

**I hereby give notice that a People and Place Committee Meeting will be held on:**

**Date: Monday, 3 August 2020**  
**Time: 5.30 p.m.**  
**Location: Council Chamber**  
**Civic Centre**  
**10 Watson Terrace**  
**Mount Gambier**

# **AGENDA**

## **People and Place Committee Meeting 3 August 2020**



**Andrew Meddle**  
**Chief Executive Officer**

**30 July 2020**

## Order Of Business

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**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

[People and Place Committee Meeting - 1 June 2020](#)

**RECOMMENDATION**

That the minutes of the People and Place Committee meeting held on 1 June 2020 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**



## 5 REPORTS

### 5.1 PROPOSED UPDATE TO THE COUNCIL / COMMITTEE REPORT TEMPLATE – REPORT NO. AR20/38226

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>3 August 2020</b>
<b>Report No.:</b>	<b>AR20/38226</b>
<b>CM9 Reference:</b>	<b>AF19/413</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>A report advising the Committee and Council of proposed changes to the report template.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b>
	<b>Goal 2: Our Location</b>
	<b>Goal 3: Our Diverse Economy</b>
	<b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

#### REPORT RECOMMENDATION

1. That People and Place Committee Report No. AR20/38226 titled 'Proposed Update to the Council / Committee Report Template' as presented on 03 August 2020 be noted.



## BACKGROUND

The current report template is short and succinct and provided a basic framework within which reports can be framed. This format was a basic one selected when the InfoCouncil software package was purchased. Having had the benefit of over a year of use with the City Council and from other councils, the template is proposed to be updated.

## DISCUSSION

The following is the proposed new template. Not all items will be found in each report, but the headings are intended as an *aide memoir* to stimulate thinking for the report author(s).

ITEM	INDICATIVE CONTENT
Type of report	Legislative <input checked="" type="checkbox"/> Corporate <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>
Purpose	Description as to why the report is put before Council
Background	History of the item
Proposal	What is the outcome / output?
Legal Implications	Is the report driven by legislation, what legislation impacts on the Council's decision or the future operation, etc.
Strategic Plan	Statement as to the link to the Council's Strategic Plan
Council Policy	Statement as to the link to any other Council strategies and Council Policies
Economic Implications	To enable quadruple bottom line reporting
Environmental Implications	
Social Implications	
Cultural Implications	
Resource implications	What are the human, financial implications and other resource implications for Council / others?
Value for Money	How is value for money to be secured for the item?
Risk Implications	Risk for the Council of doing or not doing the item?
WHS Implications	What and how are the WHS implications being managed?
Asset Management Implications	What and how are the asset management implications being managed?
Equalities and Diversity Implications	What and how are the equalities and diversity implications being managed? Should also include reference to the Reconciliation Action Plan as appropriate
Engagement and Communication Strategy	How will this item be communicated and with whom?
Implementation Strategy	How is this item to be rolled out?
Recommendation	What is the recommendation to Council

Once Council has seen this, there will be a briefing for the Council Leadership Team to bring a level of common understanding and to clarify expectations. In the background InfoCouncil will then work to update the template, which will then find its way into Committee and Council agendas.

## CONCLUSION

That given the changes made to the Council's Strategic Plan and from feedback through the Chief Executive Officer's Performance Review, the template used for committees and Council will be updated in line with the proposal in the 'Discussion' section of this report.

## ATTACHMENTS

Nil



**5.2 THE RIDDOCH ARTS AND CULTURAL TRUST INCORPORATED – REPORT NO. AR20/42200**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>3 August 2020</b>
<b>Report No.:</b>	<b>AR20/42200</b>
<b>CM9 Reference:</b>	<b>AF19/413</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Executive Administration</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents a proposal for the establishment of an association to be called Riddoch Arts &amp; Cultural Trust Incorporated for the purpose of the future operation and management of the Riddoch Art Gallery and Riddoch Art Collection to enable the Council to pursue Deductible Gift Recipient (i.e. Tax Deductible Charity) status in respect of the Gallery operations. .</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR20/42200 titled 'The Riddoch Arts and Cultural Trust Incorporated' as presented on 03 August 2020 be noted.
2. That Council endorse the renaming and branding of the 'Main Corner' and 'Riddoch Art Gallery and associated facilities to the 'Riddoch Arts & Cultural Complex'
3. That the Draft Constitution for 'The Riddoch Arts and Cultural Trust Incorporated' as attached to Report No. AR20/42200 be endorsed for the purpose of forming the association, subject to any immaterial amendments or corrections as considered necessary by the Chief Executive Officer (or delegate/s) for the formation and incorporation of the association, including populating the list of Initial Board Members at Schedule 1.
4. That Council hereby forms The Riddoch Arts and Cultural Trust Incorporated which is to operate under the Constitution endorsed in resolution 2 for educational, charitable and recreational purposes and for the purpose of promoting art, with the defined objects and purpose of the operation of the Riddoch Art Gallery in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit if the public.
5. That application be made to the Corporate Affairs Commission under the Associations Incorporations Act 1985 for registration of The Riddoch Arts and Cultural Trust Incorporated with Council as the sole member to operate in accordance with the Constitution endorsed in resolution 3.
6. That the Chief Executive Officer (or delegate/s) proceed with identifying potential Initial Board Members that meet the eligibility criteria for The Riddoch Arts and Cultural Trust Incorporated, for presentation to a subsequent meeting of Council.



7. That, in accordance with the Constitution, Council appoints the following Senior Officer as the Council Representative:
  - Chief Executive Officer
8. That, in accordance with the Constitution, Council appoints the following persons for their areas of professional knowledge and expertise as Council Board Observers for The Riddoch Arts and Cultural Trust Incorporated to provide oversight on behalf of Council during the establishment and initial Board operation stages:
  - Ms Barbara Cernovskis
  - Dr Judy Nagy
  - Mr Michael McCarthy
9. That, subject to registration of The Riddoch Arts and Cultural Trust Incorporated as an association and the issuance of a certificate of incorporation and any other requisite activities of the association;
  - All applications necessary (including for Deductible Gift Recipient status) be made to any relevant regulatory body (including the Australian Taxation Office and/or Australian Charities and Not-for-Profit Commission); and,
  - Eligibility, application and appointment procedures be prepared for non-voting associates including Friends of the Riddoch, Riddoch Ambassadors and Patrons; and,
  - Administration documentation be prepared for the holding of Ordinary and Special Board Meetings, Committee Meetings and Special and Annual General Meetings; and,
  - Such other activities as are necessary to ensure the proper administration of the association including but not limited to financial and insurance arrangements.
10. That the costs and expenses associated with the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated and in its first two years of operation, or until the earlier arrangement of alternate arrangements, be borne by Council from within the existing Riddoch Art Gallery operational budget.
11. That the Chief Executive Officer (and/or such other Senior Officer as appointed under resolution 7) or delegate/s (and the Mayor as necessary) be authorised to deal with the Corporate Affairs Commission in relation to the application under the Associations Incorporations Act 1985 and to execute any documentation necessary to give effect to the establishment, registration and initial operations of The Riddoch Arts and Cultural Trust Incorporated.
12. That further reports be presented to Council on:
  - The progress of the establishment, registration and application for Deductible Gift Recipient status for The Riddoch Arts and Cultural Trust Incorporated; and,
  - Incurred expenses (and revenues received – if applicable) that are solely attributable to The Riddoch Arts and Cultural Trust Incorporated in the first two years of operation; and
  - Proposed arrangements for the transition of the Riddoch Art Gallery, Main Corner and associated business unit activities into The Riddoch Arts and Cultural Trust Incorporated Board's Annual Plan.



## **BACKGROUND**

On 6 July 2020 an Elected Member Workshop was held to provide an update on activities in relation to the creation of a Trust for the purpose of obtaining Deductible Gift Recipient (DGR) status for the Riddoch Art Gallery.

The Friday Edition dated 10 July 2020, provided Members with a DGR Status Update Paper as well as past reports and resolutions relating to this matter since 2014 prior to when the City of Mount Gambier commenced management of the Riddoch Art Gallery as a business unit of Council.

This update is now incorporated as the Discussion aspect of this report.

## **DISCUSSION**

On 1 July 2016 the City of Mount Gambier assumed the management of the Riddoch Art Gallery (a 'public art gallery') and ownership of the Institute and Riddoch art collections.

It is worth noting that prior to this date the City of Mount Gambier owned a significant and separate art and civic collection of its own. For the purpose of this report a reference to an art collection is intended to include all of the former Institute, Riddoch and City of Mount Gambier Collections (now the combined City of Mount Gambier art collections).

The former gallery operator (the Riddoch Art Gallery Incorporated) enjoyed Deductible Gift Recipient (DGR) Status and Charitable Institution Registration which enabled its financial and art contributors to donate within the tax deductible environment and/or claim tax deductions for the same.

DGR status was identified as a key necessity for the ongoing successful operation of the Riddoch Art Gallery, for both the receipt of artwork and art/cultural grant funds.

In March 2017 Council Members were provided with a 'Deductible Gift Recipient Status (Riddoch Art Gallery) – Options Paper' followed in April 2017 by a formal report to consider pursuing DGR status for the Riddoch Art Gallery. The formal resolution of Council on this matter was as follows:

- “(b) a draft Trust Deed be prepared for the purpose of meeting Australian Charities & Not-for-Profit Commission and Australian Taxation Office requirements for application to be made for Deductible Gift Recipient status for the Riddoch Art Gallery;*
- (c) a further report be presented for Council to consider a draft Trust Deed prepared in accordance with resolution (b) and the subsequent founding of such Trust.”*

Subsequent to the above Council's General Manager Community Wellbeing, Manager Arts & Culture Development (Riddoch Art Gallery Director) and Manager Executive Administration have been in liaison with Council's Solicitors to develop a Trust Deed in accordance with the abovementioned resolution (b).

After extensive consideration, and consultation with Council's solicitors it was decided that it makes more sense – both commercially and legally – to form and incorporate the gallery as an incorporated association under the Associations Incorporation Act 1985 (SA).

By incorporating an association, it provides the gallery with much more flexibility in changing its constitution to adapt to future changes, there is no requirement for members, (although Council has been adopted as the sole member) and the Council can be more aggressive in linking its relationship to the gallery, if required.





Becoming an association will provide the same commercial outcomes that were envisaged in going down the charitable trust deed path. Council will be the sole member of the association which allows it to dictate the governing rules.

Further, there is no prohibition on Council being involved in or being a member of an association (as compared to a company).

The purpose of this report is to inform Council of the background and work undertaken to-date in pursuance of a suitable DGR model and to present the Draft Constitution in accordance with the abovementioned resolution (c).

Background reports and resolutions in relation to this matter were provided to Elected Members on 10 July 2020 following the Elected Member Workshop held on 6 July 2020. These documents have previously been published on the Council website with the Council and Committees agendas and minutes of the relevant meetings at which they were considered.

A Draft Constitution for '*The Riddoch Arts and Cultural Trust Incorporated*' is now attached for Council consideration and endorsement.

The Draft Constitution is the result of a body of work to identify a legally permissible entity that would meet the application requirements for registration with the Australian Charities and Not-For-Profit Commission (ACNC) and Australian Taxation Office (ATO) for DGR status.

These requirements necessarily require a legal entity that is independent of the Council as eligibility for DGR is not available to a (local) government body.

Review of the Draft Constitution of the "*The Riddoch Arts and Cultural Trust Incorporated*" will show that it has been specifically crafted to provide Council with an appropriate level of influence and control over the incorporated body and its operations through the following:

- Objects and purposes – clause 3
- Budget approval – clause 5.2.4
- Annual Plan approval and changes – clause 5.3.2-5.3.3
- Council Officer representation – clause 7
- Council Board (Meeting) Observers, included in quorum requirement – clauses 11, 14.3
- Council appointment/removal of Board Members – clause 11
- Board Observer inclusion in circulation of board meeting minutes – clause 14.9
- Calling/convening of Special General Meetings – clause 17.3/17.4
- Council Representative/CEO/Member attendance at General Meetings – clause 19
- Council passing of a Member Resolution – clause 22
- (Sole) Voting rights at General Meetings – clause 25
- Provision and confirmation of Board minutes – clause 26
- Using Council services for financial activities/reporting obligations – clause 30.4
- Ability (by Special Resolution) to amend, repeal, replace Constitution – clause 33

Further, until such time as The Riddoch Arts and Cultural Trust Incorporated has sufficient resources to enable it to operate independently, it would be solely reliant upon Council for its budget and service provision, including Council staffing and other resources required to fulfil its Council approved Annual Plan. This provides Council with a level of control despite the independence of the proposed Board.



The ultimate long term objective for The Riddoch Arts and Cultural Trust Incorporated is for it to become financially capable to fund its own Executive Officer, staffing and all other resources necessary for it to operate independently in accordance with its Objects and Purposes, whilst retaining Council oversight.

An important aspect for DGR eligibility is that The Riddoch Arts and Cultural Trust Incorporated must operate an art gallery and/or manage an art collection. It is proposed this be achieved through a service agreement and loan/access arrangements whereby the association would 'operate' the Council owned Riddoch Art Gallery with access rights to the City of Mount Gambier art collections.

The purpose in obtaining DGR status is to enable the association to access and accumulate deductible art/monetary gifts, donations and grants that are not accessible to government entities such as Council. This would necessarily mean that future assets so obtained would become assets of the association, rather than the Council.

The terms of The Riddoch Arts and Cultural Trust Incorporated's constitution and DGR/ATO/ACNC rules mean that any such deductible realm assets held by the association must remain within that tax regime and only be transferred to a similarly entity if the association were to be wound-up in the future.

Similarly, DGR status will also provide a valid entity to which the Riddoch Art Gallery Incorporated (former gallery operator) and Riddoch Foundation may transfer its assets within the deductible gift realm, thus enabling it to wind-up its operations as an association.

This report recommends that Council give consideration to the making of resolutions to endorse the Draft Constitution for The Riddoch Arts and Cultural Trust Incorporated and enable the progression of the following next steps:

- identification and endorsement of Initial Board Members and Council Representatives;
- establishment of an incorporated association;
- application to the ATO/ACNC for Deductible Gift Recipient status;
- necessary administrative/housekeeping activities for establishment / initial operation of the association; and
- commencement of association/Board operations.

These next steps are a non-exhaustive list and may be expected to progress over a period of approximately 6-24 months depending upon the timeframes for identifying and endorsing initial Board Members, establishment of the association, ACNC/ATO DGR application, and board establishment and initial operations.

In the initial transition stages over 1-2 years it should be anticipated that administrative/housekeeping activities for establishment of the association, its Board and commencing Board operations would be undertaken by Council Officers until the Board is established and able to enter into suitable service level arrangements for the same.

It should be further anticipated that the Initial Board would be in place within (and for) 6-24 months with the achievement of short-medium term objectives in a 2-5 year timeframe.

It would be expected that any significant outcomes associated with the establishment of the association and its ability to attract art and monetary gifts and grants would be in the 5-10 year horizon as part of a long term strategy for the sustainable operation of the Riddoch Art Gallery and its contribution to the community of Mount Gambier and the South East Region.



