

## **MINUTES OF SPECIAL STATUTORY COUNCIL MEETING**

Meeting 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 Meziniec  
Cr Kate Amoroso  
Cr Max Bruins  
Cr Christian Greco  
Cr Frank Morello  
Cr Paul Jenner

## **3. APOLOGY(IES)**

Nil



**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: Mayor Martin

Seconded: Cr Jenner

Carried

**5. RETURNING OFFICER'S REPORT - Outcomes from November 2018 General Elections - Letter from Electoral Commission SA dated 16 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:

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

Moved: Cr Meziniec

Seconded: Cr Jenner

Carried

**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 which if adopted will have the effect of avoiding a supplementary election to fill only a single vacancy.



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| <ul style="list-style-type: none"><li>(a) That the Chief Executive Officer's report on Supplementary Elections be noted.</li><li>(b) That Council adopt the Policy S400 Supplementary Elections as attached to the Agenda.</li></ul> |
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Moved: Cr Greco

Seconded: Cr Amoroso

Carried

## **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 was attached for information.

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  
Manager Tourism and Economic Development  
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: Cr Jenner

Seconded: Cr Morello

Carried

## 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 was attached to this Agenda for the information of Members.
- 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.
  - iii. 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: Cr Perryman

Seconded: Cr Hood

Carried



## 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
    - 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)
    - 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: Cr Bruins

Seconded: Cr Amoroso

Carried

## 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: Cr Meziniec

Seconded: Cr Jenner

Carried

**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 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: Cr Jenner

Seconded: Cr Morello

Carried



## **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 was attached for information.

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

Moved: Cr Perryman

Seconded: Cr Bruins

Carried

## **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 to the Agenda.

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: Cr Mezinec

Seconded: Cr Hood

Carried

#### **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 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.

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| <p>(a) That the Chief Executive Officer's report on Member Training and Development be noted.</p> <p>(b) That the updated Policy M500 Members Training &amp; Development as attached (Attachment 10) to this Agenda be adopted.</p> |
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Moved: Cr Morello

Seconded: Cr Bruins

Carried

## 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.

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| <p>(a) That the Chief Executive Officer's report on Principal Office and Hours of Business be noted.</p> |
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| <p>(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.</p> <p>(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).</p> |
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Moved: Cr Amoroso

Seconded: Cr Jenner

Carried

#### **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.



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| <p>(a) That the Chief Executive Officer's report on Council Meeting Days and Times be noted.</p> <p>(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.</p> |
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Moved: Cr Mezinec

Seconded: Cr Bruins

Carried

## 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* 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: Cr Hood

Seconded: Cr Jenner

Carried

## **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: Cr Greco

Seconded: Cr Amoroso

Carried

**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 2 years.

Moved: Cr Jenner

Seconded: Cr Morello

Carried





## 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 Jenner nominated Cr Meziniec to be Deputy Mayor.
- (ii) Cr Greco nominated himself to be Deputy Mayor.

Cr Meziniec and Cr Greco 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 2 years.
  - (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: Cr Greco

Seconded: Cr Morello

Carried

The Returning Officer conducted the secret ballot

Then -

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

- (a) That the declaration of Cr Meziniec as Deputy Mayor be endorsed.

Moved: Cr Greco

Seconded: Cr Jenner

Carried

**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: Cr Hood

Seconded: Cr Bruins

Carried

**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: Cr Jenner

Seconded: Cr Greco

Carried

## 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.

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: Cr Greco

Seconded: Cr Meziniec

Carried

## 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 were attached.

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.

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.

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 were attached.

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 were attached.

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 were attached.

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 Councils strategic framework and delivery of the Community Plan.

The Terms of Reference for the Community Engagement and Social Inclusion Sub-Committee were attached.

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.

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.

*The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:*

*Purpose of the Suspension: To discuss Section 41 Committee membership*

*Carried by more than two-thirds of the members present at the meeting.*

*Meeting Procedures were suspended at 6:30 p.m.*

*At least two-thirds of the members present at the meeting resolved 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 6:40 p.m.*

- (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 Morello
- Cr Bruins
- Cr Hood
- Cr Meziniec
- Mayor Martin (ex-officio)

Operational Standing Committee

- Cr Greco
- Cr Amoroso
- Cr Jenner
- Cr Perryman
- Mayor Martin (ex-officio)

Mount Gambier Junior Sports Assistance Fund

- Cr Greco
- Cr Amoroso
- 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 Morello
- Cr Bruins
- Cr Meziniec
- Cr Hood
- Mayor Martin (ex-officio)

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 Councillor Workshop:
- Environmental Sustainability Sub-Committee
  - Community Engagement and Social Inclusion Sub-Committee
  - Heritage Sub-Committee
- (g) The first meeting of the Strategic Standing Committee will be at 5:30 pm Monday 10 December. The first meeting of the Operational Standing Committee will be 5:30 pm Tuesday 11 December.

