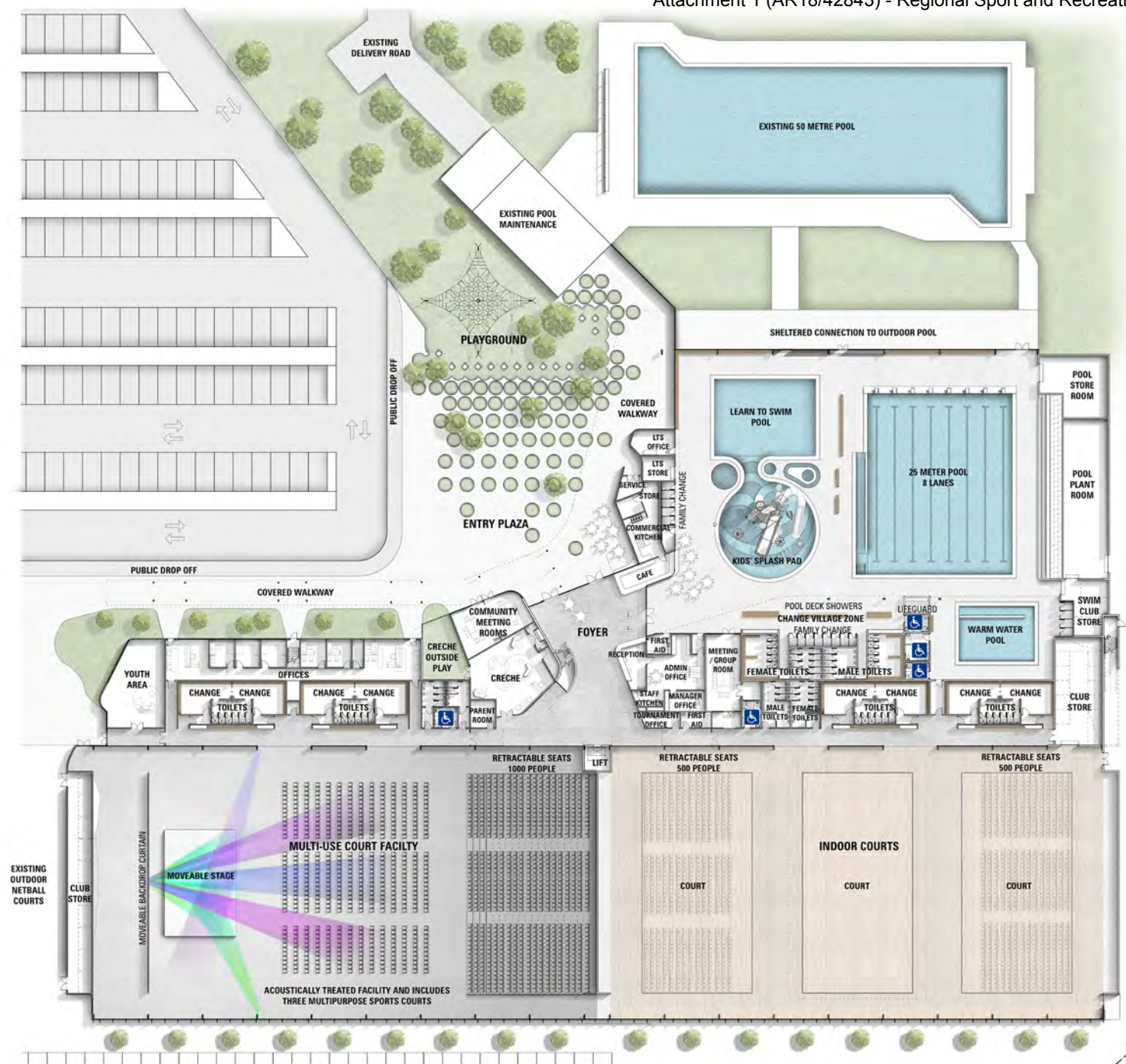
Project Address  
5A Margaret St, Mount  
Gambier SA 5290

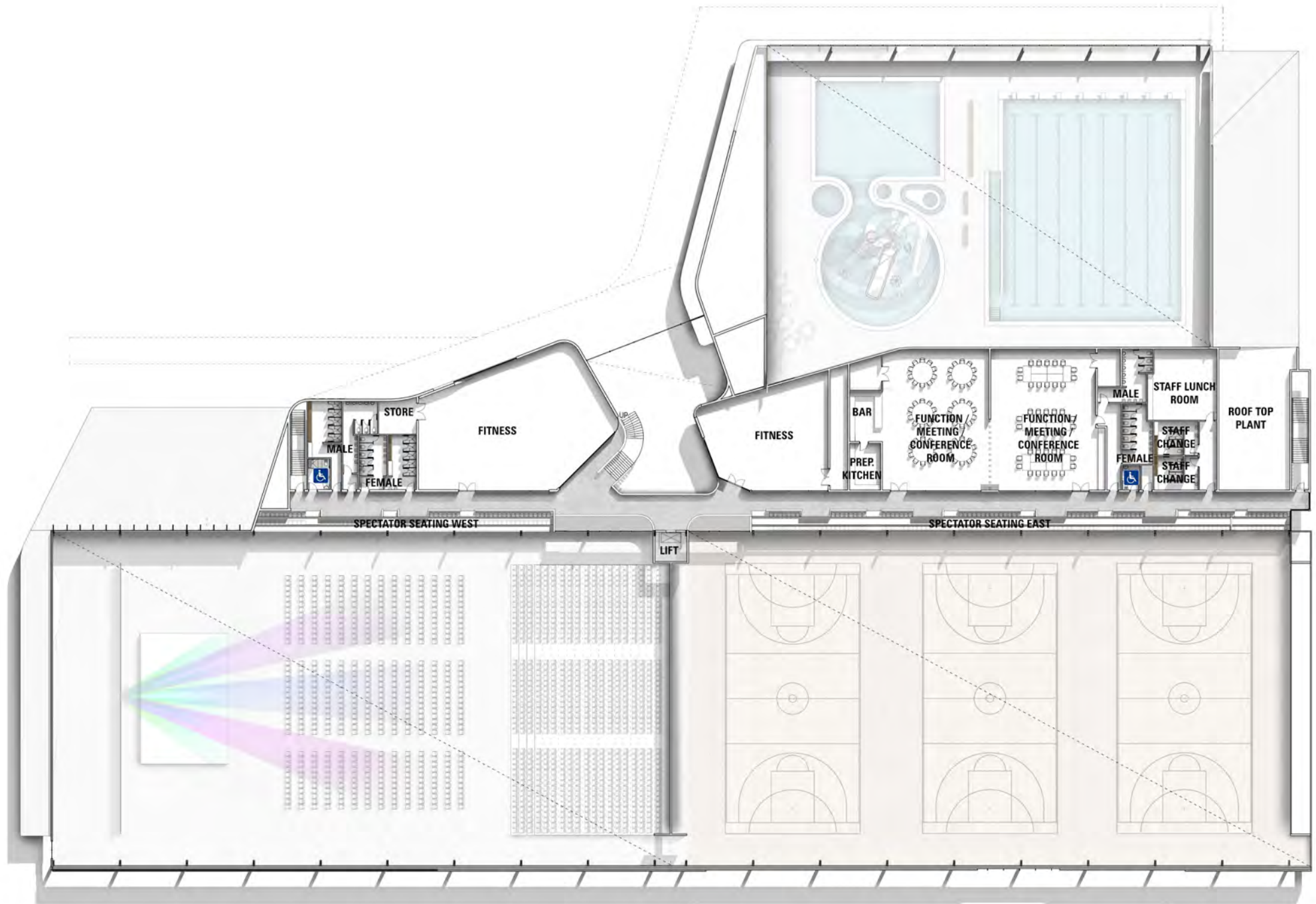
Project #  
**A18-0050**  
Sketch #  
**SK-000**

Status  
Preliminary  
Issue Date  
17.10.2018

Revision  
-  
Scale @ A1  
NTS

Client  City of Mount Gambier







# MOUNT GAMBIER REGIONAL SPORT AND RECREATION CENTRE

Order of Cost Estimate - October 2018

Gross Floor Area: 12,625 m<sup>2</sup>  
Rates Current At October 2018

## Elements Summary

Description		%	Cost/m <sup>2</sup>	Total Cost
XP	Site Preparation	1.1 %	\$32	\$405,900.00
PO	Pools	11.5 %	\$345	\$4,350,000.00
SB	Substructure	6.7 %	\$200	\$2,527,747.50
CL	Columns	3.0 %	\$90	\$1,131,750.00
UF	Upper Floors	1.8 %	\$55	\$689,210.00
SC	Staircases	0.4 %	\$11	\$145,000.00
RF	Roof	11.1 %	\$330	\$4,171,292.50
EW	External Walls	6.0 %	\$179	\$2,265,455.00
ED	External Doors	0.1 %	\$4	\$56,350.00
NW	Internal Walls	3.2 %	\$94	\$1,189,270.00
NS	Internal Screens and Borrowed Lights	0.0 %	\$1	\$9,900.00
ND	Internal Doors	0.5 %	\$16	\$207,000.00
WF	Wall Finishes	0.6 %	\$19	\$234,200.00
FF	Floor Finishes	3.6 %	\$107	\$1,345,034.00
CF	Ceiling Finishes	1.2 %	\$37	\$466,975.00
FT	Fitments	1.5 %	\$45	\$564,580.00
PD	Sanitary Plumbing	1.8 %	\$53	\$666,950.00
GS	Gas Service	0.0 %	\$1	\$15,000.00
AC	Air Conditioning	7.3 %	\$217	\$2,739,550.00
FP	Fire Protection	0.9 %	\$27	\$343,625.00
LP	Electric Light and Power	5.0 %	\$150	\$1,893,750.00
TS	Transportation Systems	0.3 %	\$8	\$95,000.00
BW	Builders Work in Connection With Specialist Services	0.3 %	\$9	\$115,000.00
FE	Furniture, Fittings & Equipment	6.0 %	\$181	\$2,279,050.00
PR	Preliminaries	6.6 %	\$197	\$2,490,000.00
MA	Builders Margin	2.1 %	\$63	\$795,000.00
LL	Locality Loading			\$0.00
CT	Contingency	8.0 %	\$240	\$3,030,000.00
ES	Escalation	4.1 %	\$122	\$1,540,000.00
PF	Professional Fees	4.9 %	\$147	\$1,850,000.00
ST	Statutory Charges	0.3 %	\$9	\$112,511.00
ESTIMATED TOTAL COST			\$2,988	\$37,725,100.00

**MINUTES OF BUILDING FIRE SAFETY COMMITTEE MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on  
Tuesday, 23 October 2018 at 10:45 am

**PRESENT** Cr I Von Stanke (Presiding Member)  
Andy Sharrad (Metropolitan Fire Safety)  
Grant Riches (Professional Building Services)

**COUNCIL OFFICERS** Manager Development Services - Mrs T Tzioutziouklaris  
Building Officer - Mr P Gibbs  
Building Officer - Mrs T Hassan

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

**1. APOLOGY(IES)**

Nil

**2. CONFIRMATION OF BUILDING FIRE SAFETY COMMITTEE MINUTES**

Meeting held on 6 December 2017

That the minutes of the Building Fire Safety Committee meeting held on 6 December 2017 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Andy Sharrod

Seconded: Grant Riches

Carried

**3. BUILDING FIRE SAFETY COMMITTEE REPORTS**

**3.1. Building Fire Safety Committee Report No. AR18/41564**

<b>MEETING DATE:</b>	23 October 2018
<b>ADDRESS</b>	300 Jubilee Highway West, Mount Gambier
<b>OWNER</b>	Mr David Wong
<b>AUTHOR</b>	Paul Gibbs
<b>SUMMARY</b>	This report is to update the Committee on SA Water infrastructure extensions and to request advice on possible solutions.