A further fundamental aspect of the successful future operation of the Riddoch Art Gallery and associated facilities that is proposed in conjunction with the establishment of the association is the re-naming and co-branding of the Riddoch Art Gallery and Main Corner/City Hall (which have operated in a combined manner for several years) as the 'Riddoch Arts and Cultural Complex'.

This would enable the combined adjoining programmable spaces to be marketed as a whole to a broader audience, noting that the 'Main Corner' has no brand recognition beyond the local Mount Gambier community, whereas the Riddoch name has a historical association with arts and culture in the south east region of South Australia as well as on a national stage. It is anticipated that the costs associated with this exercise would be principally funded from within the annual operating budgets of these facilities.

### **CONCLUSION**

Having considered the background context and Draft Constitution for The Riddoch Arts and Cultural Trust Incorporated this report recommends that Council endorse the progression of the formation of the association and associated activities and the associated re-naming and re-branding of the adjoining facilities.

### **ATTACHMENTS**

1. The Riddoch Arts and Cultural Trust Incorporated Constitution [↓](#)





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## **Constitution**

THE RIDDOCH ARTS AND  
CULTURAL TRUST INCORPORATED

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1. **NAME OF ASSOCIATION**

The name of the incorporated association is The Riddoch Arts and Cultural Trust Incorporated.

2. **DEFINITIONS AND INTERPRETATION**

2.1 In this Constitution:

**Act** means the *Associations Incorporation Act 1985 (SA)*.

**ACNC Act** means the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)*.

**Annual General Meeting** means an annual general meeting of Members of the Association held in accordance with the Act.

**Annual Plan** means the plan referred to in clause 5.3.

**Association** means The Riddoch Arts and Cultural Trust Incorporated.

**Board** means the board of management of the Association.

**Board Meeting** means a meeting of the Board.

**Board Members** means members of the Board from time to time.

**Board Observers** means the Gallery Director, Representative and Council Appointee.

**Budget** means a budget of expenses of the Association to be compiled by the Board pursuant to clause 5.2.

**Chairperson** means:

- (a) in respect of the conduct or proceedings of any General Meeting, the person who presides under clause 20;
- (b) in all other respects, the person elected chairperson of the Board under clause 13 from time to time.

**Council** means the City of Mount Gambier and its successors.

**Council Appointee** means the person appointed under clause 11.3.

**Constitution** means this constitution as amended from time to time.

**Deductible Gift Recipient** has the meaning given to that term in the Tax Act.

**Deputy Chairperson** means the person elected deputy chairperson of the Board under clause 13.1 from time to time.

**Elected Member** means a person elected to the position of Mayor or Councillor of the City of Mount Gambier from time to time.



**Executive Officer** means the person (if any) appointed executive officer of the Association by the Board from time to time.

**Field Expert** means an individual who has experience, industry skills and/or connections that the Council considers will be beneficial to the Riddoch Art Gallery.

**Financial Year** means the 12 months ending on 30 June each year.

**Friends of the Riddoch Membership** means a special class of rights and entitlements for non-voting associates granted under clause 9.3.

**Gallery Director** means the Riddoch Art Gallery Director, Manager Arts and Culture Development with the City of Mount Gambier from time to time or their successor.

**General Meeting** means an Annual General Meeting or a Special General Meeting of the Association.

**Gift** means any sum of money, product or artefact given to the Riddoch Art Gallery as a donation.

**Gift Fund** means a gift fund established under clause 31.

**Liabilities** means liabilities, losses, damages, actions, causes of action, arbitrations, claims, orders, judgments, outgoings, costs and expenses.

**Limestone Coast** means the combined geographic area of the following Councils: District Council of Grant, District Council of Kingston, City of Mount Gambier, Naracoorte Lucindale Council, District of council of Robe; Tatiara District Council and Wattle Range Council.

**Member** means a member of the Association and **Membership** has a corresponding meaning.

**Non-Voting Associate** means any person accepted or appointed under clause 9.3, 9.4, or 9.5.

**Office Bearer** means a person elected office bearer under clause 13.1 from time to time.

**Officer** means an officer of the Association within the meaning of the Act.

**Public Officer** means the Executive Officer or other person appointed as public officer of the Association by the Board from time to time under clause 29.

**Registered Charity** means a charity that is registered under the ACNC Act.

**Representative** means a person appointed to represent the Council under clause 7.1 from time to time.

**Riddoch Art Collections** means the art and cultural collections owned or in the custody of the Council or the Association from time to time.





**Riddoch Art Gallery** means the building identifiable as the Riddoch Art Gallery, and the associated activities and operations of the Council and the Association .

**Secretary** means the person elected as secretary of the Board under clause 13 from time to time.

**Special General Meeting** means a general meeting of Members of the Association other than an Annual General Meeting.

**Special Resolution** means a resolution of Members of the Association passed in accordance with clause 22 or otherwise:

- (a) at a duly convened General Meeting of which at least 21 days' written notice specifying the intention to propose the resolution has been given to all Members of the Association; and
- (b) by a majority of not less than three quarters of the Members of the Association who being entitled to do so vote at such General Meeting (in person, by Corporate Representative or by proxy).

**Tax Act** means the *Income Tax Assessment Act 1997* (Cth).

**Treasurer** means the person elected as treasurer of the Board under clause 13 from time to time.

- 2.2 In this Constitution, unless the context otherwise requires:
  - 2.2.1 headings do not affect interpretation;
  - 2.2.2 singular includes plural and plural includes singular;
  - 2.2.3 words of one gender include any gender;
  - 2.2.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
  - 2.2.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
  - 2.2.6 another grammatical form of a defined word or expression has a corresponding meaning;
  - 2.2.7 an expression defined in the Act has the meaning given by that Act at the date of this constitution; and
  - 2.2.8 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions.
- 2.3 While the Association is a Registered Charity, the ACNC Act and the Act override any clauses in this constitution which are inconsistent with those Acts.
- 2.4 If the Association is not a Registered Charity (even if it remains a charity), the Act overrides any clause in this constitution which is inconsistent with that Act.



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### 3. OBJECTS AND PURPOSES

- 3.1 The Association is established for the operation of the Riddoch Art Gallery in order to provide inspiration, and to challenge, educate and present the visual arts in a way that promotes an understanding of the world with a local, national and international perspective for the benefit of the public.
- 3.2 The Association may pursue the above objects by:
- 3.2.1 developing the Riddoch Art Gallery to be an innovative centre and creative hub for art in the Limestone Coast region that presents inspiring and challenging exhibitions and displays of the Riddoch Art Collections and other art and cultural items on tour and loan;
  - 3.2.2 attracting sponsorship and grants, deductible and other gifts of art and cultural and related items, and otherwise raise finance for the acquisition, development and maintenance of works of art and cultural items for the betterment of the Riddoch Art Collections;
  - 3.2.3 Promoting, displaying, exhibiting, touring and related activities relating to the Riddoch Art Gallery and Riddoch Art Collections;
  - 3.2.4 liaising with government departments and other organisations and agencies interested in the arts and culture; and
  - 3.2.5 doing all such other things and entering into all such agreements as may be incidental or necessary to the attainment of such objects.
- 3.3 The assets and income of the Association must be applied exclusively to the promotion of its objects and no portion may be paid or distributed directly or indirectly to the Members, except as bona fide remuneration for services rendered or expenses incurred on behalf of the Association.

### 4. POWERS

The Association has, subject to the Act and other applicable laws:

- 4.1 the legal capacity and powers of an individual and all the powers of a body corporate (including those vested by section 25 of the Act);
- 4.2 the power to do all things necessary or convenient to be done for, or in connection with, the attainment of its objects and purposes.

### 5. PROVISIONS RELATING TO THE ASSOCIATION

#### 5.1 Decision making framework

The Association will exercise any powers, duties, discretions or authorities conferred by this Deed consistent with the requirements of the Act and the Constitution.

#### 5.2 Budget

- 5.2.1 The Board must compile a Budget of expenditure of the Association for each Financial Year which includes, without limitation, the remuneration, expenses and administrative costs of the Association.



- 5.2.2 The Board must monitor the expenditure of the Association in each Financial Year to ensure that the Association's expenses do not exceed the Budget.
- 5.2.3 The Board's expenditure in any Financial Year must be taken into account in formulating the Annual Plan and Budget for the next Financial Year to ensure that the Association remains in balance and operates prudently going forward.
- 5.2.4 The Budget shall be subject to the approval of the Council.

### 5.3 Annual Plan

- 5.3.1 The Board must make an Annual Plan each Financial year that identifies:
  - 5.3.1.1 The proposed activities of the Association for the Financial Year; and
  - 5.3.1.2 The goal or outcomes of the Association for the Financial year, having regard to:
    - (a) the value and financial position of the Association from the previous Financial Year; and
    - (b) any anticipated accretions to the Association for the Financial Year; and
  - 5.3.1.3 the Association's remuneration and expenses for the Financial Year; and
  - 5.3.1.4 any other information the Association considers relevant.
- 5.3.2 The Annual Plan shall be subject to the approval of the Council.
- 5.3.3 The Council may make, or require the Board to make changes to the Annual plan as it sees fit.
- 5.3.4 The Annual Plan may be in any form determined appropriate by the Board.
- 5.3.5 The Board will endeavour to finalise the Annual Plan for each Financial Year prior to the start of the Financial Year to which it relates.
- 5.3.6 The Board must make the Annual Plan available to the Council on request.

## 6. MEMBERSHIP

The Council is the sole member of the Association and shall be the only member. The Council agrees to be bound by this Constitution.



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**7. REPRESENTATIVES**

- 7.1 The Council must appoint a senior officer as its Representative in writing. In the absence of appointment, the executive officer of the Council is the Representative.
- 7.2 Unless otherwise specified in the appointment, the Representative may exercise all the powers that the Council could exercise at a General Meeting or in voting on a resolution (including a resolution to be passed without a General Meeting).

**8. RESIGNATION**

- 8.1 The Council may resign from Membership by giving written notice to the Board.
- 8.2 On resignation of the Council as the sole Member, the Association will become a memberless association under the Act unless the Board otherwise determines.

**9. NON-VOTING ASSOCIATES**

- 9.1 Notwithstanding clause 6, the Association may recognise certain persons as "members" of the Gallery pursuant to this clause. For the avoidance of doubt, while this clause may prescribe certain benefits to a "member", any such person is not a Member of the Association for the purposes of the Act, and shall have no rights or entitlement to vote or receive any notices of the Association, and no rights or entitlements to the property of the Association. The title of "member" is a mere descriptor only.

- 9.2 Any person accepted or appointed under this clause 9 that wishes to actively participate other than as an observer or visitor must be formally accepted and inducted as a volunteer of the Council or the Association as determined by the Board in its absolute discretion, and comply with all directions, requirements, conditions, rules and regulations of the Board or its delegate.

**9.3 Friends of the Riddoch**

- 9.3.1 Friends of the Riddoch Membership is open to any person.
- 9.3.2 An application for Friends of the Riddoch Membership must be:
- 9.3.2.1 in the form determined by the Board; and
  - 9.3.2.2 accompanied by any application fee determined by the Board.
- 9.3.3 The Board determines whether to accept or reject an application for Friends of the Riddoch Membership.
- 9.3.4 The Board is not required to give any reason for the rejection of an application.
- 9.3.5 If an application for Membership is rejected, the Board must:
- 9.3.5.1 give written notice of the rejection to the applicant; and



9.3.5.2 refund in full any fees paid by the applicant.

9.3.6 The rights and privileges of Friends of the Riddoch Membership shall be as determined by the Board from time to time, and are non transferable.

#### 9.4 Riddoch Ambassadors

9.4.1 The Board may appoint persons as Riddoch Ambassadors having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and for the purposes of promotional and marketing activities of the Association, nationally and internationally, through promotion-focused approach as well as audience development approach, and any other factors the Board considers appropriate.

9.4.2 There shall be no application process and no application fee applicable to Riddoch Ambassadors.

9.4.3 The rights and privileges of a Riddoch Ambassador shall be as determined by the Board from time to time, and are not transferable.

9.4.4 The Riddoch Ambassadors may be reimbursed for their expenses incurred in relation to their activities as a Riddoch Ambassador to the extent determined by the Board.

#### 9.5 Patrons

9.5.1 The Board may appoint persons (whether a Friends of the Riddoch Member or not) as a Patron of the Association having regard to the contributions made to the Association, Riddoch Art Collections or the Riddoch Art Gallery (including to the Riddoch Art Gallery as operated under previous associations, trusts or entities), and such other factors as the Board considers appropriate.

9.5.2 There shall be no application process and no application fee applicable to Patrons.

9.5.3 The rights and privileges of a Patron shall be as determined by the Board from time to time, and are not transferable.

### 10. FUNCTIONS AND POWERS OF BOARD

10.1 The affairs of the Association are governed exclusively by the Board. In addition to the powers and authorities conferred by this Constitution, the Board may exercise all powers and do all things that are within the objects of the Association, and are not by the Act or by this Constitution, required to be done by the Association in General Meeting.

10.2 The Board may delegate any of its powers, authorities and discretions to any officer or employee or committee of the Association. A delegation must be in writing. A delegation does not derogate from the powers of the Board to act in any matter.



- 10.3 The Board may revoke, modify or vary any such delegation.
- 10.4 The Board may determine the manner in which its meetings and its business and proceedings are conducted and regulated.
- 10.5 The Board may interpret this Constitution and determine any matter relating to the affairs of the Association on which this Constitution is silent.

#### 11. COMPOSITION OF BOARD

- 11.1 The Board comprises a minimum of three and a maximum of five Board Members and a maximum of three Board Observers.
- 11.2 Notwithstanding clause 11.1, while the number of Board Members is below the minimum, the Board may still convene Board Meetings and pass resolutions to appoint additional Board Members, but for no other purpose.
- 11.3 The Council may appoint any person to be an observer of board meetings by serving written notice on the Board, provided the maximum number of Board Observers is not exceeded.
- 11.4 A person may be appointed or elected a Board Member only if such person:
  - 11.4.1 is an individual over 18 years of age and otherwise qualified to hold office in accordance with the Act and the ACNC Act;
  - 11.4.2 has obtained all current criminal screenings and background clearances in line with relevant state and national laws having regard to the operations of the Association at the relevant time;
  - 11.4.3 has consented in writing to being a Board Member; and
  - 11.4.4 is not an employee of the Council.
- 11.5 Subject to this clause 11, the Council may appoint persons as Board Members and remove Board Members from office.
- 11.6 Notwithstanding clause 11.4.4 the Board Observers shall be present at Board Meetings for the purpose of observing and providing advice and administrative support to Board Members. The term of office for the Board Observers shall end when they are no longer an employee of the Council or their earlier replacement.
- 11.7 In appointing Board Members, the Council may:
  - 11.7.1 appoint at least one Board Member with experience and skills relevant to a position of company director and/or company secretary.
  - 11.7.2 appoint at least one Board Member with an appropriate national or international profile in the arts and/or cultural fields.
  - 11.7.3 appoint no more than 1 Board Member who is an Elected Member of Council; and
  - 11.7.4 appoint no more than 2 Board Members who are Field Experts and who do not otherwise come under this clause 11.7.