Moved: Cr Mezinec

Seconded: Cr Morello

Carried

## 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 were attached 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 were attached.

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 were attached.

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 Seebohm
- 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 were attached to the agenda for information.

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 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.

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|--|
| (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 Mezinac
  - 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 Jenner
- Independent Members (until a formal replacement process has occurred)
- E Travers (Presiding Member)
  - P Seebohm
  - M Trotter
- Building Fire Safety Committee
- Cr Jenner (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: Cr Greco

Seconded: Cr Bruins

Carried



## **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: Cr Greco

Seconded: Cr Hood

Carried



## **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: Cr Morello

Seconded: Cr Meziniec

Carried

## **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.

- |   |
|---|
| <p>(a) That the Chief Executive Officer's report on Authorised Banking Signatories be noted.</p> <p>(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:</p> <ul style="list-style-type: none"> <li>• Mayor</li> <li>• Deputy Mayor</li> <li>• Chief Executive Officer</li> <li>• General Manager Council Business Services</li> <li>• General Manager City Growth</li> <li>• General Manager City Infrastructure</li> <li>• General Manager Community Wellbeing</li> <li>• Manager Executive Administration</li> <li>• Manager Development Services</li> <li>• Manager Engineering Design &amp; Contracts</li> </ul> <p>(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.</p> |
|---|

Moved: Cr Mezinec

Seconded: Cr Amoroso

Carried

**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.

Moved: Cr Mezinec

Seconded: Cr Greco

Carried

### **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: Cr Mezinec

Seconded: Cr Bruins

Carried

### **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: Cr Greco

Seconded: Cr Hood

Carried

**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: Cr Jenner

Seconded: Cr Greco

Carried



### **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 Hood
- (ii) Cr Meziniec
- (iii) Cr Perryman
- (iv) Cr Morello

- (a) the Mayor's Report be received;
- (b) There being only four candidates the Returning Officer declared Cr Hood, Cr Perryman, Cr Meziniec and Cr Morello to be elected to the CEO Selection and Recruitment Committee plus Mayor Martin.

Moved: Cr Greco

Seconded: Cr Morello

Carried

#### **34. MINUTES OF COUNCIL ASSESSMENT PANEL - 18 October 2018**

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

Moved: Cr Jenner

Seconded: Cr Bruins

Carried

#### **35. MINUTES OF COMMUNITY ENGAGEMENT AND SOCIAL INCLUSION SUB-COMMITTEE - 18 October 2018**

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

Moved: Cr Meziniec

Seconded: Cr Hood

Carried



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

- (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: Cr Meziniec

Seconded: Cr Amoroso

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 37:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"Stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

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

Moved: Cr Hood

Seconded: Cr Morello

Carried

Having participated in the meeting in relation to Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 38:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*



Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*“Stay in the meeting, debate and vote.”*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

### **38. COMMUNITY AND RECREATION HUB OVERVIEW - REPORT NO. AR18/41402**

- (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: Cr Bruins

Seconded: Cr Meziniec

Carried

Having participated in the meeting in relation to Item 38 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 39:

*“I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group”.*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*“Stay in the meeting, debate and vote.”*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

### **39. COMMUNITY AND RECREATION HUB DESIGN - REPORT NO. AR18/41729**

- (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: Cr Jenner

Seconded: Cr Perryman

Carried

Having participated in the meeting in relation to Item 39 Cr Perryman voted in favour of the motion.



Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 40:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"Stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

- (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 Mezinec

Seconded: Cr Hood

Carried

Having participated in the meeting in relation to Item 40 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 41:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"Stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.