**COMMITTEE RECOMMENDATION**

- (a) That Building Fire Safety Committee Report No. AR18/41564 be noted.
- (b) That the Committee receive SA Water map detailing the extended Fire Hydrant mains.

- (c) That the Committee take into account the Fire Hydrant main extension and review the previous direction and requirement for an external fire hydrant to be installed on the premises.
- (d) That the Committee consider the previous work that has taken place and advice from Andrew McLeod Fire Protection Pty Ltd that the fire alarm and smoke detection system at the International Motel is fully operational.
- (e) The owner and Manager of the International Motel be advised that two double head fire hydrants are to be installed within the front car parking as illustrated on the provided plan within 3 months of the date of the Building Fire Safety Committee meeting held on Tuesday 23<sup>rd</sup> October, 2018.

Moved: Andy Sharrad

Seconded: Cr Ian Von Stanke

Carried

### 3.2. Building Fire Safety Committee Report No. AR18/41831

<b>MEETING DATE:</b>	23 October 2018
<b>ADDRESS</b>	389A Commercial Street West, Mount Gambier
<b>OWNER</b>	Peter Whitehead Properties Pty Ltd
<b>AUTHOR</b>	Paul Gibbs
<b>SUMMARY</b>	This report is to update the Committee on the progress of Building Fire Safety requirements for MOGAS and request advice and direction on further action.

#### COMMITTEE RECOMMENDATION

- (a) That Building Fire Safety Committee Report No.AR18/41831 be noted.
- (b) That the Committee endorse the City of Mount Gambier to follow up on the outstanding items on behalf of the Committee as follows;
  - The requirement of a detailed, as constructed site plan.
  - That flow testing of the street hydrants take place as previously requested.
  - That the installation of a 144,000 litre fire fighting tank be installed as per SAFA (Built Environs Section Policy No 14) as previously requested.
  - That the re-routing of the 50mm water feed to the 144,000 litre fire fighting tank as previously requested be completed.
- (c) A Notice be issued pursuant to Section 71 of the Development Act, 1993 requiring the following work to be undertaken within 3 months:
  - (i) The installation of a 144000 litre fire fighting tank as per SADA (Built Environments Section Policy no 14) which will supply Water Coverage of 90m radius as per AS2419.1 (location and coverage shown in Attached Site Plan 452-17).



- (ii) Quick Fill of Fire Fighting Tank is to be via one 50mm pipe routed from existing tanks on site. (location shown in Attached Site Plan 452-17)
- (iii) External street fire hydrant coverage (subject to flow test from SA Water), location shown in Attached Site Plan 452-17 (adjacent to Landmark Premises).
- (iv) All Requested Documentation pertaining to this site's Fire Safety equipment and systems in accordance with the Ministers Specifications SA 76.

Moved: Cr Ian Von Stanke

Seconded: Andy Sharrad

Carried

### 3.3. Building Fire Safety Committee Report No. AR18/42207

<b>MEETING DATE:</b>	23 October 2018
<b>ADDRESS</b>	103 Commercial Street West, Mount Gambier
<b>OWNER</b>	Admill Nominees Pty Ltd
<b>AUTHOR</b>	Tania Hassan
<b>SUMMARY</b>	This report is to determine the Building Fire Safety requirements for Odeon Plaza located at 103 Commercial Street West, Mount Gambier

#### COMMITTEE RECOMMENDATION

- (a) That Building Fire Safety Committee Report No. AR18/42207 for Odeon Plaza, located at 103 Commercial Street West, Mount Gambier as presented to the Building Fire Safety Committee on 23 October 2018 be noted.
- (b) The Owner be advised that the Building Fire Safety Committee agrees to accept the report and recommendations in relation to Building Fire Safety upgrades to the building as submitted by Admill Nominees Pty Ltd dated 16 March 2018.
- (c) A Notice be issued pursuant to Section 71 of the Development Act, 1993 requiring the following work to be undertaken within 3 months:
  - (i) Smoke detection system shall be installed in accordance with the National Construction Code (NCC) Volume one, Specification E2.2a, Clause 4. Smoke detection system and activate a building occupant warning system in accordance with Clause 6. Building occupant warning system; and comply with Australian Standard (AS) 1670.1 Fire detection, warning, control and intercom systems - System design, installation and commissioning.



- (ii) The Tenancy 09 external stairway is generally compliant however it still does not meet the requirements for the openings to treads, and tread luminance. Gaps to tread risers are to have metal angle installed to reduce the space, and a contrasting luminance strip be applied to meet the requirements.
- (iii) The required fire exit at the back of the She's Apples tenancy needs to be maintained and kept clear of any obstructions at all times. This fire exit doorway leading from the external stairway of Tenancy 9 needs to be made available at all times and an unobstructed safe passage of travel needs to be provided through the She's Apples tenancy so as to ensure the safe passage of exit to all people within the building. This could be achieved via the installation of a partition wall. This safe passage of travel must provide an exit from the building that meets the Building Fire Safety requirements of the National Construction Code.

Moved: Andy Sharrad

Seconded: Grant Riches

Carried

The Building Fire Safety Committee suspended meetings proceedings at 12:35 p.m.

The Building Fire Safety Committee attended an onsite inspection at 103 Commercial Street West, Mount Gambier at 1:30 p.m.

The Building Fire Safety Committee resumed the meeting at 2:00 p.m.

### 3.4. Building Fire Safety Committee Report No. AR18/42576

<b>MEETING DATE:</b>	23 October 2018
<b>ADDRESS</b>	99 Penola Road, Mount Gambier
<b>OWNER</b>	Active8 Complex
<b>AUTHOR</b>	Tania Hassan
<b>SUMMARY</b>	This report is to determine the Building Fire Safety requirements for Active8 located at 99 Penola Road, Mount Gambier.
<b>COMMITTEE RECOMMENDATION</b>	
<p>(a) That Building Fire Safety Committee Report No. AR18/42576 for Active8, located at 99 Penola Road, Mount Gambier as presented to the Building Fire Safety Committee on 23 October 2018 be noted.</p> <p>(b) That Building fire safety committee review the requirement of extra fire hose reels as prescribed on the point (5) of Building Fire Safety Notice dated 21 January 2014 (Attachment 4).</p>	





- (c) Council is to issue Essential Safety Provision Forms 1, 2 and 3 for the building and a Development Application be sought for the Building Fire Safety upgrade of the building. The Development Application is requested to be lodged with Council within 28 days.
- (d) The owner/occupier of the building be advised the Building Fire Safety Committee requests that the following work be undertaken within 3 months:
  - (i) All existing fire hydrants to be upgraded to be double headed riser hydrants to ensure that remain compliant with Building Fire Safety Requirements.

Moved: Andy Sharrad

Seconded: Grant Riches

Carried

**3.5. Building Fire Safety Committee Verbal Report - Building Cladding - Ref. AF17/421**

**COMMITTEE RECOMMENDATION**

- (a) That the verbal report by Mr Andy Sharrad as presented to the Building Fire Safety Committee on 23 October 2018 be received.
- (b) Council to provide a formal response to the Department of Planning Transport and Infrastructure (DPTI) advising that it has no knowledge of buildings with aluminium cladding within the Council area that meet the Minister's specifications for formal notification to DPTI.

Moved: Andy Sharrad

Seconded: Cr Ian Von Stanke

Carried

Meeting closed at 2.21 p.m.

AR18/42202

CONFIRMED THIS

DAY OF

2018

.....  
PRESIDING MEMBER



**MINUTES OF JUNIOR SPORTS ASSISTANCE FUND  
THIRTY THIRD ANNUAL GENERAL MEETING (SECTION 41) COMMITTEE**

Meeting held in the Conference Room, Level 1, Civic Centre, 10 Watson Terrace, Mount Gambier  
on Wednesday, 24 October 2018 at 5:30 p.m.

**PRESENT** Cr Hanna Persello (Presiding Member)  
Mrs Karen Cunningham  
Mrs Jenny Burston

<b>COUNCIL OFFICERS</b>	General Manager Community Wellbeing	- Ms B Cernovskis
	Administration Officer Executive Support	- Mrs M Telford

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

**1. APOLOGY(IES)**

Apology(ies) received from Jeanette Elliott and Cr Kuhl

That the apology from Jeanette Elliott and Cr Kuhl be received.

Moved: Karen Cunningham	Seconded: Jenny Burston	Carried
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**2. CONFIRMATION OF JUNIOR SPORTS ASSISTANCE FUND THIRTY SECOND ANNUAL GENERAL MEETING (SECTION 41) COMMITTEE MINUTES**

Meeting held on 4 October 2017

That the minutes of the Junior Sports Assistance Fund Thirty Second Annual General Meeting (Section 41) Committee held on 4 October 2017 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Jenny Burston	Seconded: Karen Cunningham	Carried
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**3. QUESTIONS**

**3.1. With Notice**

Nil submitted.

**3.2. Without Notice**

Nil submitted.

**4. DEPUTATIONS**

Nil



## 5. JUNIOR SPORTS ASSISTANCE FUND (SECTION 41) COMMITTEE REPORTS

### 5.1. Statement of Revenue and Expenditure for Year Ended 30/06/2018 - Report No. AR18/39959

#### COMMITTEE RECOMMENDATION

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/39959 titled '*Statement of Revenue and Expenditure for Year Ended 30/06/2018*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) The Statement of Income and Expenditure for period ended 30 June, 2018 detailing payments to or payments from the Fund with a 30 June 2018 cash balance of \$86,049.62 be received.

Moved: Cr Persello

Seconded: Karen Cunningham

Carried

### 5.2. General Developments of the Fund since Thirty Second Annual General Meeting - Report No. AR18/40042

#### COMMITTEE RECOMMENDATION

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40042 titled '*General Developments of the Fund since Thirty Second Annual General Meeting*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved: Cr Persello

Seconded: Karen Cunningham

Carried

### 5.3. Member Organisation Contributions 2018/2019 - Report No. AR18/40044

#### COMMITTEE RECOMMENDATION

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40044 titled '*Member Organisations Contributions 2018/2019*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted;
- (b) the Member Organisation contributions for the 2018/2019 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2<sup>nd</sup> August 2005 and as attached to the agenda (in respect of the required 2018/2019 contributions);
- (c) the "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2018/2019 financial year.