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- 11.8 The first Board comprises the persons listed in Schedule 1. Subject to clause 11.11, those Board Members hold office until the conclusion of the second Annual General Meeting after incorporation at which time half of them, determined by lot, must retire from office.
  - 11.9 Subject to clause 11.11, at the conclusion of each subsequent Annual General Meeting, half of the Board Members must retire from office.
  - 11.10 The Board Members to retire under clause 11.9 are those who have been longest in office since their last election, and as between persons who became Board Members on the same day, are determined by lot (unless otherwise agreed amongst themselves).
  - 11.11 If at the time of the retirement of any Board Members under clause 11.5 or 11.9 the number of Board Members is not a multiple of two, then the number of Board Members to retire is rounded down to the nearest whole number.
  - 11.12 Subject to clause 11.13 a Board Member retiring under clause 11.5 or 11.9 is eligible for election under clause 13.2.
  - 11.13 A Board Member that has attained a consecutive appointment period of 6 or more years must retire and will not be eligible for re-election under clause 12.11. This clause does not preclude a retired member from being eligible for a further reappointment after the period of 2 years have lapsed.

## 12. BOARD MEMBER VACANCIES

- 12.1 The office of a Board Member becomes vacant if the Board Member:
  - 12.1.1 reaches the end of their term of office;
  - 12.1.2 dies or becomes a person whose estate is liable to be dealt with in any way under laws relating to mental health;
  - 12.1.3 becomes disqualified from holding office under the Act;
  - 12.1.4 resigns from office by notice in writing to the Board or Executive Officer;
  - 12.1.5 is removed from office under clause 11.4; or
  - 12.1.6 is absent from three consecutive Board Meetings without the leave of the Board.
- 12.2 Subject to clause 11.4, the Board may appoint a person to fill a casual vacancy on the Board. A Board Member so appointed holds office until replaced in accordance with clause 11.5.

## 13. ELECTION OF OFFICE BEARERS

- 13.1 At the first Board Meeting after each Annual General Meeting the Board must appoint a chairperson, deputy-chairperson, secretary and treasurer from among their number. If necessary, the Board must also appoint a Public Officer. Subject to this Constitution, those Office Bearers hold office until the



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conclusion of the election of Office Bearers at the first Board Meeting after the next Annual General Meeting.

- 13.2 A retiring Office Bearer is eligible for re-election.
- 13.3 Nominations for office of an Office Bearer are made in the manner determined by the Board.
- 13.4 If there is only one nomination for the office of an Office Bearer, the nominee stands elected to such office.
- 13.5 If there is more than one nomination for the office of an Office Bearer, then there must be an election for such office conducted by secret ballot.
- 13.6 The office of any Office Bearer becomes vacant if the Office Bearer:
  - 13.6.1 reaches the end of their term of such office;
  - 13.6.2 resigns from such office by notice in writing to the Board or Executive Officer;
  - 13.6.3 is removed from such office by resolution of the Board (and in doing so, the Board is not obligated to provide reasons); or
  - 13.6.4 ceases to be a Board Member.
- 13.7 Should a vacancy occur in the office of any Office Bearer, the Board must promptly fill such vacancy by appointment from among their number.

#### 14. **PROCEEDINGS OF BOARD MEETINGS**

##### 14.1 **Ordinary meetings**

The Board must meet at least four times a year or more often as required at a time, date and place fixed by the Chairperson from time to time.

##### 14.2 **Notice**

14.2.1 Except in the case of an emergency (for example, to consider a matter of urgent or pressing necessity), at least seven days' notice of all Board Meetings must be given to all Board Members and Board Observers and such notice must be given in writing by email or letter or by any other means consented to by all the Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days' notice.

14.2.2 The notice given under clause 14.2.1 is to be accompanied by an agenda listing the items of business for the Board Meeting and any reports and attachments to be considered for each item of business.

##### 14.3 **Quorum**

14.3.1 The presence of more than half the Board Members and at least one Board Observer constitutes a quorum at a Board Meeting and no business may be transacted unless a quorum is present.





14.3.2 If at any Board Meeting a quorum is not present, the meeting must be adjourned until no sooner than the following day and all Board Members are to be notified of such adjournment. When the meeting is reconvened, the Board Members present at the reconvened meeting constitute a quorum.

14.3.3 The quorum must be present at all times during the meeting.

#### 14.4 **Voting**

14.4.1 All matters before the Board for decision at any Board Meeting must be decided by a majority of votes of the Board Members present. Subject to this Constitution, each Board Member present at a Board Meeting is entitled to one vote only except for the Board Member chairing the Board Meeting who has a deliberative, and in case of equality of voting, a casting vote.

14.4.2 Board Observers will have no voting rights.

#### 14.5 **Special meetings**

Special Board Meetings may be convened by the Chairperson, or by direction of the Chairperson, at the requisition in writing of two or more Board Members, or by any one of the Gallery Director or Representative.

#### 14.6 **Chairing of meetings**

14.6.1 Subject to clauses 14.6.2 and 14.6.3, the Chairperson must preside at all Board Meetings.

14.6.2 If the Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Deputy-Chairperson must preside at that Board Meeting.

14.6.3 If there is no Deputy-Chairperson, or if the Deputy-Chairperson is not present at the time appointed for the meeting or is unable or unwilling to preside at any Board Meeting, the Board must appoint any other Board Member present to preside at that Board Meeting.

14.6.4 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.

#### 14.7 **Attendance other than Board Members**

14.7.1 The Executive Officer (if any) is entitled to attend all Board Meetings unless the Board resolves otherwise, and the resolution is recorded in the minutes of the Board Meeting.

14.7.2 Elected Members may attend Board Meetings and the Board shall record such attendance in the minutes.

14.7.3 Others may attend Board Meetings with the approval of the Board, and the resolution is recorded in the minutes of the Board Meeting.



14.7.4 During a Board Meeting, the Board may exclude any Elected Members and other attendees from any part of the Board Meeting (with or without reason) and a resolution of such exclusion is to be recorded in the minutes.

14.7.5 For the avoidance of doubt, the words "other attendees" referred to in clause 14.7.4 does not include Board Observers.

#### **14.8 Meetings using technology**

14.8.1 A Board Meeting may be held with one or more of the Board Members or Board Observers taking part by telephone, video link or other similar technologies. Such attendees are regarded as being present at the Board Meeting only whilst all attendees are able to hear the proceedings of the entire Board Meeting and to be heard by all others attending the Board Meeting.

14.8.2 Without limiting clause 14.8.1, a Board Meeting may be called or held using any technology consented to by all Board Members and Board Observers. The consent may be a standing one and can only be withdrawn on seven days' notice.

14.8.3 A Board Meeting conducted in accordance with clauses 14.8.1 or 14.8.2 is deemed to be held at a place determined by the Board Members, provided that at least one of the Board Members or Board Observer present at the Board Meeting was at such place for the duration of that Board Meeting.

#### **14.9 Circulating resolutions and minutes**

14.9.1 The Board Members may pass a resolution without a Board Meeting being held if all the Board Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document.

14.9.2 Separate copies of a document may be used for signing if the wording of the resolution and statement is identical in each copy.

14.9.3 The resolution is passed when the last Board Member signs.

14.9.4 The Board Observers must be included in the circulation of any proposed resolution document to be signed under this clause 14.9 and a copy of the signed resolution, if passed.

14.9.5 A copy of the minutes of each Board Meeting including all resolutions and financial details must be circulated to all Board Members and Board Observers.

#### **14.10 Pecuniary interests**

14.10.1 A Board Member who has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, must, as soon as the Board Member becomes aware of the interest, disclose to the Board the nature and extent of the interest.



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- 14.10.2 Where a Board Member has a direct or indirect pecuniary interest in a contract or proposed contract with the Association, or in any other matter which is before the Board for discussion, that Board Member must not vote with respect to that contract or matter but may, subject to that Board Member complying with clause 14.10.1, take part in the deliberations or discussions of the Board with respect to that contract or matter.
  - 14.10.3 Clauses 14.10.1 and 14.10.2 do not apply in respect of any pecuniary interests that exist only by virtue of the fact that the Board Member is a member of a class of persons for whose benefit the Association is established.
  - 14.10.4 A Board Observer must also disclose any personal pecuniary interest that arises in any matter which is before the Board for discussion. The Board is to determine whether the Board Observer shall vacate the room for discussion on such matters (and such resolution shall be recorded in the minutes).
  - 14.10.5 Quorum will not be lost merely because a Board Observer vacates the room under clause 14.10.4.
  - 14.10.6 Board Observers are not considered to have a personal pecuniary interest if the interest arises merely from their employment with Council.

**15. BOARD HONORARIUM AND EXPENSES**

- 15.1 The Association may pay the Board Members a maximum total honorarium for Board Members determined by the General Meeting.
- 15.2 The Board may determine the allocation of the total honorarium among the Board Members. If the Board does not determine the allocation, the total amount of the honorarium must be allocated equally among the Board Members.
- 15.3 In addition to any honorarium, the Association may also pay any extraordinary travelling and other expenses Board Members properly incur:
  - 15.3.1 in attending Board Meetings or meetings of any committee of the Board;
  - 15.3.2 in attending any General Meeting; and
  - 15.3.3 otherwise in connection with the business of the Association.

**16. EXECUTIVE OFFICER**

- 16.1 The Association may employ a person chosen by the Board as the executive of the Association.
- 16.2 The Executive Officer shall be employed by the Association on such terms as determined by the Board.



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- 16.3 The Executive Officer's contract of employment must include provisions establishing:
    - 16.3.1 the Executive Officer's remuneration;
    - 16.3.2 the term of the contract;
    - 16.3.3 where the Executive Officer has not previously been employed in that position by the Association, a probation period; and
    - 16.3.4 specified grounds for dismissal.

**17. CONVENING GENERAL MEETINGS**

- 17.1 The Board may call a Special General Meeting of the Association at any time, and must call an Annual General Meeting in accordance with the Act.
- 17.2 The first Annual General Meeting must be held within 18 months after the incorporation of the Association, and thereafter within five months after the end of each Financial Year.
- 17.3 Within one month of the receipt of a requisition in writing from the Council or the Representative, the Board must convene a Special General Meeting for the purpose specified in the requisition.
- 17.4 Every requisition for a Special General Meeting under clause 17.3 must be signed by the Representative or executive officer of the Council and must state the purpose of the meeting.
- 17.5 If the Board does not convene a Special General Meeting as required by clause 17.3, the Council may convene it. It must be convened in the same manner as a meeting convened by the Board. The reasonable expenses of convening and conducting such a meeting must be borne by the Association.
- 17.6 Subject to clause 20 the Representative shall be the Chairperson for General Meetings.

**18. NOTICE OF GENERAL MEETINGS OF ASSOCIATION**

- 18.1 Unless the Council otherwise agrees, at least 21 days' written notice of each General Meeting must be given to the Council. The notice must set out where and when the meeting will be held and particulars of the nature and order of the business to be transacted at the meeting.
- 18.2 For an Annual General Meeting, the order of business is the consideration of the accounts and reports of the Board and the auditors, the appointment of auditors, the election of Board Members (if required), and any other business requiring consideration by the Association in General Meeting.
- 18.3 The Association may give notice of General Meeting to the Council by delivering it to the Council Office, or by sending it by post or email to the following address of the Council:
  - 18.3.1 PO Box 56, Mount Gambier, SA 5290; or
  - 18.3.2 city@mountgambier.sa.gov.au.



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- 18.4 Where a notice is sent by post, service of the notice is deemed to be effected if it is properly addressed and posted to the Council by ordinary prepaid mail. It is deemed to be received four business days after posting, if posted to and from a place within Australia.

**19. QUORUM AND ATTENDANCE AT GENERAL MEETINGS OF ASSOCIATION**

- 19.1 No business may be transacted at a General Meeting of Members unless the Council is present (in person by the presence of either one, or both of the Representative or executive officer of the Council) at all times during the meeting.
- 19.2 If a quorum is not present within 30 minutes after the time appointed for a General Meeting:
- 19.2.1 if the meeting was convened upon the requisition of the Council, it is dissolved; and
- 19.2.2 in any other case, it is adjourned to the same day in the next week at the same time and place, or to another day, time and place determined by the Board. If at the resumed meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting is dissolved.
- 19.3 Non-Voting Associates and Elected Members of the Council may attend a General Meeting of the Association. Their attendance shall not contribute to quorum and they will have no voting rights.

**20. CHAIRPERSON TO PRESIDE AT GENERAL MEETINGS**

- 20.1 Subject to clause 20.2 the Representative must preside as Chairperson at all General Meetings.
- 20.2 If the Chairperson is not present at the time appointed for the General Meeting or is unable or unwilling to preside at the meeting, the following may preside as Chairperson at the meeting (in order of precedence):
- 20.2.1 the executive officer of the Council;
- 20.2.2 the chairperson of the Board;
- 20.2.3 the Deputy-Chairperson;
- 20.2.4 a Board Member chosen by a majority of the Board Members present;
- 20.2.5 the only Board Member present;
- 20.2.6 the Mayor of the Council; or
- 20.2.7 the Elected Member chosen by a majority of the Elected Members present.
- 20.3 If the Chairperson (or in his absence, the Deputy Chairperson) arrives after the meeting has commenced, they may preside at that meeting only with the consent of the acting Chairperson.



20.4 The Chairperson:

- 20.4.1 has charge of the general conduct of the General Meeting and of the procedures to be adopted at the meeting;
- 20.4.2 may determine any dispute about the admission or rejection of a vote (including a vote recorded in the form of a formal resolution of Council tabled at the meeting);
- 20.4.3 may require the adoption of any procedure which is in the Chairperson's opinion necessary or desirable for proper and orderly debate or discussion and the proper and orderly casting or recording of votes at the meeting; and
- 20.4.4 may terminate discussion or debate on any matter whenever the Chairperson considers it necessary or desirable for the proper conduct of the meeting,

and a decision by the Chairperson under this clause is final.

21. **ADJOURNMENTS**

- 21.1 The Chairperson may adjourn a General Meeting to any place, date and time.
- 21.2 The Chairperson must adjourn a General Meeting if the Council agrees or directs the Chairperson to do so. The Chairperson may adjourn the meeting to any place, date and time.
- 21.3 If the meeting is adjourned for more than one month, notice of the resumed meeting must be given as for the original meeting.
- 21.4 Only unfinished business may be transacted at a resumed meeting.

22. **MEMBER'S RESOLUTIONS**

- 22.1 Unless the Act or this constitution requires a Special Resolution, a resolution is passed if the Council votes in favour of the resolution.
- 22.2 The Council may pass any resolution (including a Special Resolution) without a General Meeting being held if the Council (by the action of the Representative or executive officer of the Council) signs a document, or passes a resolution at a formally constituted meeting of the Council containing a statement that it is in favour of the resolution set out in the document.
- 22.3 The resolution is passed when the Council signs.