**41. COMMUNITY AND RECREATION HUB CAPITAL FUNDING - REPORT NO. AR18/37859**

- (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 Greco

Seconded: Cr Morello

Carried

Having participated in the meeting in relation to Item 41 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 42:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"Stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**42. COMMUNITY AND RECREATION HUB OPERATIONS - REPORT NO. AR18/42536**

- (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 Jenner

Seconded: Cr Greco

Carried

Having participated in the meeting in relation to Item 42 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 43:

*"I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group".*



Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*“Stay in the meeting, debate and vote.”*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**43. COMMUNITY AND RECREATION HUB COMMUNITY SURVEY - REPORT NO. AR18/37052**

- (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 Jenner

Seconded: Cr Meziniec

Carried

Having participated in the meeting in relation to Item 43 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 44:

*“I am a board member of Basketball Mount Gambier an organisation which is a member of the Community Reference Group”.*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*“Stay in the meeting, debate and vote.”*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**44. COMMUNITY AND RECREATION HUB COMMUNITY ENGAGEMENT AND COMMUNICATION - REPORT NO. AR18/41567**

- (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: Cr Hood

Seconded: Cr Morello

Carried



Having participated in the meeting in relation to Item 44 Cr Perryman voted in favour of the motion.

**45. MINUTES OF BUILDING FIRE SAFETY COMMITTEE - 23 October 2018**

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

Moved: Cr Jenner

Seconded: Cr Greco

Carried

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 46:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

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

Moved: Cr Meziniec

Seconded: Cr Greco

Carried

Having participated in the meeting in relation to Item 46 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 47:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:



*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

- (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 Greco

Seconded: Cr Morello

Carried

Having participated in the meeting in relation to Item 47 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 48:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

- (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 Greco

Seconded: Cr Amoroso

Carried





Having participated in the meeting in relation to Item 48 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 49:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

#### **49. MEMBER ORGANISATION CONTRIBUTIONS 2018/2019 - REPORT NO. AR18/40044**

- (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: Cr Perryman

Seconded: Cr Greco

Carried

Having participated in the meeting in relation to Item 49 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 50:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*



Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

#### **50. COMMITTEE APPOINTMENTS - REPORT NO. AR18/40050**

- (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: Cr Jenner

Seconded: Cr Amoroso

Carried

Having participated in the meeting in relation to Item 50 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 51:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

#### **51. MINUTES OF JUNIOR SPORTS ASSISTANCE FUND COMMITTEE MEETING - 24 October 2018**

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

Moved: Cr Greco

Seconded: Cr Meziniec

Carried

Having participated in the meeting in relation to Item 51 Cr Perryman voted in favour of the motion.



Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 52:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**52. CORRESPONDENCE RECEIVED - REPORT NO. AR18/40600**

- (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: Cr Greco

Seconded: Cr Hood

Carried

Having participated in the meeting in relation to Item 52 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 53:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

- (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.



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| (b) The financial statement of the Fund as at 30 September 2018 be received noting a cash balance of \$85,826.00 |
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Moved: Cr Perryman

Seconded: Cr Greco

Carried

Having participated in the meeting in relation to Item 53 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 54:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

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

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| (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. |
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Moved: Cr Perryman

Seconded: Cr Greco

Carried

Having participated in the meeting in relation to Item 54 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 55:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*

Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:



*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.

**55. COACHING CLINIC PROGRAM - REPORT NO. AR18/40676**

- (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) 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.
- (c) the 2018 Coaching Clinic Program be funded in its entirety of \$5,000 by the City of Mount Gambier Junior Sports Assistance Fund;
- (d) 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 Meziniec

Seconded: Cr Morello

Carried

Having participated in the meeting in relation to Item 54 Cr Perryman voted in favour of the motion.

Pursuant to Division 3 - Conflict of Interest, Section 75A of the Local Government Act 1999, Cr Perryman informed the meeting of a *perceived* conflict of interest in Item 56:

*"Basketball Mount Gambier is a member association of the Junior Sports Assistance Fund".*  
Cr Perryman informed the meeting of the manner in which they intend to deal with the *perceived* conflict of interest as follows:

*"I will stay in the meeting, debate and vote."*

In accordance with section 75A Cr Perryman participated in the meeting in relation to the matter.



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

- (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 Amoroso

Seconded: Cr Morello

Carried

Having participated in the meeting in relation to Item 56 Cr Perryman voted in favour of the motion.

**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.

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| <ul style="list-style-type: none"> <li>(a) That the CEO's report on the Community and Recreation Hub capital cost contribution from District Council of Grant be noted.</li> <li>(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.</li> <li>(c) That the Mayor and CEO provide a further project update to the District Council of Grant in December 2018.</li> </ul> |
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Moved: Cr Jenner

Seconded: Cr Greco

Carried

The meeting closed at 7:10 p.m.

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