Moved: Karen Cunningham

Seconded: Jenny Burston

Carried

**5.4. Committee Appointments - Report No. AR18/40050**

COMMITTEE RECOMMENDATION
(a) That Junior Sports Assistance Fund Committee Report No. AR18/40050 titled ' <i>Committee Appointments</i> ' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved: Cr Persello

Seconded: Jenny Burston

Carried

**6. MOTION(S) - With Notice**

Nil Submitted

**7. MOTION(S) - Without Notice**

Nil Submitted

Meeting closed at 5.36 p.m.

AR18/44003



**5.1. Statement of Revenue and Expenditure for Year Ended 30/06/2018 - Report No. AR18/39959**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/39959
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Melissa Telford
<b>SUMMARY</b>	This report presents the financial position of the Junior Sports Assistance Fund for period 1 July 2017 to 30 June 2018.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/39959 titled '*Statement of Revenue and Expenditure for Year Ended 30/06/2018*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) The Statement of Income and Expenditure for period ended 30 June, 2018 detailing payments to or payments from the Fund with a 30 June 2018 cash balance of \$86,049.62 be received.

Moved:

Seconded:



## Background

The statement of income and expenditure of the Junior Sports Assistance Fund for the period 1 July 2017 to 30 June 2018 is reported for information.

## Discussion

The report provides the Junior Sports Assistance Fund statement of income and expenditure for financial year 2017/2018, detailing payments to or payments from the Fund as at 30 June 2018. Revenue from the member sporting organisations, Council contributions, bank interest and any donations received during the reporting period are also listed. Also, payments to junior sportspersons, coaching clinics, exceptional and financially disadvantaged juniors are also provided to inform the members of the expenditure incurred during this reporting period.

## Conclusion

The financial position of the Junior Sports Assistance Fund as at 30 June 2018 is sound. The consolidated balance of the fund as at 30 June 2018 is \$86,049.62.

## Attachments

[Attachment 1 \(AR18/41623\): Statement of Revenue and Expenditure for Year Ended 30/06/2018](#)



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

10 October 2018  
MJT





David Chant CA, FCPA  
Simon Smith CA, FCPA  
David Sullivan CA, CPA  
Jason Seidel CA  
Renae Nicholson CA  
Tim Muhlhausler CA  
Aaron Coonan CA  
Luke Williams CA, CPA  
Daniel Moon CA



CHARTERED ACCOUNTANTS™  
AUSTRALIA + NEW ZEALAND

## Mount Gambier

233 Commercial Street West  
PO Box 246, Mount Gambier SA 5290  
P: (08) 8725 3068  
F: (08) 8724 9553  
E: admin@galpins.com.au

## Stirling

Unit 4, 3-5 Mount Barker Road  
PO Box 727, Stirling SA 5152  
P: (08) 8339 1255  
F: (08) 8339 1266  
E: stirling@galpins.com.au

## Norwood

3 Kensington Road, Norwood SA 5067  
PO Box 4067, Norwood South SA 5067  
P: (08) 8332 3433  
F: (08) 8332 3466  
E: norwood@galpins.com.au

W: www.galpins.com.au

ABN: 30 630 511 757

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## INDEPENDENT ASSURANCE PRACTITIONER'S REVIEW REPORT



To the members of City of Mount Gambier Junior Sports Assistance Fund

### Report on the Financial Report

We have reviewed the accompanying financial report of City of Mount Gambier Junior Sports Assistance Fund (the association), which comprises the Statement of Income and Expenditure and accompanying notes for the year ended 30<sup>th</sup> June 2018.

### Responsibility of the Committee for the Financial Report

The committee of the fund is responsible for the preparation and fair presentation of the financial report in accordance with the *Associations Incorporations Act 1985 (SA)*. This responsibility includes establishing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

### Assurance Practitioner's Responsibility

Our responsibility is to express a conclusion on the financial report based on our review. We conducted our review in accordance with Standard on Review Engagements ASRE 2400 *Review of a Financial Report Performed by an Assurance Practitioner Who is Not the Auditor of the Entity*, in order to state whether, on the basis of the procedures described, anything has come to our attention that causes us to believe that the financial report is not presented fairly, in all material respects, in accordance with the *Associations Incorporations Act 1985 (SA)* and relevant accounting standards. ASRE 2400 requires us to comply with the requirements of the applicable code of professional conduct of a professional accounting body.

A review of a financial report consists of making enquiries, primarily of persons responsible for financial and accounting matters, and applying analytical and other review procedures. A review is substantially less in scope than an audit conducted in accordance with Australian Auditing Standards and consequently does not enable us to obtain assurance that we would become aware of all significant matters that might be identified in an audit. Accordingly, we do not express an audit opinion.

### Independence

In conducting our review, we have complied with the independence requirements of the Australian professional accounting bodies.

### **Basis for Qualified Conclusion**

It is not practicable for City of Mount Gambier Junior Sports Assistance Fund to maintain an effective system of internal control over donations, subscriptions and other fundraising activities until their initial entry in the accounting records. Our review in relation to fundraising was limited to amounts recorded. Consequently, we were unable to determine whether any adjustments to these amounts were necessary.

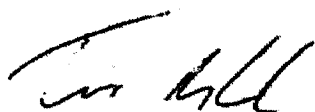
### **Qualified Conclusion**

Based on our review, which is not an audit, except for the possible effects of the matters described in the Basis for Qualified Conclusion paragraph, nothing has come to our attention that causes us to believe that the financial report of City of Mount Gambier Junior Sports Assistance Fund does not present fairly, in all material respects, the financial position of the fund as at 30 June 2018, and of its financial performance for the year ended on that date, in accordance with the *Associations Incorporations Act 1985 (SA)*.

### **Basis of Accounting and Restriction on Distribution**

Without modifying our conclusion, we draw attention to Note 1 to the financial statements, which describes the basis of accounting. The financial report has been prepared to assist City of Mount Gambier Junior Sports Assistance Fund to meet the requirements of the *Associations Incorporation Act SA 1985*. As a result, the financial report may not be suitable for another purpose.

### **GALPINS ACCOUNTANTS AUDITORS & BUSINESS CONSULTANTS**



**Tim Muhlhausler** CA, Registered Company Auditor

Partner

09 / 10 / 2018



**CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**

**NOTES TO THE FINANCIAL STATEMENTS**

**FOR THE YEAR ENDED 30<sup>th</sup> JUNE 2018**

**NOTE 1: STATEMENT OF ACCOUNTING POLICIES**

The financial statements are a special purpose financial report prepared for use by members of the Association. The committee have determined that the Association is not a reporting entity and therefore there is no requirement to apply Australian Accounting Standards, Australian Accounting Interpretations and other authoritative pronouncements of the Australian Accounting Standards Board in the preparation and presentation of these financial statements.

The financial statements have been prepared from historical cost records and do not take into account changing money values or, except where stated, current valuations of non-current assets. The cash basis of accounting has been adopted. The financial statements have been prepared on the going concern basis, and the concept of materiality has been applied. No accounting standards, accounting interpretations or other authoritative pronouncements have been applied.

The following material accounting policies which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial statement.

**(a) Income Tax**

The association is exempt from Income Tax.

**CITY OF MOUNT GAMBIER JUNIOR SPORTING FUND**

**STATEMENT OF REVENUE AND EXPENDITURE  
FOR THE YEAR ENDED 30 JUNE 2018**

**REVENUE**

Member Contributions	\$8,835.00
Council Contributions	\$12,000.00
Investments on investment/bank accounts	\$1,151.83
Donations - Coaching Clinics	\$5,000.00
Donations - Financially Disadvantaged Juniors	\$3,000.00
Donations - Other	\$4,840.00
<b>TOTAL REVENUE</b>	<b>\$34,826.83</b>

**LESS EXPENDITURE**

Payments for Junior Sportsperson	\$13,450.00
Payments for Coaching Clinics	\$5,000.00
Payments for Financially Disadvantaged Juniors	\$5,940.00
Payments to Exceptional Juniors	\$1,000.00
Bank fees and charges	\$0.00
<b>TOTAL EXPENDITURE</b>	<b>\$25,390.00</b>

<b><u>SURPLUS (DEFICIT)</u></b>	<b><u>\$9,436.83</u></b>
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**CITY OF MOUNT GAMBIER JUNIOR SPORTING FUND**

**STATEMENT OF NET ASSETS  
FOR THE YEAR ENDED 30 JUNE 2018**

**This is represented by:**

Opening Bank Balance as at 1 July 2017	\$76,612.79
Add: Surplus/Deficit (Year Ended 30 June 2018)	\$9,436.83
<b>Net Assets as at 30th June 2018</b>	<b><u>\$86,049.62</u></b>

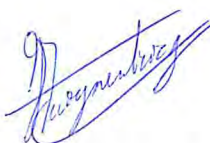
Closing Balance Bendigo Bank Term Deposit (633-000 152962106) as at 30 June 2018	\$41,363.06
Closing Balance Bendigo Bank Account (633-000 148372071) as at 30 June 2018	\$27,927.17
Add Receivable from Council - 2017/2018 Donation held by Council	\$12,000.00
Add Receivable from Rotary Club (Lakes) - 2017/2018 Donation held by Council	\$2,340.00
Add Receivable from Council - Commercial Club - 2017/2018 Donation held by Council	\$2,500.00
Add Interest Income Receivable - Term Deposit 03/04/2018 - 30/06/2018	\$219.39
Less Outstanding Cheques as at 30 June 2018	
Cheque no. 2870 (Lower South East Hockey Association)	\$300.00
<b>TOTAL ASSETS</b>	<b><u>\$86,049.62</u></b>

Prepared by:

Reviewed by:



**Kylie Harradine**  
TEAM LEADER FINANCE  
27/07/2018



**Jeroen Zwijnenburg**  
MANAGER FINANCE AND CUSTOMER SERVICE  
27/07/2018

**5.2. General Developments of the Fund since Thirty Second Annual Meeting - Report No. AR18/40042**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40042
<b>RM8 REFERENCE</b>	AF11/725; AF17/185
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	The report provides details on applications received for financial assistance from Members of the Junior Sports Assistance Fund and payments made from the Fund for financial year 2017/2018. It also provides general information in relation to membership.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40042 titled '*General Developments of the Fund since Thirty Second Annual Meeting*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:



## Background

The report provides details on applications received for financial assistance from Members of the Junior Sports Assistance Fund, payments made from the Fund and general information in relation to Membership of the Fund for financial year 2017/2018 and is reported for information.

## Discussion

### *General Developments since Thirty Second Annual Meeting*

- (a) Nineteen (19) individual sporting organisations are formal Members of the Fund as at June 2018.
- (b) The Committee that manages the Fund comprises the following members as at 30 June 2018:

Cr Hanna Persello (Presiding Member)  
Cr Barry Kuhl  
Mrs Karen McGregor  
Mrs Jeanette Elliott  
Mrs Jenny Burston  
Mrs Karen Cunningham  
Ms Barbara Cernovskis (Secretary)

and the Committee met formally on 4 October 2017, 13 December 2017 and 11 April 2018.