23. **PROXIES AT GENERAL MEETINGS**

- 23.1 The Council may appoint a proxy to vote in place of the Council at a General Meeting in the event that the Representative or executive officer of the Council, or both are not available to attend the meeting.
- 23.2 An appointment of a proxy is valid if:
  - 23.2.1 it is in the form of Schedule 3 or any other form determined by the Board;



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- 23.2.2 it is signed by the Council (either by the Representative or chief executive officer of the Council or, in the form of a resolution passed at a formally constituted meeting of the Council);
  - 23.2.3 it contains the Council's name and address, the proxy's name or the name of the office held by the proxy, and the General Meetings at which the appointment may be used; and
  - 23.2.4 it is provided to the Board at least 48 hours before the commencement of the meeting or resumed meeting.
- 23.3 An appointment of a proxy may be a standing one.
  - 23.4 An undated appointment of a proxy is to be taken to have been dated on the day it is given to the Board.
  - 23.5 A later appointment of a proxy revokes an earlier one if both appointments could not be validly exercised at the meeting.
  - 23.6 Except to the extent that the appointment of a proxy expressly limits the exercise by the proxy of the power to vote at a General Meeting, a proxy has the same rights to attend, vote and otherwise act at the meeting as the Council.
  - 23.7 An appointment of a proxy may specify the way the proxy is to vote on a particular resolution. In that event:
    - 23.7.1 the proxy need not vote on a show of hands, but if the proxy does so, the proxy must vote that way;
    - 23.7.2 if the proxy is the Chairperson, the proxy must vote on a poll, and must vote that way;
    - 23.7.3 if the proxy is not the Chairperson, the proxy need not vote on a poll, but if the proxy does so, the proxy must vote that way; and
  - 23.8 A proxy's authority to speak and vote for the Council at a meeting is suspended while the Representative or executive officer of the Council is present at the meeting.

#### 24. IDENTITY OF REPRESENTATIVES AND PROXIES

The Chairperson may require a person to establish to the satisfaction of a General Meeting that the person is the Representative, executive officer or proxy of the Council for that meeting. If unable to do so, the person may be excluded from the meeting or from voting either upon a show of hands or upon a poll.

#### 25. VOTING AT GENERAL MEETINGS

- 25.1 The Council has one vote in relation to any resolution and is the sole person (subject to a valid appointment under clauses 7 or 23) who may vote at a General Meeting.
- 25.2 If Council call a special meeting of the Council to consider any item of business on the agenda of a General Meeting of the Association then the resolution of the formally constituted meeting of the Council shall take precedence over the



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vote of the Representative, executive officer of the Council or duly appointed proxy with regard to the specific item of business.

**26. MINUTES**

- 26.1 The Association must cause minutes of all proceedings of General Meetings and of Board Meetings to be entered within one month after the relevant meeting in books kept for that purpose.
- 26.2 The Association must cause those minutes to be:
  - 26.2.1 confirmed by the Council or Board Members present at a subsequent meeting;
  - 26.2.2 signed by the person chairing the meeting at which the proceedings took place or by the person chairing the meeting at which the minutes are confirmed; and
  - 26.2.3 provided to the Council.
- 26.3 A minute that is so entered, confirmed and signed is, in the absence of proof to the contrary, to be accepted as proof of the proceedings to which the minute relates.
- 26.4 Where minutes have been so entered, confirmed and signed, it is to be taken, in the absence of proof to the contrary, that:
  - 26.4.1 the meeting to which the minutes relate was held; and
  - 26.4.2 the proceedings that are recorded in the minutes occurred; and
  - 26.4.3 all appointments of Officers or auditors that are recorded in the minutes were validly made.

**27. COMMITTEES**

- 27.1 The Board may from time to time appoint such committees as it thinks necessary and may delegate or refer to them such of the powers and the duties of the Board as the Board determines.
- 27.2 The Board must nominate a Board Member as chairperson of a committee appointed under clause 27.1.
- 27.3 Each committee must report its proceedings to the Board and must conduct its business in accordance with any rules and or directions of the Board.
- 27.4 The existence of or delegation to a committee does not derogate from the powers of the Board to act in any matter.
- 27.5 The Board Observers shall be provided with the full agenda and minutes of all committee meetings and shall be invited, but not obligated to attend, committee meetings. The Board or committee shall not be able to exclude Board Observers from attending any committee meetings.





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**28. VALIDATION OF ACTS**

The acts of the Board, a committee, an Officer or delegate of the Association are valid even if it is subsequently discovered that there was a defect in an appointment or any of them was disqualified.

**29. PUBLIC OFFICER**

Unless otherwise determined by the Board, the Executive Officer (if there is one) ex officio is the Public Officer. If there is no Executive Officer, the Board must appoint a Public Officer.

**30. FINANCE**

- 30.1 All money received for the benefit of the Association is the property of the Association and must be deposited to the credit of the Association at a bank nominated from time to time by the Board.
- 30.2 Debts incurred by the Association in the ordinary course of business must be paid by cheque, credit card or electronic funds transfer authorised by any two persons appointed by the Board or the Executive Officer.
- 30.3 The Association must:
- 30.3.1 keep financial records as required by the Act; and
  - 30.3.2 if required by the Act, prepare and distribute financial reports and cause the financial records of the Association to be audited.
- 30.4 In the absence of an Executive Officer, the Board and Association shall utilise the services of the Council for its financial activities and to meet its financial and other reporting obligations.

**31. GIFT FUND**

- 31.1 The Association may maintain, for the principal purpose of holding Gifts given to the Association, a gift fund which complies with Subdivision 30-BA of the Tax Act.
- 31.2 The Association must use the Gift Fund only for the principal purpose of the Association.
- 31.3 At the first occurrence of one of the following events:
- 31.3.1 the winding up of the Gift Fund; and
  - 31.3.2 the revocation of the Association's endorsement as a Deductible Gift Receipt under Subdivision 30-BA of the Tax Act,
- the Association must transfer any surplus assets of the Gift Fund to such one or more charitable entities, funds, authorities or institutions as the Board determines provided that the relevant recipient:
- 31.3.3 is endorsed as a Deductible Gift Recipient;
  - 31.3.4 has objects similar to those of the Association; and



31.3.5 has rules which prohibit any distribution of profit to its members.

**32. EXECUTION OF DOCUMENTS**

- 32.1 The Association may execute a document (including a deed) in any manner authorised by the Board, and only if authorised by the Board.
- 32.2 The Board must provide for the safe custody of the seal of the Association.
- 32.3 The seal may only be used by the authority of the Board. Every instrument to which the seal is affixed must be signed by two seal holders in whose presence the seal is affixed.
- 32.4 A register listing the documents to which the seal has been affixed must be maintained.
- 32.5 The seal holders means the Executive Officer (if there is one) and such other Board Members as determined by the Board from time to time.

**33. AMENDMENT OF CONSTITUTION**

This Constitution may be amended, repealed or replaced by Special Resolution.

**34. WINDING UP**

- 34.1 The Association may be wound up by Special Resolution in accordance with the Act.
- 34.2 If the Association is wound up any surplus of money or any property (after satisfaction of its debts and liabilities) must be transferred to one or more of the charitable entities, funds, authorities or institutions determined by the Council, provided that the relevant recipient
  - 34.2.1 is endorsed as a Deductible Gift Recipient;
  - 34.2.2 has objects similar to those of the Association; and
  - 34.2.3 has rules which prohibit the distribution of its income or assets among its members.

**35. INDEMNITY**

- 35.1 Subject to the Act, every person who is or has been an Officer must be indemnified out of the property of the Association against any Liabilities incurred in connection with that person's position as an Officer except a Liability:
  - 35.1.1 owed to the Association; or
  - 35.1.2 that did not arise out of conduct in good faith; or
  - 35.1.3 for legal costs in defending or resisting proceedings in which the person is found by a court to have a Liability for which the person cannot be indemnified under any of the foregoing provisions of this clause; or



- 
- 35.1.4 for legal costs in defending or resisting criminal proceedings in which the person is found guilty.
- 35.2 For the purposes of clause 35.1:
- 35.2.1 **legal costs** means legal costs on a solicitor and own client basis; and
- 35.2.2 **proceedings** means any initial legal proceeding and any appeal proceeding.
- 35.3 The Association need not indemnify a person under clause 35.1 in respect of a Liability to the extent that the person is entitled to an indemnity in respect of that Liability under a contract of insurance.
- 35.4 Where a person seeks to rely on the indemnity contained in clause 35.1, that person must:
- 35.4.1 immediately notify the Association of any claim which gives rise to or could give rise to a Liability of the Association to that person under the indemnity;
- 35.4.2 permit the Association to conduct any negotiations and proceedings in respect of the claim in the name of the person and to have the sole arrangement and the control of such negotiations or proceedings and to settle or compromise the claim or make any admission or payment in relation thereto;
- 35.4.3 not make any admission without the prior written consent of the Association;
- 35.4.4 promptly render all reasonable assurance and co-operation to the Association as requested by the Association.
- 35.5 The Association must make available for inspection by any person who is or has been an Officer the books and records of the Association at all reasonable times for the purposes of any proceedings in connection with that person's position as an Officer:
- 35.5.1 to which the person is a party; or
- 35.5.2 that the person proposes in good faith to bring; or
- 35.5.3 that the person has reason to believe will be brought against the person.
- 35.6 The obligations of the Association in respect of any person who is or has been an Officer under clause 35.5 cease on the expiry of seven years after that person ceases to be an Officer.
36. **INSURANCE**
- 36.1 Subject to the Act, the Association must maintain at its cost a policy of insurance (**Policy**) with a reputable Australian insurer insuring every person who is or has been an Officer against any Liabilities incurred by that person in



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connection with that person's position as an Officer except a Liability of the kind referred to in clauses 35.1.1 to 35.1.4.

- 36.2 The Policy must provide for an insurance payout to the person of at least \$5,000,000.00 per claim.
- 36.3 The Policy must provide public liability cover to the amount of \$20,000,000.00 per claim.
- 36.4 The Association must not by any act or omission render the Policy void or voidable or otherwise vitiate the Policy.
- 36.5 The Association must promptly upon request by each person who is or has been an Officer, produce to him or her, a copy of the insurance policy or any certificates of insurance or other reasonable documentary evidence of the currency of the Policy maintained in accordance with this clause.
- 36.6 The obligations of the Association in respect of any person who is or has been an Officer of the Association under this clause ceases on the expiry of seven years after that person ceases to be an Officer.



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**Schedule 1 - Initial Board Members**

[Initial Board Members]



**Schedule 2 - Proxy**

**THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED**

**PROXY**

The .....  
*Name of Member*

of .....  
*Address*

being a Member of the Association

appoint .....  
*Name of proxy or office held*

or if no person is named, the chairperson of the meeting, as my proxy to vote on my behalf:

- at the General Meeting of the Association to be held at [date] and [time] and at any adjournment of that meeting;
- all General Meetings until revoked.

**Direction to proxy**

If you want to direct your proxy how to vote, mark one box only for each resolution. If you do not want to direct your proxy how to vote, do not mark any box for the resolution. If you wish not to vote on a particular resolution, mark the 'Abstain' box.

I direct my proxy to vote as follows:

<b>Resolutions</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
<i>Descriptions</i>			

Date .....

**The common seal of City of Mount Gambier was affixed in the presence of:**

.....  
Signature of Mayor

.....  
Signature of Chief Executive Officer

.....  
Name of Mayor (print)

.....  
Name of Chief Executive Officer (print)



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**Schedule 3 – Appointment of Council Representative**

**THE RIDDOCH ARTS & CULTURAL TRUST INCORPORATED**

**REPRESENTATIVE**

The .....  
City of Mount Gambier  
*Name of Member*

of .....  
10 Watson Terrace Mount Gambier South Australia  
*Address*

being a Member of the Association

appoint .....  
*Name of representative or office held*

or if no person is named, the executive officer of the Council, as representative to do all things necessary to give effect to the role of Council and Representative as set out in the Constitution of The Riddoch Arts & Cultural Trust Incorporated.:



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**MEMBER'S AGREEMENT**

The Council, being the sole member of the Association at registration, has agreed by resolution passed at a formally constituted meeting of the Council held on the            day of            in the year            to this constitution.

Date:

**The common seal of City of Mount Gambier** was affixed in the presence of:

.....  
Signature of Mayor

.....  
Signature of Chief Executive Officer

.....  
Name of Mayor (print)

.....  
Name of Chief Executive Officer (print)





**5.3 INTERNAL REVIEW OF COUNCIL ACTIONS 2019/2020 – REPORT NO. AR20/45145**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>3 August 2020</b>
<b>Report No.:</b>	<b>AR20/45145</b>
<b>CM9 Reference:</b>	<b>AF19/413</b>
<b>Author:</b>	<b>Michael McCarthy, Manager Executive Administration</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report presents information that Council is required by Section 270(8) of the Act to consider on an annual basis and include in the Annual Report of Council in relation to applications for internal review of Council actions or decisions</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR20/45145 titled 'Internal Review of Council Actions 2019/2020' as presented on 03 August 2020 be noted.
2. That the background and discussion material contained in Council Report No. AR20/45145 relating to Section 270 of the Local Government Act 1999 be included in Council's 2019/2020 Annual Report.



## **BACKGROUND**

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

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

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

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

## **DISCUSSION**

During the 2019/2020 Financial Year, one formal application was received in relation to Section 270 of the Act or Council's Internal Review of Council's Decisions Policy.

An application for internal review of a Council decision was received from a property owner in relation to Council's actions and the decisions of two named officers in relation to matters associated with an adjoining property.

The matters between the two neighbours and their respective properties were varied and relatively complex, involving officers from the planning, building, health and general inspectorate areas.

Several matters were ongoing at the time the internal review application was made, and the applicant was subject to restricted access to the Council premises and Council Officers arising from earlier inappropriate behaviour directed towards Council Officers.

The outcome of the internal review included detailed findings and commentary relating to each of the matters raised and the Council actions associated with each, including for following further actions:

- That Council continue to work with the adjoining property owner and periodically review relevant complaint matters.
- That communications including corporate record keeping in relation to requests for service and complaints be reviewed and that appropriate systems and training be provided to Council Officers to ensure that policy expectations are consistently met.
- That the Ombudsman's Unreasonable Complainant Conduct Practice Manual and Model Policy are recommended for adoption and implementation and that training be provided to frontline and leadership staff across the organisation.

The review included ten other findings in relation to matters raised by the applicant, summarised as:

- There was no further action Council could take in relation to certain matters.
- Several matters were between property owners and should be dealt with accordingly, including seeking independent advice in relation to their rights and options.
- No findings were made in relation to unsubstantiated claims about the manner in which the applicant had been treated by specified Council Officers.
- Restrictions on the applicants access to Council premises and direct contact to Council Officers be reviewed, and remain in place or be re-imposed if inappropriate behaviour continues.

The above findings provide some insight to the challenges often encountered by Council Officers in the performance of Council's powers, duties and functions, which whilst considerable, are not so extensive that Council is empowered to satisfy everyone's expectations in relation to all neighbourhood activities and situations.



The further actions arising from the internal review findings were continuing as at 30 June 2020, the final internal review report having only been completed on 29 June 2020.

Separate to the internal review, the Chief Executive Officer has undertaken investigations to try and assist the complainant using powers under the Local Nuisance and Litter Control Act. An internal and external investigation have been commissioned and both reported that no further action was possible under this legislation either. The complainant has been advised of this outcome in writing.

The complainant is believed to have a court hearing against his neighbor on 20<sup>th</sup> August 2020.

## **CONCLUSION**

It is proposed that the background and discussion material in this report relating to Section 270 of the Local Government Act 1999 be included in Council's 2019/2020 Annual Report in fulfilment of the legislative/regulatory requirements.