- (c) The Committee's current policies are that the payments from the Fund for support to juniors in any one financial year should not exceed 30% of the value of the Fund calculated as at 1<sup>st</sup> day of July of that financial year and that \$5,000 be made available in any one financial year for specialised coaching clinics.
- (d) The Committee has appointed small specific sub-committees for its Members to consider all applications for financial assistance from the Fund and for the sub-committees to act on those applications in consultation with the Secretary.
- (e) The following applications for financial assistance to Juniors from the Fund had been approved and paid during the 2017/18 year:

Basketball Mount Gambier Inc.	3,500
Blue Lake Y Swim Club	-
Lower South East Hockey Association Inc.	2,300
Mount Gambier & District Baseball League Inc.	1,350
Lakes Junior Tennis Inc.	-
Mount Gambier & District Pony Club	-
Mount Gambier Golf Club Inc.	-
Mount Gambier Netball Association Inc.	-
Mount Gambier Softball League	300
North Gambier Football/Netball Clubs	250
South Gambier Football/Netball Clubs	-
Mount Gambier & District Junior Cricket Association	700
Mount Gambier & District Little Athletics Club	500



Mount Gambier Touch Association	-
South East Women's Football Association	1,250
Mount Gambier Swimming Club	300
Mount Gambier Cycling & Triathlon Club	1,050
Mount Gambier Showjumping Club	-
Limestone Coast Football Association (formerly Western Border Soccer)	1,050
Discretionary	900
	<u>\$13,450</u>

- (f) The following applications for specialised Coaching Clinic funding had been approved and/or paid during the 2017/18 year:

Basketball Mount Gambier	1,400
Blue Lake Y Swim Club	1,600
Mount Gambier Golf Club	2,000
	<u>\$5,000</u>

*Funded entirely from the generous sponsorship of this initiative by the Mount Gambier and District Bendigo Community Bank. .*

- (g) The following applications for Disadvantaged Junior funding had been approved and/or paid during the 2017/2018 year:

Basketball Mount Gambier	600
Mount Gambier Netball Association	600
Mount Gambier and District Baseball League	600
Blue Lake Y Swimming Club	300
South East Women's Football Association	1,200
Limestone Coast Football Association	2,340
Discretionary	300
	<u>\$5,940</u>

*Funded entirely from the generous sponsorship of the Rotary Club of Mount Gambier Lakes from Blue Lake Fun Run proceeds. (The Fund did contribute \$600 towards the initiative in 2017/2018 so all applications could be funded).*

- (h) Commercial Club Exceptional Junior Award

The Commercial Club Inc. has continued to provide the annual donation of \$1,000 for awarding to a young person (or two) who have demonstrated exceptional commitment and skills to achieve excellence in their chosen sport (previously funded by Blue Ribbon Insurance Services).

The awardees of over the past eight (8) years of the initiative are:

- 2010 Jack Pudney (Cricket)
- 2011 Jaime McInerney (Athletics)
- 2012 Matthew Markiewicz (Basketball)
- 2013 Connor Prior (Karate)
- 2014 Dylan Ridding (Baseball)



- 2015 Lachlan Hunter (Basketball)
- 2016 Isabella Stratford (Basketball/Cricket)
- 2017 Mitchell Hunter and Emily Close (Basketball)

(i) Of the total incomes of the Fund for the 2017/18 financial year:

Council's contributions	12,000	35%
Member organisation contributions	8,835	25%
Bank Interests	1,151	3%
Donations	1,500	4%
Sponsorship	11,340	33%
	<u>\$34,826</u>	<u>100%</u>

(j) The following TOTAL payments have been made to Junior sportspersons from the Fund - 1<sup>st</sup> July 1988 to 30<sup>th</sup> June 2018:

Australian Karate - Do Seishikan *	4,400
Blue Lake Sports Club *	1,500
Mount Gambier Little Athletics	20,750
Gambier Centrals Soccer Club *	1,150
Mount Gambier Pistol Club *	4,800
Mount Gambier Netball Association	2,150
Blue Lake BMX Club Inc. *	22,620
Blue Lake City Roller Skating Club *	11,550
Blue Lake Y Swimming Club	12,065
Basketball Mount Gambier	84,460
Mount Gambier Cycling & Triathlon Club	9,350
Mount Gambier & District Baseball League	85,850
Mount Gambier Softball League	33,450
Lakes Junior Tennis Association	1,700
North Gambier Football and Netball Clubs	3,950
Lower South East Hockey Association	81,750
East Gambier Football and Netball Clubs *	1,500
South Gambier Football and Netball Clubs	6,450
Blue Lake Gymnastic Club *	1,300
Mount Gambier Golf Club	4,650
Shingokan Go Ju Ryu Karate *	15,720
West Gambier Football Junior Colts *	800
Mount Gambier Athletics Talent & Development *	8,350
Mount Gambier & District Pony Club	2,600
Mount Gambier Ten Pin Bowling *	700
Mount Gambier Touch Association	4,150
Mount Gambier Junior Motorcycle *	5,100
Mount Gambier & District Junior Cricket	7,750
South East Women's Football Association	8,975
Limestone Coast Football Assoc. (formerly Western Border Soccer Association)	4,350
Mount Gambier Show Jumping Association	350
Mount Gambier Swimming Club	300
Discretionary	<u>9,660</u>
	<u>\$464,200</u>

\*No longer a Member



- (k) The following TOTAL payments have been made to Member Organisations for specialised Coaching Clinics from the Fund - 1<sup>st</sup> July 1991 to 30<sup>th</sup> June 2018:

Mount Gambier Cycling & Triathlon Club	1,315
Blue Lake BMX Club *	2,000
Basketball Mount Gambier	4,637
Mount Gambier Table Tennis Association *	3,850
Lakes Junior Tennis Association	7,625
Mount Gambier Ten Pin Bowling *	1,000
Mount Gambier Netball Association	4,900
Blue Lake Y Swimming Club	4,500
Blue Lake City Roller Skating Club *	300
Mount Gambier & District Baseball League	6,750
Mount Gambier Softball League	5,590
Mount Gambier District Korfbal Club *	1,140
Lower South East Hockey Association	3,050
Mount Gambier & District Pony Club	8,534
Mount Gambier Pistol Club *	1,200
Blue Lake Gymnastic Club *	2,500
North Gambier Football and Netball Clubs	1,790
Shingokan Go Ju Ryu Karate *	8,040
Mount Gambier & District Junior Cricket	600
Mount Gambier Little Athletics	2,100
Mount Gambier Junior Motorcycle *	862
Mount Gambier Golf Club	2,800
Mount Gambier Athletics Talent Squad *	1,000
South East Women's Football Association	2,500
Mount Gambier Showjumping Club	2,450
Limestone Coast Football Association	1,300
Mount Gambier Swimming Club	1,050
Mount Gambier Golf Club	<u>2,000</u>
	<u>\$85,383</u>

\* No longer a Member

- (l) The following TOTAL payments have been made to Member Organisations for Disadvantaged Junior from the Fund - 1<sup>st</sup> July, 2012 to 30<sup>th</sup> June, 2018:

Mount Gambier & District Baseball League	900
South East Women's Football Association	2,100
Mount Gambier Cycling and Triathlon Club	600
Basketball Mount Gambier	2,410
Mount Gambier Athletics Talent & Development Squad	300
Blue Lake Y Swim Club	800
Limestone Coast Football Association	2,640
Mount Gambier Softball League	300
Mount Gambier Netball Association	600
Special Olympics SA (Discretionary)	1,500
Discretionary	<u>300</u>
	<u>\$12,450</u>





### *Non Resident Applications*

The Secretary reported that a previous amendment to the operating guidelines now allows persons not resident of the area of the two local Councils (but who are Members of a Member Organisation of the Fund) to now apply for financial assistance, the Committee wished to be informed of the number of applications received on an annual basis.

During the 2017/18 there were no non resident applications received.

### *Applications for Financial Assistance - Discretionary Assistance*

- (a) that the Annual Meeting of Members held on 27<sup>th</sup> July, 2004 resolved:

*“as a matter of Policy this Annual Meeting of Members hereby adopts and delegates the power to the Committee to make a discretionary donation to a local junior sportsperson when in the opinion of the Committee any such application deserves the Committee’s support based on special merit and circumstances and where the application is not able to be processed under the current procedures of the Fund.”*

- (c) During the 2017/18 year the following discretionary assistance was paid from the Fund:

NAME	SPORT	AMOUNT
Riley and Jasmine Morgan	BMX	\$600
Jordy Martin	Swimming	\$600

### *Applications for Assistance Denied*

The Secretary reported that during the 2017/2018 the following applications for financial assistance were denied:

NAME	SPORT	REASON
Holly Allison	Dancing	Music/Arts - other available grants
Tom Rundle	Baseball	Not playing for a local team
Brooke Tonin	Football	Curtain Raiser, not a State or National Event
Kaylee Whitehead	Athletics	Not a State Selection
Maxan Whitehead	Football	Selected for tryouts but did not make the final team

### *Resigned (Suspended) and new Member Organisations*

- (a) During 2017/2018 no Member Organisations were suspended from the Fund for non payment of their Member Contribution.
- (b) During 2017/2018 no Members Organisations withdrew from the Fund.
- (c) During 2017/2018 no new Members were admitted.



### *Financial Position*

With the number of applications for support to juniors, the Fund was able to cope with demand but the financial position will need to be continually reviewed.

This 2018 Annual Meeting of Members will again be required to reflect upon the reforms necessary to stabilise and sustain the financial position of the Fund to achieve our aspirations in the 2018/2019 year.

Interest rates on our small investment continue to be at a low level.

These suggested 2018/2019 reforms can be summarised as:

- Reductions in individual financial support to junior sportspersons (if the Committee deems necessary)
- Sustain the current annual minimum payment of \$400 from Member Organisations but the Committee review the current annual maximum payment of \$800 from Member Organisations and determine ceiling limit.
- Individual Member contributions continue to be calculated to have regard to returns to that Member Organisation from the Fund based on applications granted and not on the number of juniors.

### *Unpaid Membership 2017/2018*

All Member contributions have been paid for 2017/2018.

### *Financial Support to Juniors not able to attend the National Event due to Illness /Injury*

From time to time it can occur that a junior who has received financial support from the Fund to attend a National event is not able to finally participate due to injury, illness.

Depending on the timing of the need to withdraw the family could have purchased equipment, special purpose clothing or paid other non refundable costs.

In the past the Funds contribution to a junior who has been required to withdraw from a State Team has been refunded in full back to the Fund.

The question is whether some or all of the Funds contribution to a junior (via a Member Organisation) can be retained by the family to cover some of the non refundable costs incurred by the family.

The City of Mount Gambier Junior Sports Assistance Fund Committee at its meeting held on 31<sup>st</sup> July, 2013 resolved:

- (a) *the report be received;*
- (b) *“(i) as a matter of Policy, should it occur that within the twenty one (21) days prior to the actual event date, a junior sportsperson(s) is forced through injury or illness to withdraw from the principal event for which funds have been provided to the junior sportsperson(s) (via their Member Organisation) by the Fund, then the Secretary may negotiate with the family for the family to retain some of the donation provided by the Fund should the family prove that they have incurred and paid non refundable costs;*



- (ii) *in all other cases a full refund of the original donation should be returned to the Fund by the recipient Member Organisation/family if a junior sportsperson(s) is not able to attend the principal event due to illness or injury."*

A handwritten signature in black ink, appearing to read 'Barbara Cernovskis', written on a light-colored background.

**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

10 October 2018  
MJT



**5.3. Member Organisation Contributions 2018/2019 - Report No. AR18/40044**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40044
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	This report reflects Member Organisation contributions to be paid to the Fund for financial year 2018/2019.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40044 titled '*Member Organisations Contributions 2018/2019*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted;
- (b) the Member Organisation contributions for the 2018/2019 financial year continue to be based on the funding formula as adopted at the Annual Meeting of Members held on 2<sup>nd</sup> August 2005 and as attached to this agenda (in respect of the required 2018/2019 contributions);
- (c) the "previous five (5) year annual average" be interpreted and calculated on a rolling basis i.e. the previous five (5) year annual average include the then financial year just ended so that the Member Organisation contributions reflect the most current figures and the minimum payment of \$400 and the maximum payment of \$800 apply for the 2018/2019 financial year.

*(Committee to consider and make final decision re (c))*

Moved:

Seconded:



## Background

The Junior Sports Assistance Funds affiliated sporting organisations contribute annually to the Fund based on a formula determined by the Committee annually and adopted by the affiliated sporting organisations at the Annual Meeting to apply for the ensuring financial year.

## Discussion

### *Member Organisation Contributions 2018/2019*

The Secretary report that Member Organisation contributions for the 2018/2019 year continue to be based on the same formula.

For the 2018/2019 financial year it is suggested that the financial contributions by Member Organisations be retained at:

- (i) minimum of \$400
- (ii) maximum of \$800

For the information of Members the last change to the financial contributions was made in 2014/2015 i.e.

	<u>2013/2014</u>	<u>2014/2015</u>
Minimum	\$350	\$400
Maximum	\$800	\$800



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

10 October 2018  
MJT



**5.4. Committee Appointments - Report No. AR18/40050**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40050
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	This report reflects the appointment of members of the Committee who are authorised to consider and approve applications for Junior Sports Fund assistance.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40050 titled '*Committee Appointments*' dated 10 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:



## Background

The Junior Sports Assistance Fund appoints Committee Members to consider and approve applications for funding from Member Organisations. This report reflects the appointments made.

## Discussion

The following appointments have been made of members of the Committee who are hereby authorised to consider and approve applications for Junior Sports Fund assistance:

<u>APPLICATIONS FROM</u>	<u>COMMITTEE MEMBERS EMPOWERED TO CONSIDER</u>
1. SWIMMING	JEANETTE ELLIOTT KAREN CUNNINGHAM
2. FOOTBALL	JENNY BURSTON JEANETTE ELLIOTT
3. HOCKEY	KAREN CUNNINGHAM JEANETTE ELLIOTT
4. BASKETBALL	JENNY BURSTON KAREN CUNNINGHAM
5. NETBALL – MTG NETBALL ASSOCIATION <u>AND</u> (those Netball Clubs associated with Mount Gambier WBFL Football Clubs provided those Football Clubs are Members of the Fund i.e. <ul style="list-style-type: none"><li>• South Gambier</li><li>• North Gambier</li><li>• East Gambier)</li></ul>	JENNY BURSTON JEANETTE ELLIOTT
6. SOFTBALL	KAREN CUNNINGHAM JEANETTE ELLIOTT
7. BASEBALL	JENNY BURSTON KAREN CUNNINGHAM
8. TENNIS	JENNY BURSTON JEANETTE ELLIOTT
9. PONY CLUB	KAREN CUNNINGHAM JENNY BURSTON
10. GOLF	JEANETTE ELLIOTT KAREN CUNNINGHAM
11. CRICKET	JENNY BURSTON JEANETTE ELLIOTT
12. ATHLETICS	KAREN CUNNINGHAM JENNY BURSTON
13. TOUCH FOOTBALL	JEANETTE ELLIOTT KAREN CUNNINGHAM



14. WOMEN'S FOOTBALL

JENNY BURSTON  
JEANETTE ELLIOTT

15. CYCLING & TRIATHLON

KAREN CUNNINGHAM  
JENNY BURSTON

16. SHOWJUMPING

JEANETTE ELLIOTT  
KAREN CUNNINGHAM

17. SOCCER

JENNY BURSTON  
JEANETTE ELLIOTT

A handwritten signature in black ink, appearing to read 'Barbariskis', is shown on a light grey background.

**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

10 October 2018  
MJT





**MINUTES OF JUNIOR SPORTS ASSISTANCE FUND (SECTION 41) COMMITTEE MEETING**

Meeting held in the Conference Room, Civic Centre, 10 Watson Terrace, Mount Gambier on  
Monday, 24 October 2018 at 5:37 p.m.

**PRESENT** Cr Hanna Persello (Presiding Member)  
Mrs Karen Cunningham  
Mrs Jenny Burston

**COUNCIL OFFICERS** General Manager Community Wellbeing - Ms B Cernovskis  
Administration Officer Executive Support - Mrs M Telford

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

**1. APOLOGY(IES)**

Apology(ies) received from Jeanette Elliott and Cr Kuhl

That the apology from Jeanette Elliott and Cr Kuhl be received.

Moved: Jenny Burston

Seconded: Karen Cunningham

Carried

**2. CONFIRMATION OF JUNIOR SPORTS ASSISTANCE FUND (SECTION 41) COMMITTEE MINUTES**

Meeting held on 11 April 2018

That the minutes of the Junior Sports Assistance Fund (Section 41) Committee meeting held on 11 April 2018 as previously circulated be confirmed as an accurate record of the proceedings of that meeting.

Moved: Cr Persello

Seconded: Jenny Burston

Carried

**3. QUESTIONS**

**3.1. With Notice**

Nil submitted.

**3.2. Without Notice**

Nil submitted

**4. DEPUTATIONS**

Nil



## 5. JUNIOR SPORTS ASSISTANCE FUND (SECTION 41) COMMITTEE REPORTS

### 5.1. Correspondence Received - Report No. AR18/40600

COMMITTEE RECOMMENDATION
(a) That Junior Sports Assistance Fund Committee Report No. AR18/40600 titled ' <i>Correspondence Received</i> ' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved: Cr Persello

Seconded: Jenny Burston

Carried

### 5.2. Statement of Revenue and Expenses - 1/3/2018 to 30/9/2018 - Report No. AR18/40602

COMMITTEE RECOMMENDATION
(a) That Junior Sports Assistance Fund Committee Report No. AR18/40602 titled ' <i>Statement of Revenue and Expenses - 1/3/2018 to 30/09/2018</i> ' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
(b) The financial statement of the Fund as at 30 September 2018 be received noting a cash balance of \$85,826.00

Moved: Cr Persello

Seconded: Karen Cunningham

Carried

### 5.3. Applications for Financial Assistance for Juniors and Payments from the Fund from 1/4/2017 to 30/9/2018 - Report No. AR18/40626

COMMITTEE RECOMMENDATION
(a) That Junior Sports Assistance Fund Committee Report No. AR18/40626 titled ' <i>Applications for Financial Assistance for Juniors from 1/4/2018 to 30/9/2018</i> ' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved: Cr Persello

Seconded: Karen Cunningham

Carried



**5.4. Coaching Clinic Program - Report No. AR18/40676**

**COMMITTEE RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40676 titled '*Coaching Clinic Program*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) the 2018 Coaching Clinic Program be funded in its entirety of \$5,000 by the City of Mount Gambier Junior Sports Assistance Fund;
- (c) the City of Mount Gambier Junior Sports Assistance Fund Sponsorship Proposal be endorsed and the Secretary and a Member of the Committee be authorised to liaise with external organisations secure new sponsorship for 2019 and beyond.

Moved: Cr Persello

Seconded: Karen Cunningham

Carried

**5.5. Resignation of Karen McGregor from the Junior Sports Assistance Fund - Report No. AR18/40700**

**COMMITTEE RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40700 titled '*Resignation of Mrs Karen McGregor from the Junior Sports Assistance Fund Committee*' as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) That Mrs McGregor's resignation be noted.
- (c) A letter of appreciation has been sent to Mrs Karen McGregor for her service to the Junior Sports Assistance Fund Committee.
- (d) The City of Mount Gambier Junior Sports Assistance Fund authorise Mrs Barbara Cernovskis to action the replacement of Mrs Karen McGregor to the Junior Sports Assistance Fund.

Moved: Cr Persello

Seconded: Karen Cunningham

Carried

**6. MOTION(S) - With Notice**

Nil Submitted

**7. MOTION(S) - Without Notice**

Nil Submitted

Meeting closed at 5.49 p.m.

AR18/44004



**CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**

**STATEMENT OF REVENUE AND EXPENSES FOR PERIOD**

**1 MARCH 2018 to 30 SEPTEMBER 2018**

Balance brought forward (28/02/2018)	\$74,825
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**Plus REVENUE**

**SPORTING ORGANISATIONS**

Mount Gambier Touch Association	-	
Mount Gambier Junior Cricket Association	-	
North Gambier Football and Netball Clubs	-	
Mount Gambier & District Baseball League	-	
Mount Gambier & District Cricket Association	-	
Mount Gambier Netball Association	-	
Blue Lake Y Swimming Club	-	
East Gambier Sportsmens Football and Netball Clubs	-	
Lower South East Hockey Association	-	
Mount Gambier Softball League	-	
Lakes Junior Tennis Association	\$400	
Blue Lake BMX Club	-	
Basketball Mount Gambier	-	
South Gambier Football and Netball Clubs	-	
Mount Gambier & District Pony Club	-	
Mount Gambier Golf Club	-	
Mount Gambier & District Little Athletics	-	
South East Women's Football Association	-	
Seishikan Karate	-	
Mount Gambier Cycling and Triathlon Club	-	
Mount Gambier Showjumping Club	-	
Limestone Coast Football Association	-	
Mount Gambier Swimming Club	-	\$400

**COUNCIL CONTRIBUTION**

City of Mount Gambier	\$12,000	
District Council of Grant	\$4,000	\$16,000

**INTEREST ON INVESTMENTS/BANK**

Bendigo Bank – Cheque Account	\$17	
Bendigo bank – Term Deposit	\$884	\$901

**DONATIONS – MEMBERS GENERAL**

Nil

**DONATIONS OTHER:**

Commercial Club Inc.	\$2,500
Mount Gambier & District Financial Services (Bendigo Bank) Coaching Clinic Sponsorship	-
Rotary Club of Mount Gambier Lakes (Financially Disadvantaged Juniors)	\$2,340