## **ATTACHMENTS**

Nil



**5.4 LIMESTONE COAST LOCAL GOVERNMENT ASSOCIATION - BUSINESS PLAN 2020-2021 – REPORT NO. AR20/46518**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>3 August 2020</b>
<b>Report No.:</b>	<b>AR20/46518</b>
<b>CM9 Reference:</b>	<b>AF19/413</b>
<b>Author:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>To provide a report enabling commentary and endorsement of the Limestone Coast Local Government Association Business Plan 2020-2021</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR20/46518 titled 'Limestone Coast Local Government Association - Business Plan 2020-2021' as presented on 03 August 2020 be noted.
2. That Council endorse the Limestone Coast Local Government Association Business Plan 2020-2021.
3. That Council add the following commentary to its response:  
[insert text as appropriate].



## BACKGROUND

Council have received a draft of the Limestone Coast Local Government Association (LCLGA) Business Plan 2020/2021 (**Attachment 1**). The LCLGA Executive Officer also provided a briefing to Elected Members on the LCLGA activities and direction on 28<sup>th</sup> July 2020. The LCLGA are seeking endorsement of their business plan from the constituent councils.

## DISCUSSION

The principal change in direction of the LCLGA has been to move away from its position as a host of last resort projects and activities. Instead of focussing on a wide range of activities, some of which cannot be considered core business, the Business Plan seeks to redirect activities to a smaller group and to do them better with the scarce resources provided.

Tables 1 and 2 identify LCLGA projects and programs respectively, which has been prioritised by the board. The LCLGA Strategic Plan identifies three key result areas, which are:

- Sustainable Communities;
- Stronger Economy; and
- Member Capability.

Tables 3, 4 and 5 identify the activities associated with each of these.

The approach taken by the LCLGA aligns with the Council's Strategic Plan in terms of developing improved and strong relationships in the region for the benefit of each council and the LCLGA. As such, the Business Plan is consistent with the Council's Strategic Plan objectives 1.4.1, 1.4.4, 1.4.6, 2.1.1, 2.1.5, 2.2.2, 2.2.4, 3.1.2, 3.2.2, 3.2.3, 3.4.5 and 3.5.5.

The benefits of strong relationships in our region will be good for the city and good for the region. There remain opportunities to be capitalised upon, which will be best delivered through close working relationships and the sharing of expertise across the LCLGA area. As such, the improved direction of the LCLGA is supported and the Business Plan is recommended for endorsement.

## CONCLUSION

That Council endorse the Limestone Coast Local Government Association Business Plan 2020/2021, given its links to the LCLGA Strategic Plan (which has already been endorsed by Council and the LCLGA) and the future direction of the business.

## ATTACHMENTS

1. LCLGA Business Plan 2020/2021 [↓](#)



# BUSINESS PLAN

2020 - 2021



## BUSINESS PLAN CONTEXT



**The 2020/21 Business Plan is the 2020/21 operationalisation of the 2020/25 Strategic Plan.**

The "why" for the LCLGA is "Collectively Building Stronger Communities". This business plan focuses on how we can work with our members to deliver our why within a local government context for our members and the Limestone Coast Community.

Our members (in alphabetical order) are:

- > District Council of Grant
- > Kingston District Council
- > City of Mount Gambier
- > Naracoorte and Lucindale Council
- > District Council of Robe
- > Tatiara District Council
- > Wattle Range Council

The LCLGA is a wholly-owned subsidiary of our members under the Local Government Act (1999). This ownership structure means our equity and liabilities belong not just to the LCLGA but to our members as well.

There is a significant commitment from our members who are actively engaged in monitoring our progress, collaborating with us and each other in the delivery of our value proposition.

The current operating environment is extremely volatile, as detailed in the external and internal operating environment sections of our strategy and due to the current COVID-19 pandemic. The LCLGA recognises we will need to be very flexible as we seek to deliver value to our members during this challenging and rapidly changing time.

One of our strengths is our size and membership base, which should allow us to be flexible and agile to support and pursue opportunities on behalf of our members.

Over the last five years, the LCLGA has come through a growth and planning period. The next five-year planning horizon will be a focus and deliver period in the key result areas of building stronger communities, a stronger economy and member capability.

In a post-COVID-19 world, we believe these area's of focus remain valid, acknowledging our strategy may need to be adjusted to meet changing priorities.

## OUR ROLE

**The LCLGA works with our members and achieves value by delivering projects, facilitating programs, being a conduit for communication, sponsoring projects or programs; and undertaking advocacy.**

Our members provide the directions for our activities to ensure we are aligned with their interest as contained in the approved strategic plan.

## EXTERNAL ENVIRONMENT



**The 2020/25 Strategic Plan was developed, considering the existing and emerging factors that may influence our strategy. These are factors, as identified by thought leaders such as CSIRO and Ernst and Young, are the ones that will most likely impact the delivery of our strategy for collectively building stronger communities.**

Ironically the likelihood of a pandemic was only referenced by the CSIRO as a "thought bubble" in a presentation on megatrends that will shape our world.

Since the Strategic Plan's development, there has been a rapid and significant disruption to our operating environment due to the COVID-19 pandemic.

The Governor of New York State, Governor Cuomo quoted Winston Churchill on 12/4/2020 concerning the progress of the COVID-19 pandemic "Now this is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning".

This statement sums up the current state of Australia and the World in our global fight to survive (literally and economically) this pandemic and to emerge in a thriving society.

The pandemic is a "Black Swan event". A Black Swan event is a rare event with severe consequences that is not predicted, but with the benefit of hindsight appears to be obvious.

Despite learnings from previous pandemics, we are facing challenges from a subtle but critical change in the infection transmission efficiency of the virus within a globally connected world; and the world is seeking to adapt to this threat with varying degrees of success.

The problem, with all strategic responses that rely on adaptation, is understanding and matching the rate of change for effective decision making.

Decision making faster than the actual rate of change risks poor decisions from inadequate knowledge leading to wasted resources or ineffective strategies.

Typically, decision making occurs too late, and resources are not available, or decisions cannot address the scale of the problem.

The government's decisions which aim to slow the rate of infection, reduce peak demand; and to protect the economy appear to have been successful (when compared to many other countries) to date at least in terms of reducing the national spread of the virus.

The economy has taken a significant amount of damage with estimates on the amount and duration of damage varying significantly from month to month.

Many small businesses have closed or are in hibernation, and nearly 25% of the workforce is now unemployed or under-employed. Industries reliant on exports such as timber, seafood, tourism, travel, accommodation and hospitality have been hit very hard due to the closure of borders (internal and external) and social isolation rules.

Some businesses have tried to adapt to new business models such as home delivery, noting it is challenging to adapt during a crisis due to the rate (as mentioned above) of change problem. For many businesses, they are trying to adjust while their financial capacity has been severely and unexpectedly eroded.

The speed of change with the pandemic is dynamic and not fixed. Initially, decision making was very fast to contain the emerging threat, now this has slowed but will vary as required, for instance, if there is a second wave then we can expect decisions to be made very quickly.



## EXTERNAL ENVIRONMENT



**There will however remain a tension of wanting to return to a more "normal" state as fast as possible, driven by economic imperatives, while not wanting to risk a second wave of damage that would occur from a second lockdown.**

The decision making will, therefore, be one of balancing trade-offs between public health, speed of economic recovery and wanting to avoid the costs of second and possibly third waves of lockdowns as occurred in the Spanish Flu pandemic.

Each state will have a different rate of change, and globally, this will vary from country to country.

Expected phases through the pandemic:

### **1. CONTAIN**

Limit the spread, slow down the rate of infection, ensure there is sufficient medical resources to meet anticipated peak demand for services, help businesses and citizens survive as efficiently as possible.

### **2. CONSOLIDATE**

Peak demand is contained within medical capacity; there is a concerted effort to reduce and eliminate social transmission and avoid reoccurrence of exponential growth. This means keep in place restrictions for interregional and interstate travel and begin cautiously with a few areas lifting social restrictions to assess impacts. Noting that with every set of decisions, it will take two weeks for the effects to be observed.

### **3. TRANSITION**

Social restrictions begin to lift, inter and intrastate travel commences including for non-essential purposes, schools and work move back to relative normality (perhaps with new health monitoring requirements and some forms of social distancing and hygiene).

### **4. STIMULATE**

Focused investment from government to kick start the economy, looking for ways to inject money quickly into projects. Local government will be an ideal channel for investing in economy building infrastructure such as roads.

International travel will likely continue to be constrained until the risk of infection from other countries is low or a vaccine is available (at least 18 months based on current information).

### **5. A NEW NORMAL**

Unhindered international travel for non-essential purposes commences once a vaccine is developed or a new regime of testing and risk mitigation for international travellers. The economics of international travel will be altered due to the loss and consolidation of competition, increased cost of insurance, re-emergence of nationalist attitudes and additional costs of border control and security.

There is likely to be a rethinking of global risks and supply chains, new paradigms around managing pandemic risk and the creation of new tools to enable quick pandemic responses (such as digital social tracing).

There are some valuable learnings for the LCLGA in the development of our strategy and business plan. Possibly the most significant learning is the uncertainty we are still facing from COVID-19 and the need to be focused, and very aware of the changing external environment so we can be flexible as required.

All tiers of government are impacted throughout the pandemic both from a service provision, economic stimulus and community leadership perspective.

## SITUATIONAL ANALYSIS



**Over the last five years, the LCLGA has been successful in delivering value to our members (as detailed in the strategic plan).**

Despite financial losses in recent years, the financial position of the LCLGA remains strong. However, with no increases to cover CPI or salary increases and sustained losses, a continuation of this approach will result in a need for a significant increase in members fees in the future or a reduction in LCLGA resources and services.

The LCLGA continues to receive excellent support from our members. The main variation from the strategic plan situational analysis is the impact of COVID-19.

We anticipate there will be pressure/direction on local government to use its resources and balance sheets to assist our communities during the COVID-19 recovery and transition phases.

This assistance will probably include local government being an initial catalyst for investment in economic capacity-building projects, employment and programs such as roads and social programs.

There will also be a continued focus to ensure costs are effective and efficient, that rates are capped, or any increases are limited, that hardship provisions are generous and that the capacity of Councils balance sheets are leveraged (increased borrowings).

It is likely, in this environment, the appetite for funding increases in members subscriptions for the LCLGA will be low and this was confirmed in a workshop with our members to validate the business plan assumptions and priorities.

It is also likely that government funding for projects will go through some significant changes with the first opportunity for increased funding (short-term) followed by a reduction in funding (longer-term).

The immediate impacts of COVID-19 on the LCLGA in recent months has been to shift to a virtual office, transitioning meetings to video conferencing, and projects to online delivery. This change was achieved quickly and efficiently, and many of the learnings from this process will impact the way we think about work, travel and communications in the future.

## DELIVERING VALUE

**Our members agree that our focus should be narrow and deep to deliver value, and this becomes even more important in an increasingly resource-constrained environment.**

This means we will apply our resources to those strategies that provide the greatest value to our members; and not take on additional responsibilities without considering the trade-offs (time, \$, risk or lost value from not doing another project).

The process used to create focus and value in this business plan uses the following approach:

1. Should we be responsible for implementing the strategy?
2. What is the relative value of the proposed work?
3. What is the trade-off, and is this acceptable?

## DELIVERING VALUE

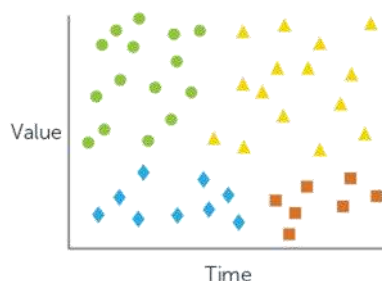


### 1. SHOULD WE DO IT?



- > Benefits more than one member?
- > Is it consistent with our why?
- > Should others do this?
- > Are we the best to do this work?
- > Do we have the resources?
- > Are the risks acceptable?
- > Endorsed by member Councils

### 2. RELATIVE VALUE



- > Fit with why?
  - > Number of members?
  - > Significance of benefit?
  - > Effort required
  - > Start date = Time
- } = Value

- Highest value, shortest time
- ▲ Average value, average time
- ◆ Low value, quick wins
- Least value, longest time

### 3. OPPORTUNITY COST / TRADEOFF



#### Impact of saying YES

- > What is the lost value by saying yes?
- > What additional costs are involved?

**Our members were asked which of our activities are strongly aligned with our why and provide the greatest benefits.**

This approach is still developing and will become more sophisticated, the more it is used.

In terms of the LCLGA Projects (see table 1), they are ranked in order of alignment and value, noting that each of these projects also receive external funding.

For our Programs (see table 2), these are not generally funded via grants and include ongoing work with member committees, their alignment and value is ranked in table 2.

## LCLGA PROJECTS



TABLE 1 LCLGA PROJECTS

NAME	SHOULD WE DO THE WORK?	STRATEGIC ALIGNMENT	IMPORTANCE (VALUE AND EFFORT)	RANK
Destination Development and Economic Recovery	Yes	Very Strong	Essential	1
Star Club	Yes	Strong	Important	2
Sports Academy * (Subject to funding)	Yes	Strong	Important	3
Leadership *	Unsure	Average	Nice to do	4
Substance Misuse Limestone Coast *	Yes, but maybe a better fit elsewhere	Average	Nice to do	5

\*These projects have commitments from LCLGA and external funding for up to three years.

Projects that are classed as essential and important are priorities, noting we are committed to supporting the Leadership and SMLC projects for their current funding cycle.

## LCLGA PROGRAMS

TABLE 2 LCLGA PROGRAMS

NAME	SHOULD WE DO THE WORK?	ALIGNMENT	IMPORTANCE (VALUE AND EFFORT)	RANK
Regional growth (incl. regional recovery strategy)	Yes	Very Strong	Essential	1
Regional roads	Yes	Very Strong	Essential	2
Regional Waste	Yes	Very Strong	Essential	3
Joint Planning Board (new)	Yes	Very Strong	Essential	4
Regional health plan (new)	Yes	Very Strong	Essential	5
Shared capability (new)	Yes	Strong	Important	6
Cross Border Partnership	Yes	Strong	Nice to do	7
Climate change strategy revamp	Mixed	Weak	Nice to do	8
Red meat cluster	Mixed	Weak	Nice to do	9

Programs assessed as essential and important will be prioritised, and other areas will be more of an opportunistic approach, as long as, the work does not detract from the higher-rated programs.

## LCLGA PROGRAMS



### **KEY RESULT AREAS**

The strategic plan identifies three key result areas to focus and support our why of collectively building stronger communities.

They are, building:

- > Sustainable Communities
- > Stronger Economy
- > Member Capability

### **BUILDING SUSTAINABLE COMMUNITIES**

A sustainable community has resilience, leadership, a healthy environment, optimistic mindset, community well-being, connected and inclusive with built environments where we want to live and that others want to join.

Over the 2020/21 year, building sustainable communities in a rapidly changing COVID-19 environment within a local government environment will be the focus.

The objectives and proposed strategies in the strategic plan focus on climate adaptation, regional health plans, and completing our committed "incubator projects" which are the Sports Academy, Leadership Program and Substance Misuse.

Due to the uncertainty from COVID-19 and our member's ratings relative to other work, it is proposed to defer the Climate Adaptation Strategy to the 2021/22 financial year.

### **LONG TERM OBJECTIVES (STRATEGIC PLAN BY 2025)**

1. The regional climate adaptation strategy outcomes are achieved
2. Government policy and investment reflect our members priorities
3. Regional health plan outcomes are achieved
4. Incubator projects are successful and self-sustaining

### **SHORT TERM OBJECTIVES (STRATEGIC PLAN BY 2020/21)**

1. Regional health plan is approved
2. Our networks, members and stakeholders are connected and engaged
3. Incubator project outcomes are successful
4. Our members and stakeholders are supported to access stimulus packages
5. The governance, effective management and capabilities of sporting clubs continues to improve (Star Club)

### **PERFORMANCE INDICATORS**

1. The extent that the government listens and incorporates Limestone Coast priorities in decision making
2. Our relative share of grants
3. Member rating of our effectiveness in keeping them and stakeholders connected
4. Incubator project outcomes delivered

## BUILDING SUSTAINABLE COMMUNITIES



TABLE 3 BUILDING SUSTAINABLE COMMUNITIES

STRATEGY	TACTICS	APPROACH	TIMING	RESPONSIBLE
Engage with stakeholders	<ul style="list-style-type: none"> <li>&gt; LGASA and SAROC meetings</li> <li>&gt; Regional Executive Officers meetings</li> <li>&gt; Green Triangle Freight Strategy</li> <li>&gt; Local Members (regular meetings)</li> <li>&gt; Key Stakeholders (SA Gov and Industry)</li> <li>&gt; Create a social media presence to share stories</li> </ul>	Communication and advocacy	<ul style="list-style-type: none"> <li>&gt; Every month</li> <li>&gt; Every two months</li> <li>&gt; Every quarter</li> <li>&gt; As required and as opportunity presents</li> <li>&gt; As required and as opportunity presents</li> <li>&gt; Ongoing</li> </ul>	Executive Officer
Star Club Program	<ul style="list-style-type: none"> <li>&gt; Deliver the program to over 300 clubs in the Limestone Coast</li> </ul>	Program	Ongoing	Starclub Field Officer
Deliver incubator projects (Sports Academy, Leadership and SMLC)	<ul style="list-style-type: none"> <li>&gt; Project plans as agreed with Board and funding bodies</li> <li>&gt; Adapt projects for a COVID-19 environment</li> </ul>	Project and sponsorship	Ongoing Review with each change in requirements	Dedicated Project Managers
Regional health plan is approved	<ul style="list-style-type: none"> <li>&gt; Complete the consultation</li> <li>&gt; Present the final plan for approval (LCLGA and Health)</li> </ul>	Program	Sep-20 Dec-20	Program Coordinator & Council steering Group
Access funding for our region, members and	<ul style="list-style-type: none"> <li>&gt; Develop a funding database</li> <li>&gt; Work with partners to develop proposals to access funding</li> </ul>	Project	Ongoing	Executive Officer and Project Managers
Implement a proactive advocacy program (duplicated across all KRA's)	<ul style="list-style-type: none"> <li>&gt; Identify and agree on advocacy priorities</li> <li>&gt; Develop an advocacy position and program</li> </ul>	Advocacy	Aug-20 Dec-20	Executive Officer
Sponsor the delivery of the South Australian Coastal Councils Alliance	<ul style="list-style-type: none"> <li>&gt; Supervise the project coordinator and expenditure</li> <li>&gt; Support the Executive Committee</li> </ul>	Program	Ongoing	Executive Officer

## BUILDING SUSTAINABLE COMMUNITIES



### **BUILDING A STRONGER ECONOMY**

A strong economy relies on human capital (skills, knowledge and innovation), financial capital (investment), productivity (more from less), realising local competitive advantages, entrepreneurialism, value clusters, increased supply chain value capture from exports, capturing local value (buy local); and attracting spend from outside our area (investment and visitation).

The significant work we have done over the last three years in Tourism and especially international markets is under threat and maintaining relationships will be essential to sustain the value from this investment in the longer term. Nevertheless, the immediate to medium-term focus shifts to interregional and interstate travel and the emerging travel bubbles such as with NZ.

The economic advantages of our region are unchanged. We continue to be mostly unaffected by drought and have higher levels of water security than many regions in Australia. We have soil with little degradation, and we have not had fire or flooding to the same extent as some other areas in Australia and our ocean resources are in reasonable shape when compared to other areas.

We also have a diverse economy which means we are generally more resilient to shocks than many other regional areas in Australia.

Growth enabling factors such as migration and access to capital are potential constraints to growth in the longer term.

### **LONGER-TERM OBJECTIVES (STRATEGIC PLAN BY 2025)**

1. The outcomes of the regional growth strategy and action plan are achieved
2. Waste is a source of economic growth and competitive advantage
3. Regional land-use planning is effective and agile
4. The required investment in regional road infrastructure are achieved
5. The value of tourism to the region continues to increase
6. Mutually beneficial cross border partnerships are developed

### **SHORT TERM OBJECTIVES (STRATEGIC PLAN BY 2020/21)**

1. The Limestone Coast economy recovery plan is delivered
2. Destination marketing strategy is approved, and implementation commences (with an initial focus on COVID-19 recovery)
3. Regional Roads Strategy is updated and approved
4. A preferred regional waste solution is identified
5. Collaboration opportunities on cross border projects are agreed
6. Joint Planning Board is approved by the Minister and established

### **PERFORMANCE INDICATORS**

1. Joint Planning Board is established (Regional Plan to commence development in 2021/22)
2. Our members are successful in attracting funds and implementing stimulus projects.
3. Federal and State Members support our members advocacy priorities.
4. Regional roads strategy is approved, and funding achieved.
5. Destination marketing strategy is completed,
6. COVID-19 recovery plan objectives are achieved
7. Regional waste options analysis is completed
8. A clear position on cross border collaboration with neighbouring Victorian Councils is developed.

## BUILDING A STRONGER ECONOMY



TABLE 4 BUILDING A STRONG ECONOMY

STRATEGY	TACTICS	APPROACH	TIMING	RESPONSIBLE
Implement and develop the Economic Growth Strategy (COVID-19)	<ul style="list-style-type: none"> <li>&gt; Revise growth strategy with a COVID-19 lens with working group</li> <li>&gt; Advocate on priorities</li> <li>&gt; Seek and support funding for priorities</li> <li>&gt; Facilitate economic growth information sharing (with RDA)</li> <li>&gt; Undertake approved projects</li> </ul>	Program and Project	Jul-20  Ongoing  Ongoing  Ongoing	Executive Officer and Working Group Chair
Review and update the Regional Transport Strategy and database	<ul style="list-style-type: none"> <li>&gt; Scope the review with the Roads and Transport Working Group</li> <li>&gt; Engage resources to undertake the review</li> <li>&gt; Review is completed and approved by the Board</li> <li>&gt; Roads funding applications prepared and submitted</li> </ul>	Program	Aug-20  Aug-20  Dec-20  Dec-20 to Apr-21	Executive Officer and Working Group Chair
Develop a regional waste strategy	<ul style="list-style-type: none"> <li>&gt; Review the UniSA report and feed into the LEGATUS review</li> <li>&gt; Assess appetite for risk, funding and co-investment</li> <li>&gt; Options paper completed and presented for approval</li> </ul>	Program	Oct-20  Feb-21  Apr-21	Executive Officer and Working Group Chair
Destination Marketing Strategy	<ul style="list-style-type: none"> <li>&gt; Implement the approved interim plan (COVID-19 recovery)</li> <li>&gt; New plan presented for approval</li> <li>&gt; Implement the approved plan</li> </ul>	Program	Continues until the new plan is approved  Oct-20  From Oct-20	Destination Manager
Implement a proactive advocacy program (duplicated across all KRA's)	<ul style="list-style-type: none"> <li>&gt; Identify and agree on advocacy priorities</li> <li>&gt; Develop an advocacy position and program</li> </ul>	Advocacy	Aug-20  Dec-20	Executive Officer
Establish the Joint Planning Board (JPB)	<ul style="list-style-type: none"> <li>&gt; Seek ministerial approval to establish a JPB</li> <li>&gt; Appoint JPB Directors</li> <li>&gt; Developed a JPB Business Plan for member approval</li> <li>&gt; Start process to secure Regional Plan development expertise</li> </ul>	Project and Sponsorship	Aug-20  Sep-20 Dec-20  Mar-21	Executive Officer
Green Triangle Freight Action Plan	<ul style="list-style-type: none"> <li>&gt; Attend meetings and link into Roads Working Group</li> </ul>	Advocacy	Ongoing	Executive Officer
RDALC Deliverables	<ul style="list-style-type: none"> <li>&gt; Work with RDALC on agree deliverables</li> <li>&gt; Participate on committees as required</li> </ul>	Program and Advocacy	Ongoing Ongoing	Executive Officer
Cross Boarder Partnerships	<ul style="list-style-type: none"> <li>&gt; Scope possible partnership dimensions</li> <li>&gt; Cross boarder strategy and agreements in place</li> </ul>	Project	Dec-20  Jun-21	Executive Officer
Red Meat Cluster	<ul style="list-style-type: none"> <li>&gt; Provide facilitation support for cluster organisation</li> </ul>	Program	Ongoing - meetings every 1/4	Program Coordinator



## BUILDING A STRONGER ECONOMY



### **BUILDING MEMBER CAPABILITY**

Building our capability focuses on increasing the availability and access to resources, reducing costs, improving performance, developing new skills and knowledge, leveraging our member's abilities for collective benefits; and developing and growing our employee's capabilities across our region.

Over the next financial year, our members will come under increasing pressure from social, political and economic perspectives.

Our members are very supportive of the LCLGA, assisting them to access scarce resources, reduce costs and secure needed skills.

### **LONGER-TERM OBJECTIVES (STRATEGIC PLAN BY 2025)**

1. Members can access scarce or hard to source skills and expertise
2. Members capabilities are increased through collaboration, knowledge sharing and skills
3. Local employees' skills and expertise are developed and retained in the region
4. Members are well-positioned to respond to the outcomes of the SA Productivity Commission

### **OBJECTIVES (BUSINESS PLAN – 2020/21)**

1. Priority skills and resource sharing and funding arrangements (including grants) commenced
2. Shared procurement delivers improved value
3. Elected members knowledge and engagement with each other is improved
4. Members collaborate effectively through LCLGA forums, committees and working groups
5. Our members are prepared for the impacts (if any) from the SA Productivity Commission review into local government

### **PERFORMANCE INDICATORS (BUSINESS PLAN)**

1. Resource sharing has started with performance improvements evident
2. Benefits achieved in shared procurement exceed individual processes
3. Funds are secured to support services
4. Elected members are supported in improving their knowledge and networks
5. Members rate forums, committees and working groups highly
6. The extent that our members are prepared for any outcomes from the SA Productivity Commission review

## BUILDING MEMBER CAPABILITY



TABLE 5 BUILDING MEMBER CAPABILITY

STRATEGY	TACTICS	APPROACH	TIMING	RESPONSIBLE
Deliver member forums	<ul style="list-style-type: none"> <li>&gt; Board meetings</li> <li>&gt; CEO Forums</li> <li>&gt; Chair Forums</li> <li>&gt; Member briefings</li> <li>&gt; Member working groups</li> </ul>	Facilitation	Every two months Every three months Every three months As required As required	Executive Officer
Members communications and dashboard	<ul style="list-style-type: none"> <li>&gt; Social media communications</li> <li>&gt; Performance dashboard developed</li> </ul>	Com's and project	FB Trial - review in Apr-21 Dec-21	Executive Officer
Trial shares sourcing in priority areas	<ul style="list-style-type: none"> <li>&gt; Scope an identified shared sourcing project</li> <li>&gt; Test the market on the proposed model</li> <li>&gt; Approval (CEO's and Board) to proceed with sourcing activity</li> <li>&gt; Undertake procurement</li> <li>&gt; Assess outcomes and applicability to other sourcing activities</li> </ul>	Facilitation and Project Management	Sep-20 Oct-20 Oct-20 Mar-21 Jun-21	Executive Officer
Implement a proactive advocacy program (duplicated across all KRA's)	<ul style="list-style-type: none"> <li>&gt; Identify and agree on advocacy priorities</li> <li>&gt; Develop an advocacy position and program</li> </ul>	Advocacy	Aug-20 Dec-20	Executive Officer
Coordinate and implement models for shared and hard to source resources	<ul style="list-style-type: none"> <li>&gt; Identify and prioritise areas</li> <li>&gt; Develop shared funding model for targeted areas</li> <li>&gt; Implement model's as approved</li> </ul>	Project Management	Sep-20 Dec-20 Feb-21	Executive Officer
Provide analysis, advice and advocacy positions	<ul style="list-style-type: none"> <li>&gt; Keep engaged and aware of issues that impact our members</li> <li>&gt; Provide information to members</li> <li>&gt; Develop advocacy positions on behalf of members</li> <li>&gt; Make submissions as required</li> </ul>	Advocacy	Ongoing	Executive Officer

## FINANCE OVERVIEW



**The LCLGA derives its funds from three sources. They are members subscriptions, grants and specific project and program funding.**

The LCLGA has been steadily reducing its cash reserves through a real reduction in members subscriptions over the last five years.

The 2020/21 financial year will also have a reduction in funding from LGASA and Rubble Royalty refunds. This is a reduction in annual revenue for the LCLGA of approximately \$80,000 pa.

The loss of in Rubble Royalties reimbursements represents a significant reduction in costs to our members and revenue to the LCLGA via the LGASA.

The LCLGA continues in 2020/21 to received \$42,000 from the LGA SA to support regional activities, and this is very much appreciated.

As detailed in the strategic plan and based on current patterns of income and expenditure, the LCLGA will draw down its cash reserves to minimum cash levels in six to seven years assuming there is a CPI increase in members subscriptions each year.

This minimum cash level is the point where the LCLGA can discharge its liabilities and cover windup costs for the Association, resulting in no liability to our members.

Our members have provided strong feedback that in the current COVID-19 environment, a 0% nominal increase is the desired outcome, and this is what has been delivered in this business plan.

They have also advised that a loss is acceptable and this business plan has a forecast deficit of \$116,953 with a net reduction in cash to \$541,000 by year-end. This forecast assumes starting cash will be in the order of \$700,000.

This is about \$350,000 above the calculated minimum cash holdings, which we will reach in three years if current patterns of income and expenses continue.

## ASSUMPTIONS



### The Business Plan has applied the following assumptions.

- > 0% nominal increase in members subscriptions.
- > Costs where known are included, all other costs are escalated by CPI or other appropriate escalators.
- > Annual CPI, in March for Adelaide, was 2.4% however, with the recent disruptions to the economy, we are assuming it will be around 1.4%.
- > We have recently revised staff PD's in line with the new strategy and benchmarked their salaries relative to the average salaries our members pay staff for similar roles. As this has only recently occurred, we have assumed a CPI adjustment from 1/7/2020.
- > That most social distancing rules will remain in place until at least September with a continued high reliance on video conferencing. We have amended our travel and accommodation costs based on this assumption.
- > Early indications are the Road Safety Program will not proceed as it is unlikely to attract grant funding.
- > That the Sports Academy will receive an additional \$50,000 in state funding and this will provide an opportunity to employ a person at 0.6 loading to support the Academy and Star Club Program. If it doesn't receive this funding, the program will be adjusted accordingly.
- > That Council Staff on Working Groups and Committees can participate in the approved work program.
- > Attending international trade operator events to promote the Limestone Coast will be done through virtual events in 2020/21.
- > The Office requirements will be assessed in 2020/21 with a decision for commencement in 2021/22. If an earlier decision is required, this will be taken to the Board for approval with a revised budget.
- > The any additional costs for new projects or programs, such as procurement will be funded by Councils or will need separate approvals from the Board to utilise members equity.
- > Project oncost are recovered at 15%.