**TOTAL FUNDS**

**\$22,141**

Less **EXPENSES**

**PAYMENTS TO JUNIOR SPORTSPERSONS**

Mount Gambier Cycling & Triathlon Club	-	
Seishikan Karate	-	
Mount Gambier Touch Association	-	
Mount Gambier & District Pony Club	-	
Mount Gambier Junior Cricket Association	850	
Mount Gambier Golf Club	-	
North Gambier Football & Netball Clubs	250	
Mount Gambier Netball Association	-	
Mount Gambier Softball League	-	
Blue Lake Y Swimming Club	-	
Blue Lake BMX Club	-	
Lakes Junior Tennis Association	-	
Lower South East Hockey Association	2,750	
Basketball Mount Gambier	1,200	
Mount Gambier & District Baseball League	450	
East Gambier Football Club & Netball Clubs	-	
South Gambier Football & Netball Clubs	-	
Shingokan Karate Mount Gambier	-	
Limestone Coast Football Association	700	
Mount Gambier Little Athletics	400	
South East Women's Football Association	700	
Mount Gambier and District Senior Athletics	-	
Mount Gambier Showjumping Club	-	
Mount Gambier Swimming Club	-	
Discretionary	<u>500</u>	\$7,800

**PAYMENTS FOR COACHING CLINICS**

Nil	-
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**PAYMENTS TO EXCEPTIONAL JUNIORS**

Basketball Mount Gambier	\$1,000
--------------------------	---------

**PAYMENTS TO FINANCIALLY DISADVANTAGED JUNIORS**

South East Women's Football Association	600	
Limestone Coast Football Association	1,740	\$2,340

**OTHER EXPENSES**

Bank Fees	-
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**BALANCE OF FUNDS AS AT 30 SEPTEMBER, 2018**

**\$85,826**

**5.1. Correspondence Received - Report No. AR18/40600**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40600
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	The report provides details on correspondence received since the previous meeting of the Fund dated 11 April 2018.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40600 titled '*Correspondence Received*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.



## Discussion

The following correspondence has been received thanking the Fund for payments since the last meeting dated 11 April 2018:-

- Jack Opperman - Mount Gambier Cycling Club (letter of appreciation for donation to attend National Championships)
- Emily Close - Basketball Mount Gambier (letter of appreciation for selection and donation as Exceptional Junior 2017)
- Mitch Hunter - Basketball Mount Gambier (letter of appreciation for selection and donation as Exceptional Junior 2017 and other State Nomination Donations)
- Basketball Mount Gambier (letter of appreciation for donation for State Junior Basketball players to attend their respective tournaments)
- Emily Close - Basketball Mount Gambier (letter of appreciation for donation to attend the National Championships)
- Jordy Martin - Discretionary Donation (letter of appreciation for donation to attend National Championships)
- Harrison Ellis (Mount Gambier and District Little Athletics) and Jacob Salmon (Discretionary) - letter of appreciation for donation to attend the School Sport Australia Cross Country Championships

## Attachments

[Attachment 1: AR18/14045 Letter from Jack Opperman](#)

[Attachment 2: AR18/17902 Letter from Emily Close](#)

[Attachment 3: AR18/20642 Letter from Mitch Hunter](#)

[Attachment 4: AR18/21037 Letter from Basketball Mount Gambier](#)

[Attachment 5: AR18/23201 Letter from Emily Close](#)

[Attachment 6: AR18/23782 Letter from Kate and Zane Martin](#)


[Attachment 7: AR18/40307 Letter from Adam Salmon](#)



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

15 October 2018  
MJT





Dear City of Mount Gambier Junior Sports Assistance Fund,

Thank you for your recent sponsorship of \$250.00 which assisted my participation at the 2018 Cycling Australia Junior Track National Championships held in Melbourne in February.

Once again it was a wonderful experience for me to race alongside Australia's best track riders. I was so pleased with my efforts over the four-day event. This year I was fortunate to come away with two National bronze medals, one in the team sprint and the individual sprint event. I have trained extremely hard and now I am excited about my future.

Thank you again for your support and encouragement. I have already set some goals for 2019 and beyond.

Sincerely,

Jack Opperman

Jack



**Melissa Telford**

---

**From:** Emily Close <emilygrace@internode.on.net>  
**Sent:** Sunday, 6 May 2018 8:12 PM  
**To:** Fiona McGregor  
**Cc:** beth.serle@bigpond.com  
**Subject:** Junior Sports Assistance Fund

Fiona McGregor  
Administration Officer Executive Support

I would like to thank Hannah Persello, presiding member of the Junior Sports Assistance Fund and the Commercial Club for their generous donation for the Exceptional Junior Award.  
It is a great honour to be joint recipient of the award and your support is greatly appreciated.

Kind regards,  
Emily Close

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Mitch Hunter  
27 Tenison Drive  
MOUNT GAMBIER SA 5290

21 May 2018

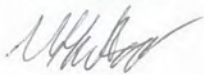
City of Mount Gambier  
Junior Sports Assistance Fund  
PO Box 56  
MOUNT GAMBIER SA 5290

Dear Committee Members,

I wish to express my thanks to the Junior Sports Assistance Fund for their support shown to me in past years with financial contributions when I have played in State Teams, and especially with the recent recognition when I was named as the joint winner of the 2017 Commercial Club Exceptional Junior.

It was a huge honour to be selected as the recipient of this award, and I appreciate the support from the Mt Gambier City Council and the Commercial Club in helping me and other junior sports people in this area play sport at higher levels. I also wish to acknowledge the support from Beth Serle from Basketball Mt Gambier for giving me the encouragement and information to apply for awards and financial assistance.

Thanks again,



Mitch Hunter





Cr Hanna Persello  
Presiding Member  
City of Mount Gambier  
Junior Sports Assistance Fund  
PO Box 56  
MOUNT GAMBIER SA 5290

15<sup>th</sup> May 2018

Dear Hanna,

Thank you for the generous donations from the Junior Sporting Assistance Fund to our four State Junior Basketballers.

The money has been forwarded to the players with congratulations on behalf of the City and Basketball Mount Gambier. I am confident that all players represented their families, the Association and Mount Gambier with pride and distinction.

This Sporting Assistance Fund continues to be one of the most effective forms of financial support for the State Junior representatives of our district. Basketball Mount Gambier applauds the initiative of the Council in setting up this fund and appreciates the continuing support our members receive each year.

Yours sincerely

Beth Serle for  
Basketball Mount Gambier Incorporated.

31<sup>st</sup> May 2018

To The Secretary  
City of Mount Gambier Junior Sports Assistance Fund  
PO Box 56  
Mount Gambier SA 5290

I would like to thank you for your assistance through the City of Mount Gambier Junior Sporting Assistance Fund going towards the opportunity for me to represent SA Country at the 2018 National Under18 Championships in Geelong earlier this year.

Being able to play with the best basketballers in SA Country against the best in Australia in my age group was an unbelievable experience.

My family and I appreciate the help from this Fund towards the cost of attending the Nationals and thank the Committee for selecting me for this scholarship.

Kind Regards

Emily Close

**Melissa Telford**

---

**From:** KATE MARTIN <zakacjj@bigpond.com>  
**Sent:** Monday, 18 June 2018 8:39 AM  
**To:** City Emails  
**Subject:** Re: Discretionary Donation  
**Attachments:** Thankyou note.jpg

To The Committee of the Junior Sports Assistance Fund,

Dear Barbara,

On behalf of my husband and I , we would like to thank the committee for your donation of \$300 for Jordy's upcoming trip to Tasmania for the National School Sport Championships.

We would like to inform you of his performance when we return.

Regards,

Kate and Zane Martin

PS: Please find a thankyou note from Jordy himself.

----- Original Message -----

From: "City Emails" <city@mountgambier.sa.gov.au>  
To: "KATE MARTIN" <zakacjj@bigpond.com>  
Sent: Friday, 1 Jun, 2018 At 12:15 PM  
Subject: Thank you for your email

Thank you for your email. This auto reply is confirmation that your message has been received by the City of Mount Gambier. Your request will be forwarded to an appropriate staff member for a response.

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This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

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To the Junior Sports Assistance fund -  
Committee,

Thankyou for your donation of \$300.  
This money will help me out heaps  
in my trip. I am really looking  
forward for the experience and I will  
try my very best.

From Jordy Martin

## Melissa Telford

---

**From:** Adam Salmon <asalmon@noelbarrtoyota.com.au>  
**Sent:** Thursday, 27 September 2018 3:54 PM  
**To:** City Emails  
**Subject:** Junior Sports Assistance Funding Thank you  
**Attachments:** IMAG1249.jpg; IMAG1235.jpg

Hi Barbara,

Can you please pass on to the committee our thanks on behalf of the Salmon and Ellis families. The assistance was greatly appreciated and certainly helped in allowing both boys to participate in the event.

Both boys performed incredibly well on the National stage on what was a really difficult Cross Country course. SA State coach described it as the most difficult course he has ever seen. Harrison finished 11<sup>th</sup> in his age group (10 Year olds) from 40 entrants and Jacob 22<sup>nd</sup> in his (11 Year olds) from 43 runners on the Saturday event. Harrison won a Gold medal in the Cross Country Teams event with the SA team having the 3<sup>rd</sup>, 4<sup>th</sup>, 11<sup>th</sup> & 17<sup>th</sup> runners. This team also got Bronze in the Relay event (1000 metres for each runner) held on the following Monday which was a flat fast course, much different to the cross country course. Jacobs team finished 4<sup>th</sup> in both team events, by less than a metre in the relay (1500 metres for each runner). I have attached a photo of the boys at the relay event and of Jacob at the Cross Country event

Thanks again for your assistance

Kind regards,

**Adam Salmon**  
Sales Manager



**Noel Barr Toyota**  
35 Bay Road, Mount Gambier SA 5290  
PO Box 925, Mount Gambier SA 5290  
T 08 8721 3313 | M 0427 091 051 | F 08 8723 1371  
E [asalmon@noelbarrtoyota.com.au](mailto:asalmon@noelbarrtoyota.com.au) | W [www.noelbarrtoyota.com.au](http://www.noelbarrtoyota.com.au)

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**5.2. Statement of Revenue and Expenses - 1/3/2018 to 30/9/2018 - Report No. AR18/40602**

**STATEMENTS OF REVENUE AND EXPENSES TO BE TABLED AT THE MEETING**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40602
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Kylie Harradine
<b>SUMMARY</b>	This report presents the financial position of the Junior Sports Assistance Fund for period 1 March 2018 to 30 September 2018.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

<b>REPORT RECOMMENDATION</b>
<p>(b) That Junior Sports Assistance Fund Committee Report No. AR18/40602 titled '<i>Statement of Revenue and Expenses - 1/3/2018 to 30/09/2018</i>' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.</p> <p>(c) The financial statement of the Fund as at 30 September 2018 be received noting a cash balance of \$ .</p>

Moved:

Seconded:



## Background

The financial position of the Junior Sports Assistance Fund from meeting to meeting is reported for information.

## Discussion

The report provides the Junior Sports Assistance Fund the balance of funds held at the Bendigo Bank as at 30 September 2018. Revenue from the member sporting organisations, Council contributions, bank interest and any donations received during the reporting period are also listed. Also, payments to junior sportspersons, coaching clinics, exceptional and financially disadvantaged juniors are also provided to inform the members of the expenditure incurred during this reporting period.

## Conclusion

The financial position of the Junior Sports Assistance Fund as at 30 September 2018 is sound. The consolidated balance of the fund is \$            which is sufficient to cover future commitments.

## Attachments

[Attachment 1 \(AR18/42341\): Statement of Revenue and Expenses - 1/3/2018 to 30/9/2018 To be tabled at the meeting](#)

**Kylie HARRADINE**  
TEAM LEADER FINANCE



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

15 October 2018  
MJT



**5.3. Applications for Financial Assistance for Juniors and Payments from the Fund from 1/4/2017 to 30/9/2018 - Report No. AR18/40626**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40626
<b>RM8 REFERENCE</b>	AF17/185, AF18/147
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	The report provides details on applications received for financial assistance from Members of the Junior Sports Assistance Fund and payments made from the Fund since the previous meeting held 11 April 2018.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40626 titled '*Applications for Financial Assistance for Juniors from 1/4/2018 to 30/9/2018*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.

Moved:

Seconded:



## Background

The report provides details on applications received for financial assistance from Members of the Junior Sports Assistance Fund and payments made from the Fund from meeting to meeting and is reported for information.

## Discussion

### *Applications for Financial Assistance*

The Secretary reported that for the period 1 April 2018 to 30 September 2018 the following applications have been received and payments made from the Fund for Juniors:

(a) Mount Gambier Netball Association

Nil

(b) Basketball Mount Gambier

(i)	four nominees	\$1,200
(ii)	three nominees	\$1,050

(c) Lower South East Hockey Association

(i)	one nominee	\$300
(ii)	one nominee	\$400
(iii)	one nominee	\$300
(iv)	three nominees	\$1,050

(d) Mount Gambier and District Baseball League

(i)	one nominee	\$450
-----	-------------	-------

(e) Mount Gambier Softball League

Nil

(f) Blue Lake Y Swim Club

Nil

(g) South Gambier Football/Netball Clubs

Nil

(h) North Gambier Football/Netball Clubs

(i)	one nominee	\$250
-----	-------------	-------

(i) Mount Gambier Touch Association

Nil



- (j) Mount Gambier and District Junior Cricket  
Nil
- (k) Mount Gambier Golf Club  
Nil
- (l) Mount Gambier District Little Athletics
- |      |             |       |
|------|-------------|-------|
| (i)  | one nominee | \$150 |
| (ii) | one nominee | \$250 |
- (m) Discretionary
- |      |             |       |
|------|-------------|-------|
| (i)  | one nominee | \$300 |
| (ii) | one nominee | \$200 |
- (n) Mount Gambier and District Pony Club  
Nil
- (o) South East Women's Football
- |     |              |       |
|-----|--------------|-------|
| (i) | two nominees | \$700 |
|-----|--------------|-------|
- (p) Mount Gambier Cycling Club
- |     |              |       |
|-----|--------------|-------|
| (i) | two nominees | \$850 |
|-----|--------------|-------|
- (q) Limestone Coast Football Association
- |     |              |       |
|-----|--------------|-------|
| (i) | two nominees | \$700 |
|-----|--------------|-------|
- (r) Lakes Junior Tennis  
Nil
- (s) Mount Gambier Showjumping Club  
Nil
- (t) Mount Gambier Swimming Club  
Nil

*Payments from the Fund - Since 1 July 2015*

Payments to Member Organisations for Junior Sportsperson's financial assistance for period 1 July 2015 to 30 September 2018 2018 amounts to \$59,900 and total payments since 1 July 1988 to 29 September 2018 2018 amounts to \$469,700.



Actual payments to Member Organisations for Coaching Clinics for the period 1 July 2015 to 30 September 2018 amounts to \$15,000 and total actual payments since 1 July 1991 to 30 September 2018 amounts to \$85,383.

Payments to Member Organisations for Financially Disadvantaged Juniors for period 1 July 2015 to 30 September 2018 amounts to \$7,060 and total payments since 22 May 2013 to 30 September 2018 amounts to \$12,450.

Payments to Member Organisations for Exceptional Juniors for period 1 July 2015 to 30 September 2018 amounts to \$4,000 and total payments since 20<sup>th</sup> November 2013 to 30 September 2018 amounts to \$6,000. Note: this initiative was previously funded by a sponsor direct to the awardee.

Payments from the Junior Sports Fund on a quarterly basis over previous quarters for Juniors - State Selection only (not coaching etc). is as follows:

<i>Financial year</i>	<i>Quarter</i>	<i>Totals each quarter \$</i>	<i>Accumulative Totals \$</i>
2018/2019	J - S	5,500	5,500
2017/2018	J - S	4,100	4,100
	O - D	4,600	8,700
	J - M	2,100	10,800
	A - J	2,650	13,450
2016/2017	J - S	6,750	6,750
	O - D	2,250	9,000
	J - M	8,500	17,500
	A - J	2,850	20,350
2015/2016	J - S	3,450	3,450
	O - D	9,950	13,400
	J - M	3,900	17,300
	A - J	3,300	20,600
2014/2015	J - S	4,000	4,000
	O - D	5,350	9,350
	J - M	1,000	12,450
	A - J	2,750	15,200
2013/2014	J - S	6,150	6,150
	O - D	4,300	10,450
	J - M	6,250	16,700
	A - J	7,800	24,500

#### *Other Applications Received*

Since the previous meeting of 11 April 2018:

- (a) no non-resident applications were received during this period;



- (b) the following applications for financial assistance were declined during this period;

NAME	SPORT	REASONS
Maxan Whitehead	Football	Selected for tryouts but did not make the final team.

- (c) the following discretionary donation was made during this period:

<i>Name</i>	<i>Sport</i>	<i>Amount</i>
Jordy Martin	Swimming	\$300
Jacob Salmon	Athletics	\$200

## Attachments

Nil



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

15 October 2018  
MJT





**5.4. Coaching Clinic Program - Report No. AR18/40676**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40676
<b>RM8 REFERENCE</b>	AF17/185, AF11/725
<b>AUTHOR</b>	Barbara Cernovskis
<b>SUMMARY</b>	The Junior Sports Assistance Fund has for many years administered an annual Coaching Clinic Program funded by external sponsors. The Mount Gambier and District Bendigo Community Bank advised on 9 <sup>th</sup> May 2018 that they will no longer be providing the funds for the Program to proceed. A new sponsorship proposal has been prepared for the consideration and discussion of Members of the Fund.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40676 titled '*Coaching Clinic Program*' dated 15 October 2018 as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) the 2018 Coaching Clinic Program be funded in its entirety of \$5,000 by the City of Mount Gambier Junior Sports Assistance Fund;
- (c) the City of Mount Gambier Junior Sports Assistance Fund Sponsorship Proposal be endorsed and the Secretary and a Member of the Committee be authorised to liaise with external organisations secure new sponsorship for 2019 and beyond.

Moved:

Seconded:



## Background

The City of Mount Gambier Junior Sports Assistance Fund provides an annual Coaching Clinic Program to its Member Organisations. When first introduced the Program was funded by the JSAF to the value of \$3,000. It was a means of enabling Member Organisations who didn't have the opportunity to utilise the Fund to the extent of other Members with a chance to secure funding and provide specialised coaching for their juniors, coaches or umpires. The Mount Gambier and District Bendigo Community Bank came on board a few years later as sponsor to the program and the sponsorship was increased to \$5,000.

This sponsorship enables Member Organisations of the Fund to submit applications for consideration to conduct specialised coaching clinics for their juniors, coaches or umpires.

On 9<sup>th</sup> May 2018, after many years of generous support the Mount Gambier and District Bendigo Community Bank withdrew its funding for the Program to support other local initiatives within our community.

## Discussion

The Program is one of our most successful and most sought after funding programs and the Committee needs to now consider where to from here.

There are three possible options:

- JSAF provide the funding for the Program
- seek a new Sponsor for the Program
- discontinue the Program

The financial position of the Junior Sports Assistance Fund as at 30 June 2018 is sound. The consolidated balance of the fund as at 30 June 2018 is \$86,049.

Since advice of the withdrawal of funding from the Mount Gambier and District Bendigo Community Bank administrative staff have developed a Coaching Clinic Program Sponsorship Proposal for the Committees consideration with the thought of pursuing a new sponsor for this successful program.

## Conclusion

The Sponsorship Proposal attached is presented for the review, discussion and consideration of the Junior Sports Assistance Fund Committee Members with the possible recommendation being:

- (a) the 2018 Coaching Clinic Program be funded in its entirety of \$5,000 by the City of Mount Gambier Junior Sports Assistance Fund;
- (b) the City of Mount Gambier Junior Sports Assistance Fund Sponsorship Proposal be endorsed and the Secretary and a Member of the Committee be authorised to liaise with external organisations to secure new sponsorship for 2019 and beyond.



## Attachments

[Attachment 1 \(AR18/23262\) Coaching Clinic Program - Sponsorship Proposal](#)

A handwritten signature in black ink, appearing to read 'Barbara Cernovskis', is shown on a light gray background.

**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

15 October 2018  
MJT





TELEPHONE (08) 8721 2555  
FAX (08) 8724 9791

**A joint initiative of the City of Mount Gambier, the District Council of Grant and local affiliated Sporting organisations to assist local junior sportspersons**

**CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND**  
**COACHING CLINIC PROGRAM - SPONSORSHIP PROPOSAL**



THE CITY OF MOUNT GAMBIER JUNIOR SPORTS ASSISTANCE FUND IS A COMMITTEE OF  
THE CITY OF MOUNT GAMBIER

**Contents**

Background of the Junior Sports Assistance Fund	Page 1
Other Programs Administered by the Fund	Page 2
Coaching Clinic Program	Page 3
Sponsorship Proposal	Page 4

## **Background of the Junior Sports Assistance Fund**

The City of Mount Gambier Junior Sports Assistance Fund (JSAF) was created for the express purpose of providing financial assistance to the many local junior sportspersons of Mount Gambier and District who have achieved as a minimum, selection in a formal State team to compete at National sporting events and who are a member of an Affiliated Sporting Organisation.

In creating the JSAF the City of Mount Gambier together with the District Council of Grant joined with a number of local sporting organisations to establish an ongoing pool of money for distribution to those juniors selected to represent the State or to represent Australia or equivalent. These funds assist with the financial burden that these selections can place on regional families.

Prior to the JSAF creation no organised process was available to financially assist such junior sportspersons.

The JSAF was established in 1985 with 17 local sporting organisations coming onboard. Council then formed a Section 41 Committee to maintain and control the Fund to enable transparency and accountability. Currently the JSAF has 19 sporting organisations as follows (some include Leagues and Associations which incorporate numerous sporting clubs):

Mount Gambier & District Pony Club  
Mount Gambier Netball Association  
South Gambier Football / Netball Clubs  
Blue Lake Y Swimming Club  
Lakes Junior Tennis  
Mount Gambier & District Baseball League  
Mount Gambier Softball League  
Basketball Mount Gambier  
North Gambier Football / Netball Clubs  
Lower South East Hockey Association  
Mount Gambier Little Athletics  
Mount Gambier Golf Club  
Mount Gambier Junior Cricket  
Mount Gambier Touch Association  
South East Womens Football  
Mount Gambier Cycling and Triathlon Club  
Mount Gambier Showjumping Club  
Limestone Coast Football Association  
Mount Gambier Swimming Club

The JSAF is about assisting our local sportspersons who have the ability, aptitude and have shown natural skills, commitment and advancement to where State selection (or equivalent) has been achieved. The JSAF assumes that the Member Organisation, the junior and the family of the junior have already committed themselves to achieve excellence.