## SURPLUS AND LOSS



### SURPLUS & LOSS

INCOME	TOTAL
Member subscriptions	642,670
Grants	464,914
Other	162,914
Interest	15,000
Funds Carried Forward	53,000
<b>TOTAL</b>	<b>\$ 1,337,707</b>

EXPENSES	TOTAL
Advertising and Marketing	3,000
Audit and Accounting Fees	14,000
Bank Fees	720
Computing & IT	15,000
Consultancy	6,000
Rent	30,000
Governance	18,000
Insurance	10,200
Miscellaneous	6,000
Postage	480
Project Costs	545,886
Printing / Stationery	9,600
Seminars	6,000
Subscriptions	1,800
Telephone	8,040
Training	10,077
Trade Shows	
Travel	20,000
Vehicles	57,420
Wages (TRP)	677,852
Liability contributions (leave)	14,585
<b>TOTAL</b>	<b>\$ 1,454,660</b>
<b>S&amp;L</b>	<b>\$ -116,953</b>

## INCOME



### MEMBERS SUBSCRIPTIONS

MEMBERS	SUB'S	TOURISM	STARCLUB	PROGRAMS	HERITAGE *	RDALC *	2020/21	2019/20	CHANGE
City of Mount Gambier	72,985	29,194	13,270	15,924	24,702	24,093	180,168	180,168	0
District Council of Grant	35,530	14,212	6,460	7,752	2,476	11,729	78,159	78,159	0
Wattle Range Council	58,493	23,397	10,635	12,762	9,903	19,309	134,499	134,499	0
Naracoorte Lucindale Council	39,958	15,983	7,265	8,718	4,951	13,190	90,065	90,065	0
District Council of Robe	15,758	6,303	2,865	3,438	9,903	5,202	43,468	43,468	0
District Council of Tatiana	34,458	13,783	6,265	7,518	2,476	11,375	75,874	75,874	0
District Council of Kingston	17,820	7,128	3,240	3,888	2,476	5,883	40,435	40,435	0
<b>TOTAL</b>	<b>\$ 275,002</b>	<b>\$ 110,000</b>	<b>\$ 50,000</b>	<b>\$ 60,000</b>	<b>\$ 56,887</b>	<b>\$ 90,781</b>	<b>\$ 642,668</b>	<b>\$ 642,668</b>	<b>\$ 0</b>

\*Under review but as they are a pass-through it does not impact the surplus or loss

### GRANTS AND OTHER INCOME

	LGA	TOURISM	STARCLUB	ACADEMY	LEADERSHIP	SMLC	HERITAGE	TOTAL
Grants	42,000	88,914	56,000	100,000		173,000	5,000	464,914
Other				42,500	119,623			162,123
Interest								15,000
<b>TOTAL</b>	<b>\$ 42,000</b>	<b>\$ 88,914</b>	<b>\$ 56,000</b>	<b>\$ 142,500</b>	<b>\$ 119,623</b>	<b>\$ 173,000</b>	<b>\$ 5,000</b>	<b>\$ 642,037</b>

### FUNDS CARRIED FORWARD (VIA PROJECT LIABILITIES)

Tourism	20,000
Leadership	33,000
<b>TOTAL</b>	<b>\$ 53,000</b>



## INCOME

### SOURCES OF INCOME



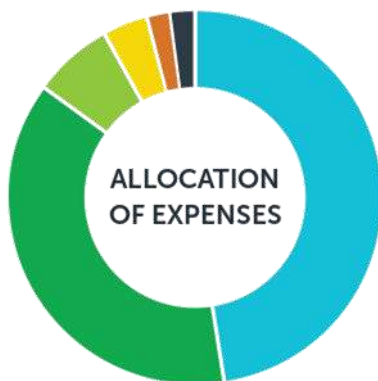
- 48% Member Fees
- 35% Grants
- 12% Other
- 4% Funds Carried Forward
- 1% Interest

## EXPENSES

Most expenses are driven by salaries, administration and project expenses which is usual for an industry association of the LCLGA type.

The breakup of expenses are:

### ALLOCATION OF EXPENSES



- 48% Salary TRP and Training
- 38% Projects
- 7% Admin and overheads
- 4% Vehicles
- 2% Rent
- 2% IT and Utilities

## EXPENSES



### PROJECTS & PROGRAMS

	INCOME			EXPENSES	NET
	MEMBERS	GRANTS	OTHER	PROJECT COSTS (Inc Salary)	
Tourism	110,000	88,914	20,000	217,968	946
Star Club	50,000	56,000		59,905	46,095
Sport Academy	0	100,000	42,500	198,147	-55,647
Leadership	0	0	152,623	162,623	-10,000
SMLC	0	173,000		172,616	384
Programs	60,000			101,198	-41,198
RDALC	90,781			90,781	0
Heritage	61,887	5,000		66,887	0
<b>TOTAL</b>	<b>\$ 372,668</b>	<b>\$ 422,914</b>	<b>\$ 215,123</b>	<b>\$ 1,070,125</b>	<b>\$ -59,420</b>

### PROGRAMS

PROGRAMS	NON-SALARY EXPENSES
Growth	2,000
Roads	20,000
Waste	20,000
JBP	0
Health	0
Shared Capability	2,000
Cross Border	0
Red Meat	0
<b>TOTAL</b>	<b>\$ 44,000</b>



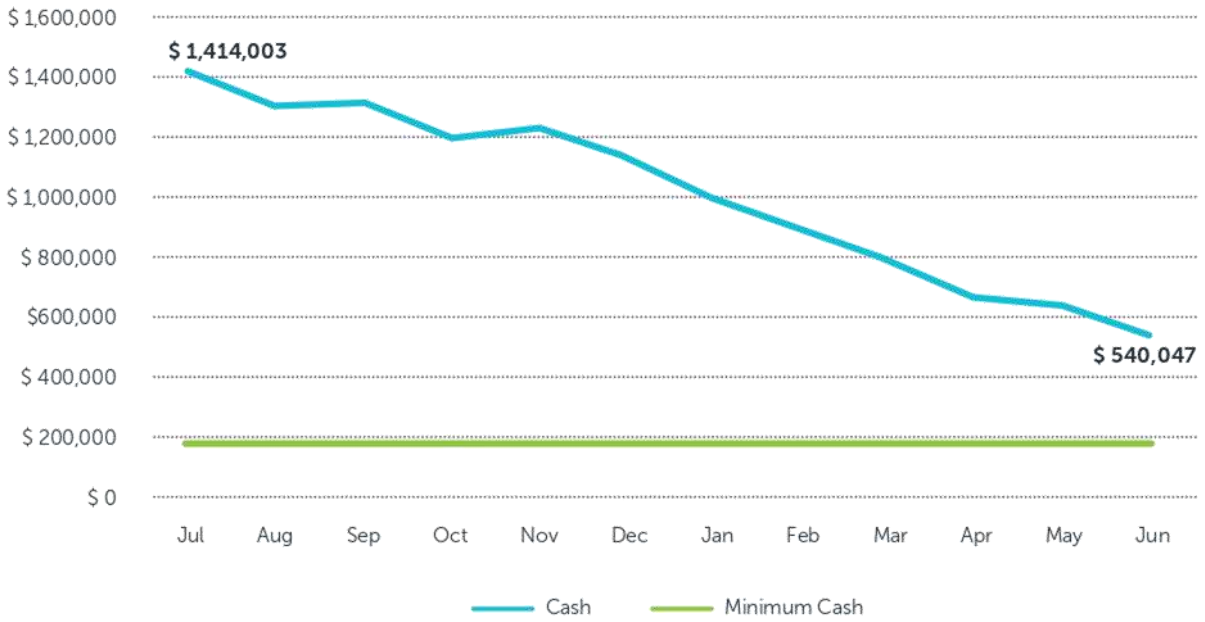
## EXPENSES



### CASHFLOW

The opening cash has been adjusted to include the impact of cash carried forward from project liabilities.

#### 2020/21 CASHFLOW FORECAST



**5.5 COUNCIL OWNED TOURISM ASSETS – REPORT NO. AR20/45204**

<b>Committee:</b>	<b>People and Place Committee</b>
<b>Meeting Date:</b>	<b>3 August 2020</b>
<b>Report No.:</b>	<b>AR20/45204</b>
<b>CM9 Reference:</b>	<b>AF19/413</b>
<b>Author:</b>	<b>Judy Nagy, General Manager City Growth</b>
<b>Authoriser:</b>	<b>Andrew Meddle, Chief Executive Officer</b>
<b>Summary:</b>	<b>This report follows from the Council Workshop on Tourism Assets (13 July 2020) and provides additional information for Council to consider for developing a strategic approach to the management of Council tourism assets.</b>
<b>Community Plan Reference:</b>	<b>Goal 1: Our People</b> <b>Goal 2: Our Location</b> <b>Goal 3: Our Diverse Economy</b> <b>Goal 4: Our Climate, Natural Resources, Arts, Culture and Heritage</b>

**REPORT RECOMMENDATION**

1. That People and Place Committee Report No. AR20/45204 titled 'Council Owned Tourism Assets' as presented on 03 August 2020 be noted.
2. That Council endorses commencement of a procurement process for a Tourism Assets Masterplan. That upon completion of the tender element of the process, a report be brought back to Council for endorsement and a budget variation.



## BACKGROUND

The Council's stock of tourism assets has increased over many years with various community groups acting as champions for particular developments over time. The assets include buildings and structures, walking and bike trails, lookouts over natural assets and activities that attract visitors to our city. The approach to the management of such assets has also evolved over time with a mixture of active and passive involvement, with assets often being considered individually rather than from a holistic viewpoint.

There are a number of factors that have converged to suggest it is appropriate to review the Council's approach to tourism assets. These factors include:

- The condition of assets are variable;
- The purpose for developing an asset in the past may no longer be relevant and may require reconsideration and investment to support a new purpose;
- The contemporary expectations of visitors have evolved and the ways in which tourism assets are visible for visitors to consider as part of itinerary planning, are marketed and are engaged with, may require changes and/or enhancements to be competitive;
- Visitors could be encouraged to stay longer through proactive strategies that link locations to be more experience focused;
- The Council has invested in strategic plans that have identified tourism as an industry in which our natural and built assets provide significant opportunities for economic development;
- The Council has have made progress in achieving strategies and a review of tourism assets is a logical next stage of development; and
- Third party operators have personal business agendas that may not be aligned with Council strategies and have demonstrated varying levels of willingness to participate in broader tourism promotion.

## DISCUSSION

### Prior Strategic Reports

The Council has, in recent years, invested significantly in strategic planning using expert assistance whom have identified where the most promising opportunities for economic development exist within our community. Significantly, the reports were all delivered around about the same time in 2017 creating many recommendations that were then the subject of a prioritisation exercise. In early 2018, priorities for the Youth and Engagement Strategies and the Cultural and Heritage plans were added to the list of works to be scoped.

After prioritisation and before any detailed project plans could be prepared, the arrival of the Community and Recreation Hub (CaRH) opportunity in March 2018 meant that priorities were consolidated and realigned. The strategy documents were very valuable in establishing that the Council was prepared with many of the issues and opportunities identified in recommendations potentially being achievable through the proposed CaRH.

While the need for development of CaRH concept redirected many internal resources, progress has been made in many areas covered by the strategies. This report discusses the reports of significance in the Tourism space.

The Signage Strategy Report has been the subject of numerous other reports and will not be revisited in this document.

The ACIL Allen Mount Gambier City Growth Strategy 2017-2027 report identified that Mount Gambier has:

*"...outstanding tourism potential: including natural assets such as the iconic Blue Lake and surrounding regions as well as world class food, wine and adventure tourism offerings."* (p.4)



The report also identified that significant work had been done in the past to place the Council in a favorable position to engage in new initiatives that will again provide a springboard for economic growth. In particular, the report noted that:

*“... Council has made a significant contribution to the development of the City in recent years and laid strong foundations for growth. However, given the rapidly changing economy, it is likely that the Council will need to play an increasingly important role in economic development in the future, which will require a rethink of existing governance, functions and responsibilities...”*

*...The City Council in the future can also play an important role by leveraging its balance sheet to invest in economic development initiatives and infrastructure and by using its purchasing power to support business growth.” (p.26)*

Tourism data over the last three years has consistently identified that most of the visitors to the Limestone Coast region come by road and are predominantly domestic in origin. The ACIL Allen Report in 2017 was pre COVID-19 and suggested concentration on boosting visitor numbers with more Asian and Chinese markets as they tend to be bigger spenders. Whilst COVID-19 travel restrictions are likely to be in place for some time, any changes to destination marketing does not change the need to improve our tourism offerings to make them more competitive.

The Tourism Data Collection Report had a number of limitations that impacted the usefulness of conclusions made. With only 114 visitor responses to the online survey in March 2017 and 17 from industry stakeholders, the conclusions were unlikely to be representative. Physical surveys of 404 visitors were collected from March and April 2017 at a number of strategic locations. March is an off-peak period for the domestic economy and April surveys may have captured one of school holiday periods of visitor traffic. Nonetheless, the key messages were a need for improved accommodation choices, the need for data to be collected to inform marketing, better digital ways of promoting the region and to focus on natural attractions. For the latter, it was recommended that:

*“... that consideration is given to the further development of crater lakes area to create a ‘must see’ experience for the touring markets. At minimum this will include improved signage and interpretation and development of walking trails. If funding is available a new café could be considered overlooking the lake and including interpretation of the volcanic history of the region. Further development of water based activities could also be considered on the Valley Lake and Little Blue Lake...” (p.21)*

Also of significance was the Tourism and Visitor Information Services Review by KPMG Strategy in June 2017. The report identified the need for greater digital information management to entice visitors to plan before they arrive in our community and then for visitors to be able to access physical visitor services from a variety of locations rather than one central point. The recommendations were clearly about enhancing digital content and then using dispersed contact points that could be integrated into our various tourism assets across the city.

The VIS report contained 31 recommendations with 16 initially prioritised and this was subsequently reduced to 6 recommendations. The repurposing of the Visitor Centre in its entirety rated the highest with 6/11 elected member participating in the prioritisation exercise in 2018, all supporting the desire for such works to be undertaken.

There has been considerable progress creating and leveraging from digital content, together with the provision of training and development for tourism operators to better understand the need for a digital presence (rather than relying on brochures). The use of mobile pop up visitor servicing during busy times and the forging of links with other VICs in the touring route from Melbourne and to Adelaide have served to connect different locations to entice visitation. The *Discovermountgambier* website and social media allows for data to be collected from various online posts and visitors with the need for more nuanced data supported by subscription to *Destination Think* that provides a Tourism Sentiment Index from diverse media sources.



The efforts in improving visitor servicing were recognised in the short listing of the Mount Gambier VIS in the SA Tourism Awards 2019. The visiting judging panel were complimentary of efforts to provide a variety of mechanisms to reach the diverse preferences of different demographics. There is more work to do in this area and further development of the dispersed visitor servicing model would require rethinking the usefulness of existing assets in their current form. Consideration of how the purpose(s) of assets could be changed, adapted and expanded is a next stage of development.

Within the strategy reports there have been references the need for a master planning. In particular for the building currently housing the visitor and events teams. The usefulness of a city wide masterplan is also becoming more evident with the need for proactive wayfinding to connect different tourism locations, to map out new pathways and trails and then for signage and community infrastructure such as benches, bins and water access to become part of implementation programs.

Recommendations in the Tourism Data Report and the VIS Review also call for stronger destination branding and marketing that could be significantly enabled through a consolidated approach to managing and promoting our tourism locations in a consistent and purposeful manner.

### **Tourism Assets**

While the Council has a range of assets under the ownership (or under the care and control) of Council, the assets may be leased or licensed to third parties and are not effectively under our control. In addition, there is diversity in how rights and obligations are assigned via leases for maintenance of buildings and surrounding parks and gardens and inconsistencies in operating hours and in the terms and dates when agreements are due for renewal.

Any desire for Council to cross promote tourism assets, collect data or engage in promotional activities must have been considered at the time the leases were originally created. Operators have commercial rights and aspire to make a profit. History has demonstrated that operators can be very individual in their approach to management of Council assets and the approach may not necessarily enhance the Council's reputation.

The Council's assets are visited for many reasons in addition to personal or family holidays. Many sporting, cultural and entertainment events operate on Council owned properties (requiring permits) and events can be used as leverage to encourage visitors to stay longer to explore the region. Attached is a list of assets either owned and controlled, or owned and not controlled. The Council is effectively a tourism operator for many natural and built assets that are managed without an overarching consolidated strategy. Creating such a strategy can guide operating models that will best achieve the outcomes desired.

Considerations that are relevant to or may impact operating models include;

- Resuming control of assets regarded as strategic and key to broader tourism strategies;
- Connecting and linking tourism assets across the city to support experiences generally and to attract particular market segments via themes such as Cenote and Volcanoes, Heritage, Arts, Indigenous Culture, sustainability;
- Determining the investment required to upgrade and enhance visitor appeal;
- Have consistent signage, wayfinding and branding;
- Council to operate some of the locations in house;
- Increase visibility and marketing opportunities by listing on ATDW;
- Proactively engaging operators who have expertise in certain areas as we have done with the Blue lake Caravan Park and the Old Goal;
- Good operators could be attracted by a consolidated approach to managing the flow and connectivity of tourism assets across the city; and
- Changing leasing provisions to ensure alignment of operations with Council strategic agendas.



Strategic masterplanning will assist with creation of a vision for tourism assets across the city and, in the same way that strategic reports commissioned in 2017 significantly enabled applications for funding of the CaRH, can assist with securing external funding for works that can be separately identified.

Towards the end on 2021, Council is expected to have its biggest tourism and sporting asset become available which will bring many visitors (in addition to community members) to the region. Ensuring that masterplans connect this location with other tourism assets will also be important.

## CONCLUSION

The pathway forward in creating a consolidated approach to tourism assets will take time to develop and determining when and how the rights of third party operators is to be reviewed may present some challenges. Lease expiry dates are variable and windows of opportunity may not always arrive at a convenient time.

However, with the work done to date to inform decision making, addressing the complex issues at this time may allow for opportunities to be created and for shovel ready projects to be identified and developed.

Stages of development:

- Masterplan scoping
  - meetings with Elected Members
  - meetings with Council Officers to provide the context
  - Consultation with nominated community groups
- Proactive leasing reviews and contingency plans
- Community Land Management Plan review
- Crater Lakes Management Plan review
- Crown Land and Heritage restrictions
- Assessment of assets and renewal needs with costing estimates.
- Prioritisation in business plans and budgets
- Project plans.

This work will also need to take account of the proposed work currently being scoped and procured relating to the Crater Lakes Masterplan and the Sport, Recreation and Open Space Strategy.

It would also be appropriate to note that any proposed work in these areas may be impacted by the consequences of the pandemic, as expertise from outside of the region is likely to be necessary.

## ATTACHMENTS

1. Tourism Assets List [↓](#)



## Council's Tourism Assets

As the owner of a range of tourism locations and operations, Council are able to consider how to position itself in the future to maximise the potential of such assets to support and build tourism infrastructure and visitor experiences.

This document lists the current tourism assets within the City of Mount Gambier, separating those that we own and control, from those that are controlled by a third party, via lease/sublease arrangements.

Many of the assets listed were fit for purpose at the time of development and would now benefit from a fresh look at functionality and alignment with Council's strategic vision and the contemporary visitor expectations of tourism facilities.

Location	Current status	Intended functionality	Investment Required
Valley Lakes Precinct - Leg of Mutton - Browns lake - Play Ground - Toilets - Valley Lake			
Cave Gardens	Well maintained		
Conservation Park	Old and tired	Animals, boardwalks, planting, indigenous opportunities	
Hoo Hoo Look Out			
Stephen Henty Lookout			
Centenary Tower		Short term right to operate	
Lions Lookout			
Potters Point			
Rook Walk			
Adam Lindsey Gordon Lookout			
Visitor Centre Building	Old and tired	Re- purpose	
Lady Nelson Ship	Renovated		
Visitor Information Bays			
Discovery Centre	Old and tired		
Riddoch Gallery		Arts	
Main Corner		Arts	
Light and Sound Show		Enticing visitors to stay	
Rail Lands	Well maintained		
Walking Tracks – Blue Lake/Valley Lakes			
Bike tracks - Blue Lake/Valley Lakes		Sport and community use	
The old Railway Station	External upgraded	Unknown	Heritage constraints



There will be some assets that Council may consider are best operated under a lease by groups with the required expertise. For example, the Blue Lake Holiday Park is being proactively developed by the lessees and Council has committed to a long term lease.

This list does not include sporting assets (used for events) that have been leased and sub leased as they represent a separate group of assets with other challenges.

<b>EXISTING TOURISM ASSETS – OWNED BUT NOT CONTROLLED BY COUNCIL</b>				
<b>Location</b>	<b>Lease details</b>		<b>Intended involvement</b>	<b>Investment required</b>
Blue Lake Welcome Centre (café)	Perimeter of Blue Lake leased to Council by SA Water until 31 December 2020.	Café sub leased by Council to operator until 30 November 2020.	Council may need to consider mobile vendors at this location in the short term.	
Aquifer Tours	Owned by SA Water – not controlled by Council.	Tour operator has contract with SA Water until end of June 2022.		
Engelbrecht Cave	Leased by Council until 30 June 2022.		Retain and re-landscape	
Cave diving rights - Engelbrecht Cave	Approval to use required via VIC staff with CDAA approval based on diving skills.			
Umpherston Sinkhole	Park and sinkhole		Needs new toilets and car parking	
Umpherston Kiosk and Souvenirs	Leased by Council until 19 October 2024.	Lease renewed 20 October 2019.	Can reclaim and develop	
Blue Lake Golf Course	Leased by Council until 30 June 2021.	Possible 1 year renewal each year until 2024.	Sporting lease or tourism?	
Blue Lake Holiday (Caravan) Park	Leased by Council to QEPT until 31 Oct 2035.	Sub leased by QEPT to operator until 30/10/2020 with 3 x 5 year rights of renewal.	Passive	
The Old Mount Gambier Gaol	Leased by Council until 30 November 2020.	Operator has requested 5 year lease renewal.	Passive	





**6 URGENT MOTIONS WITHOUT NOTICE**

**7 MEETING CLOSE**



**MINUTES OF CITY OF MOUNT GAMBIER  
PEOPLE AND PLACE COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBER - VIRTUAL MEETING, 10 WATSON TERRACE, MOUNT  
GAMBIER ON MONDAY, 1 JUNE 2020 AT 5.34 P.M.  
VIRTUAL MEETING WAS AVAILABLE FOR LIVE STREAMING  
<https://www.youtube.com/user/cityofmountgambier/live>**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Frank Morello, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood (arrived at 5.35 p.m.), Cr Paul Jenner, Cr Sonya Mezinac

<b>OFFICERS IN ATTENDANCE:</b>	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	General Manager City Growth	- Dr J Nagy
	Manager Executive Administration	- Mr M McCarthy
	Communications Officer	- Mrs A Watson
	IServices - Support Officer	- Mr A Myers
	Executive Administration Officer	- Mrs M Telford

**1 ACKNOWLEDGEMENT OF COUNTRY**

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

**2 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Frank Morello

Seconded: Cr Max Bruins

That the minutes of the People and Place Committee meeting held on 3 February 2020 be confirmed as an accurate record of the proceedings of the meeting.

**CARRIED**

Cr Ben Hood arrived at 5.35 p.m.

**4 QUESTIONS WITHOUT NOTICE**

Nil



## 5 REPORTS

### 5.1 DRIFT CHALLENGE AUSTRALIA - KING OF THE HILL NATIONAL DRIFT EVENT 2020 - VALLEY LAKE - 5/11/2020 TO 09/11/2020

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Sonya Mezinac

1. That People and Place Committee Report No. AR20/18470 titled 'Drift Challenge Australia - King of the Hill National Drift Event 2020 - Valley lake - 5/11/2020 to 09/11/2020' as presented on 01 June 2020 be noted.
2. That Council approve the closure of the Valley Lake precinct from Thursday, 5 November 2020 to Monday, 9 November 2020 inclusive to allow for the event to be held.
3. That Council provide in-kind support up to the value of \$2,000 to assist with closure of the Valley Lake precinct, track sweeping, waste management, grandstands and crowd control fencing.
4. That approval is conditional upon:
  - (a) Valley Lakes precinct not being closed due to a fire ban;
  - (b) an appropriate Risk, Safety and Traffic Management plan;
  - (c) receipt of a Certificate of Currency for Public Liability insurance at least two months prior to the event;
  - (d) all approvals received from relevant authorities; and
  - (e) submission of a plan to the Council demonstrating compliance with any applicable COVID 19 social distancing rules and government Directions that may be relevant at the time of the submission.

**CARRIED**

### 5.2 STRATEGIC PLAN 2020-2024 FEEDBACK

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello

Seconded: Cr Kate Amoroso

1. That People and Place Committee Report No. AR20/27935 titled 'Strategic Plan 2020-2024 Feedback' as presented on 01 June 2020 be noted.
2. That Council make the changes identified in the '*Proposed Changes*' part of this report.
3. That subject to these changes being implemented, the Strategic Plan 2020-2024 be endorsed.
4. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor.

**CARRIED**



### 5.3 ANNUAL BUSINESS PLAN AND BUDGET FEEDBACK

#### COMMITTEE RESOLUTION

Moved: Cr Frank Morello  
Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/32772 titled 'Annual Business Plan and Budget Feedback' as presented on 01 June 2020 be noted.
2. That Council make the changes identified in the '*Proposed Changes*' part of this report.
3. That the Chief Executive Officer be authorised to make minor textual changes to correct typos and errors of fact and to update the Mayoral Message if required in consultation with the Mayor.
4. That Council allocate \$7,500 from the 2019/2020 budget to Wet Noses in respect of their community service.

**CARRIED**

### 5.4 REPLACEMENT OF COUNCIL STREET LIGHTING WITH LED LUMINAIRES

#### COMMITTEE RESOLUTION

Moved: Cr Kate Amoroso  
Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/32710 titled 'Replacement of Council Street lighting with LED luminaires' as presented on 01 June 2020 be noted.
2. Council members consider the replacement of 2,351 HID street lights with smart ready LED luminaires at a total cost of approximately \$1M at a future workshop.

**CARRIED**



**5.5 REQUEST FOR DISCRETIONARY RATE REBATE FOR 71 SUTTONTOWN ROAD, MOUNT GAMBIER - MT GAMBIER ADRA OP SHOP**

Cr Frank Morello  
Cr Sonya Meziniec

1. That People and Place Committee Report No. AR20/31518 titled 'Request for Discretionary Rate Rebate for 71 Suttontown Road, Mount Gambier - Mt Gambier ADRA Op Shop' as presented on 01 June 2020 be noted.
2. That Council consider a discretionary rate rebate for Assessment Number 5591 commencing from 1 July 2020 of 50% over a 2 year period.

Cr Morello as mover, with the consent of Cr Meziniec as seconder, requested leave of the meeting to alter the motion as follows:

1. That People and Place Committee Report No. AR20/31518 titled 'Request for Discretionary Rate Rebate for 71 Suttontown Road, Mount Gambier - Mt Gambier ADRA Op Shop' as presented on 01 June 2020 be noted.
2. Withdrawn

The Presiding Member put the question for leave to be granted to the vote.

Leave of the Meeting was granted

The Variation became the Motion

**COMMITTEE RESOLUTION**

Moved: Cr Frank Morello  
Seconded: Cr Sonya Meziniec

1. That People and Place Committee Report No. AR20/31518 titled 'Request for Discretionary Rate Rebate for 71 Suttontown Road, Mount Gambier - Mt Gambier ADRA Op Shop' as presented on 01 June 2020 be noted.

**CARRIED**



## 5.6 COMMERCIAL RATE RELIEF

Moved: Cr Kate Amoroso

Seconded: Cr Max Bruins

1. That People and Place Committee Report No. AR20/32802 titled 'Commercial Rate Relief' as presented on 01 June 2020 be noted.
2. That Council confirm that Commercial Rate Relief to Mount Gambier Central Shopping Centre be provided on an individual application on a case by case basis, rather than as a whole.
3. That Council consider Mount Gambier Central's current application to comprise their office and vacant shops only.

### AMENDMENT

Moved: Mayor Martin

Seconded: Cr Jenner

1. That People and Place Committee Report No. AR20/32802 titled 'Commercial Rate Relief' as presented on 01 June 2020 be noted.
2. That Council confirm that Commercial Rate Relief to Mount Gambier Central Shopping Centre be provided on an individual application on a case by case basis, rather than as a whole.
3. That Council consider Mount Gambier Central's current application to comprise their office only.
4. That the Chief Executive Officer advise the applicant of the Council's decision in writing.

The Amendment was put and

**CARRIED**

The Amendment became the motion

### COMMITTEE RESOLUTION

Moved: Mayor Lynette Martin

Seconded: Cr Paul Jenner

1. That People and Place Committee Report No. AR20/32802 titled 'Commercial Rate Relief' as presented on 01 June 2020 be noted.
2. That Council confirm that Commercial Rate Relief to Mount Gambier Central Shopping Centre be provided on an individual application on a case by case basis, rather than as a whole.
3. That Council consider Mount Gambier Central's current application to comprise their office only.
4. That the Chief Executive Officer advise the applicant of the Council's decision in writing.

**CARRIED**

## 6 MOTIONS WITHOUT NOTICE

Nil



**7 MEETING CLOSE**

**The Meeting closed at 6.06 p.m.**

**The minutes of this meeting were confirmed at the People and Place Committee held on 3 August 2020.**

.....  
**PRESIDING MEMBER**