Regional communities are generally at a disadvantage in respect of State and National Tournaments in relation to costs incurred to attend not only the event but the training sessions prior to any event. The financial burden on families is quite significant.

As at 31<sup>st</sup> June 2017 we are proud to say that \$450,750 has been distributed to Member Organisations to assist their juniors with costs incurred to attend their respective events.

## **Other Programs Administered by the JSAF**

In addition to the general funds distributed, the City of Mount Gambier Junior Sports Assistance Fund administers annual specialised programs generously funded by external organisations. These Programs are as follows:

### *Assistance to Disadvantaged Juniors*

The Rotary Club of Mount Gambier Lakes conducts the annual Blue Lake Fun Run. The Club in 2012 determined to include in its schedule of organisations to benefit from the surplus funds the City of Mount Gambier Junior Sports Assistance Fund.

The initiative that the Club wished to achieve, was to develop a process to assist financially disadvantaged junior sportspeople in a confidential manner with the costs of participation in their chosen sport.

The Junior Sports Assistance Fund agreed to administer the initiative and to work with our Member Organisations to identify (in confidence) junior sportspeople who have the desire to excel, but may not be able to achieve their fullest potential due to financial circumstances.

The Rotary Club of Mount Gambier Lakes provide \$3,000 each year (10 applicants at \$300 each) and it is the wish of the Club and the Committee to acknowledge worthy and qualifying junior sportspersons who are nominated to the JSAF by Member Organisations.

The Rotary Club of Mount Gambier Lakes sponsorship enables the JSAF to provide meaningful financial assistance to young people which can sometimes be the difference between the junior being able to participate in their chosen sport for the year.

### *Exceptional Junior*

The Commercial Club Inc. have provided generous financial support to the JSAF for many years. As a means of acknowledging their generous support the Exceptional Junior initiative was developed to celebrate and acknowledge a junior who demonstrates exceptional commitment and skills to achieve excellence in their chosen sport. An Exceptional Junior is someone who displays natural talent and has the ability to achieve their fullest potential, really excel and be someone who contributes back to their sport. The award is to the value of \$1,000 and is presented annually to a Junior (or two) of one of our Member Organisations who displays the above traits.

Our community produces young sportspersons with real talent but to truly succeed they require a significant financial investment not only by the junior but also the family. Without the support of our generous sponsors the JSAF would be unable to run such worthwhile programs and we are very grateful for their continued support.

## **Coaching Clinic Program**

Our Coaching Clinic Program is a significant program run by the JSAF. This funding is always well sought after from our Member Organisations as the benefits it provides assists all Members within their respective Clubs.

The funding program was established to provide specialist training and coaching clinics locally to our players, coaches and umpires alike. Exposure to this level of training builds capacity of our junior sportpersons, support persons and increases the standard of local competition.

The philosophy is to support local, invest in our local junior sports competition and open pathways for our junior sportpersons to State and National competitions.

The funding support enables sporting clubs to access elite level specialist coaches to run development clinics locally covering not only the specialised coaching of juniors but the further coaching of our coaches and/or umpires.

The funding allows for a pool of \$5,000 and is advertised annually to our Member Organisations to submit applications for funding assistance. Applications are assessed by the Committee of the JSAF in conjunction with representatives of the program sponsor to determine where the money will be allocated. The committee ensures that there is equitable distribution of support funding amongst Member Organisations to run coaching clinics that are well subscribed with eligible participants. A record of previous recipients is kept and is reviewed annually by the selection committee to maintain the integrity of the program.

The Coaching Clinic Program has previously been sponsored over many years initially by Blue Ribbon Insurance Services Pty Ltd and recently the Mount Gambier and District Bendigo Community Bank.



## **Sponsorship Proposal**

The Junior Sport Assistance Fund is seeking financial support by way of annual sponsorship to ensure the continuation of its very successful and worthy Coaching Clinic Program.

The Junior Sports Assistance Fund has 19 Member Organisations incorporating not only Clubs, but Leagues and Associations benefiting thousands of junior sportspersons from our regional community.

The sponsorship sought is up to \$5,000 per annum to fund the existing Coaching Clinic Program and the sponsor will have the naming rights for the duration of the sponsorship.

All correspondence and forms in relation to the Program will be suitably "badged" to reflect the sponsorship. All publicity, news releases and functions initiated in respect of the Coaching Clinic Program will also acknowledge your organisations sponsorship for the agreed duration.

In addition, each successful Member Organisation receiving an allocation for its Coaching Clinic must adhere to the following terms and conditions to further promote the generous sponsorship:

- (i) advise of the date(s), times, venue etc. of the actual conduct of the Coaching Clinic;
- (ii) permit the organisation to attend with media for promotional purposes and also to display reasonable marketing materials of the organisation at the Coaching Clinic venue;
- (iii) make any reasonable presentations at the Coaching Clinic event;
- (iv) permission to maximise any photo opportunities that its sponsorship of any specific Coaching Clinic event may provide;
- (v) promote the sponsorship of its Coaching Clinic event in any publicity the successful Member Organisation might generate itself.

The JSAF would be willing to consider any other reasonable request to ensure the promotion and recognition of your organisation.

We look forward to the opportunity to meet with you to answer any questions you may have and hope most sincerely you choose to be involved in this very beneficial and worthy Program.

**5.5. Resignation of Karen McGregor from the Junior Sports Assistance Fund - Report No. AR18/40700**

<b>COMMITTEE</b>	Junior Sports Assistance Fund Committee
<b>MEETING DATE:</b>	24 October 2018
<b>REPORT NO.</b>	AR18/40700
<b>RM8 REFERENCE</b>	AF11/725
<b>AUTHOR</b>	Melissa Telford
<b>SUMMARY</b>	This report advises of the resignation of Mrs Karen McGregor from the City of Mount Gambier Junior Sports Assistance Fund Committee.
<b>COMMUNITY PLAN REFERENCE</b>	Goal 1: Our People

**REPORT RECOMMENDATION**

- (a) That Junior Sports Assistance Fund Committee Report No. AR18/40700 titled '*Resignation of Mrs Karen McGregor from the Junior Sports Assistance Fund Committee*' as presented to the Junior Sports Assistance Fund Committee on 24 October 2018 be noted.
- (b) That Mrs McGregor's resignation be noted.
- (c) A letter of appreciation has been sent to Mrs Karen McGregor for her service to the Junior Sports Assistance Fund Committee.
- (d) The City of Mount Gambier Junior Sports Assistance Fund authorise Mrs Barbara Cernovskis to action the replacement of Mrs Karen McGregor to the Junior Sports Assistance Fund.

Moved:

Seconded:



## Background

The Junior Sports Assistance Fund Terms of Reference states under *Section 7.0 Casual Vacancies and Replacement of Representatives*:

*The Council may replace any appointment on the Committee or fill any vacancy, by notifying the Committee the identity of the person(s) proposed to replace the former appointee or fill the casual vacancy.*

Mrs Karen McGregor has formally advised the Junior Sports Assistance Fund Secretary that effective from 25<sup>th</sup> July 2018 she will be retiring from the City of Mount Gambier Junior Sports Assistance Fund Committee, effective immediately.

## Discussion

Mrs Karen McGregor has been a Member of the City of Mount Gambier Junior Sports Assistance Fund for majority of the life of the Fund.

Karen has been a reliable and fair representative on the Committee providing a committed and invaluable contribution which has contributed to the success of the Fund. The Committee wishes Karen all the very best in her future endeavours.

The Committee to now consider options for a suitable replacement to be approached to seek their consent for official appointment to the City of Mount Gambier Junior Sports Assistance Fund Committee.

## Conclusion

In conclusion it is recommended that the Junior Sports Assistance Fund:

- Note the resignation of Mrs Karen McGregor
- Authorise Mrs Barbara Cernovskis to action the replacement of Mrs Karen McGregor to the Junior Sports Assistance Fund.

## Attachments

[Attachment 1 \(AR18/29642\) Email from Karen McGregor - Resignation from JSAF](#)



**Barbara CERNOVSKIS**  
GENERAL MANAGER COMMUNITY WELLBEING

15 October 2018  
MJT



## Melissa Telford

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**From:** Ross McGregor <ross.mcgregor4@bigpond.com>  
**Sent:** Wednesday, 25 July 2018 1:58 PM  
**To:** Melissa Telford  
**Subject:** RE: City of Mount Gambier Junior Sports Assistance Fund - Coaching ClinicProgram - Sponsorship Proposal

Melissa

My only suggestion for the coaching clinic funding is it comes from our funds as it did originally. It was originally for a smaller % of the original budget etc. It was also altered to be available to those members that had not been able to access any funds for participants in the previous 2 years. Since sourcing funding from outside the fund these restrictions were able to be lifted.

After saying all that, I would like to tender my resignation from the Junior Sports Assistance Fund as I not as committed as I once was. So I think it is time for a new face in the committee. I have enjoyed my time on the committee and seeing all the wonderful young people excel at their chosen sport. The very experienced community and council representatives, who have served on this committee have always acted professionally and unbiased in their recommendations and it has been a privilege to serve alongside them. I will be away from Mt Gambier for the next 3 weeks travelling to QLD getting away from the cold, then playing hockey in WA in October and then touring NZ for 4 weeks in November.

I wish you all the best and the JSAF finds a suitable and willing sponsor.

Regards

Karen McGregor

Sent from [Mail](#) for Windows 10

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**From:** [Melissa Telford](#)  
**Sent:** Tuesday, 24 July 2018 3:13 PM  
**To:** [Cr Barry Kuhl](#) ; [Cr Hanna Persello](#); ['Jeanette Elliott'](#); [Jenny Burston](#) ; [Karen Cunningham](#) ; ['Karen McGregor'](#)  
**Cc:** [Barbara Cernovskis](#)  
**Subject:** City of Mount Gambier Junior Sports Assistance Fund - Coaching ClinicProgram - Sponsorship Proposal

Good afternoon all,

Please find attached Draft Coaching Clinic - Sponsorship Proposal for your review. Barbara and I would like your feedback on the attached at your earliest convenience.

Once I have received your feedback, Barbara and I will meet and revise. We will then propose to meet with you and talk through where to from here i.e. timeframes; who do we approach; does the Fund finance this years Coaching Clinic funding; if so to what amount etc.

Looking forward to hearing from you all.

Many thanks

Melissa Telford

Administration Officer / Executive Support

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Civic Centre 10 Watson Terrace Mount Gambier

D 08 8721 2500 / T 08 8721 2555

PO Box 56 Mount Gambier SA 5290



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[www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au)

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