



TheBarossaCouncil

NOTICE OF MEETING

**Notice is hereby given that the next ordinary meeting of Council
will be held on Monday 26 November 2018
in the Council Chambers,
43 – 51 Tanunda Road, Nuriootpa, commencing at 5.00pm.**

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

- 1.1 Welcome by Chief Executive Officer - meeting declared open
- 1.2 Declaration of Office – Mayor
- 1.3 Declaration of Office - Councillors
- 1.4 Present
- Leave of Absence
- 1.5
- 1.6 Apologies for Absence
- 1.7 Minutes of previous meetings – for confirmation
Ordinary Council meeting held on Tuesday 6 November 2018
- 1.8 Matters Arising from Previous Minutes
Nil
- 1.9 Notice of Motion
- 1.10 Questions on Notice

2. MAYOR

- 2.1 Nil

3. COUNCILLORS' REPORTS

- 3.1 Nil

4. CONSENSUS AGENDA

4.1 MAYOR

Nil

4.2 EXECUTIVE SERVICES

4.2.1 CHIEF EXECUTIVE OFFICER

Nil

4.2.2 COMMUNICATION AND ENGAGEMENT OFFICERS

Nil

4.3 CORPORATE & COMMUNITY SERVICES

4.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES

Nil

4.3.2 MANAGER COMMUNITY PROJECTS

Nil

4.4 WORKS AND ENGINEERING

4.4.1 DIRECTOR'S REPORT

Nil

4.5 DEVELOPMENT & ENVIRONMENTAL SERVICES

4.5.1 DEVELOPMENT SERVICES

Nil

4.5.2 ENVIRONMENTAL SERVICES

Nil

4.5.3 HEALTH SERVICES

Nil

4.5.4 REGULATORY SERVICES

Nil

4.5.5 WASTE SERVICES

Nil

5. CONSENSUS AGENDA ADOPTION

5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA

5.2 RECEIPT OF CONSENSUS AGENDA

5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA

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6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

7. DEBATE AGENDA

7.1 MAYOR

Nil

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Nil

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7.5.5 WASTE SERVICES

Nil

8. CONFIDENTIAL AGENDA

Nil

9. REPRESENTATIVES ON COUNCIL COMMITTEES REPORTS

Nil

10. OTHER BUSINESS

Nil

11. NEXT MEETING

11.1 December 2018 – date and time to be advised

12. CLOSURE

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

26 NOVEMBER 2018

7.2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER

7.2.1.1

APPOINTMENT OF DEPUTY MAYOR

B7322 18/80766

PURPOSE

Section 51 (3) of the Local Government Act provides that a Council may resolve to elect a Deputy Mayor. Further, that the Deputy Mayor will hold office for a term determined by the Council, but for a period not exceeding 4 years.

RECOMMENDATION 1

That Council:

1. Appoint a Deputy Mayor for a period of;
2. Adopt Option A first past the post / Option B preferential voting system;
3. Undertake an indicative secret ballot should it be required;
4. Appoint the Chief Executive Officer to be returning officer for any ballot.

Subject to receiving more than one nomination:

RECOMMENDATION 2

That Council having received more than one nomination for the position of Deputy Mayor adjourn the meeting for the purposes of undertaking the indicative secret ballot and that the meeting shall recommence once the Chief Executive Officer announces the result of the ballot.

At the conclusion of the ballot or having only received one nomination:

RECOMMENDATION 2 or 3

That Council pursuant to Section 51 (3) appoints Cr as Deputy Mayor of The Barossa Council.

Introduction

The Barossa Council has historically elected a Deputy Mayor for a term of 12 months. The rationale for this has been that shorter terms allow for the option of the Deputy Mayor position being provided as an opportunity for more than one Elected Member, should they be interested, in gaining the experience in the role.

The Local Government Association has recently updated its guide for selecting a Deputy Mayor and this is reflected in this report.

Discussion

There are various ways to undertake the election and appointment of a Deputy Mayor.

Option A Resolution of Council

Option B An election process determined by the Council

Option A requires Council to test each nomination by resolution, and only if a resolution is lost (or not seconded) can it proceed to the next nomination.

Option B, which is that which has traditionally been adopted by Council, is to undertake a nomination and secret ballot, conducted by the Chief Executive Officer. In accordance with the updated guidelines this should be undertaken in adjourned Council so that nominees and the Mayor may cast a ballot. Once the result is determined the adjournment ends and the result is confirmed by a formal resolution of the Council.

It should be noted that whilst a ballot is undertaken no conflict of interest arises for the nominees. The Mayor is also provided a ballot due to the fact they form part of the members of Council pursuant to Section 51(4) of the Act and it is not a question before Council, it is a ballot. Once formal meeting procedures commence again the nominee determined by the ballot by virtue of the provisions of Section 74 of the Act will have a material conflict of interest due to the increased allowance and status of the position and must declare a conflict of interest and leave the meeting before the confirming resolution.

Option B if selected should stipulate if the voting system shall be first past the post or preferential voting utilising a show of hands or a secret ballot. Traditionally Council has undertaken a secret ballot using preferential voting. By way of example:

Example 1 - First past the post

Candidate 1	5 votes
Candidate 2	4
Candidate 3	2

Candidate 1 has the most votes and would be elected, but with a minority of the votes cast.

Example 2 - A preferential system with the elimination of the candidate with the lowest vote.

Candidate 1	5
Candidate 2	4
Candidate 3	2

Candidate 3 is eliminated and those votes are distributed to 3's second preference. Assume 3's supporters prefer 2 over 1, then the result will be:

Candidate 1	5
Candidate 2	6

Candidate 2 would be elected with a majority of the total votes cast.

Further if there is a tied vote it is established practice that lots shall be drawn. This is done by placing the tied nominee's names on identical pieces of paper, placing them in a receptacle so that no one can see the names on the paper and the Chief Executive Officer drawing names until only one nominee remains. The name of the candidate/s withdrawn will be the one/s excluded from the ballot.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999 Section 51

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Deputy Mayor will be remunerated at \$21,588 paid quarterly in arrears and this is budgeted.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

26 NOVEMBER 2018

7.2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER

7.2.1.2

TIME AND PLACE OF ORDINARY MEETINGS OF COUNCIL

B7322 18/80762

PURPOSE

To set the meeting times, date and places for the ensuing four years of Council.

RECOMMENDATION 1

That for the term of the Council Ordinary meetings:

1. Will be held on the third Tuesday of the month, with the exception of:
 - (a) the January ordinary meeting which shall be held on the fourth Tuesday of January; and
 - (b) the November 2022 meeting which shall be held on the Tuesday prior to polling day.
2. Shall commence at; and
3. Shall be held in The Barossa Council Chamber, 43-51 Tanunda Road, Nuriootpa.

REPORT

Introduction

Section 81(3) of the Local Government Act provides that Council must determine the time and place of ordinary meetings of Council.

Discussion

Council must hold an ordinary meeting at least monthly. Apart from the first meeting of Council, it must determine when and where it will meet. Ordinary meetings cannot be held on a Sunday or Public Holiday. Not being a municipal Council meetings can be held at any time of the day. The principles of open, accessible and transparent government are relevant to the setting of meeting times and places along with the provision of appropriate agenda and minutes.

The Barossa Council has traditionally met on the third Tuesday of the month at 9am except for January due to the holiday period and it often falls on or about

Australia Day. The timing of the third week is sound for officers so as to present necessary reports including financial reports which are developed subsequent to months end.

It is further recommended that the last meeting of Council be held the Tuesday prior to polling day, as happened in this month. This allows for the current Council to meet the legislative standard and allows adequate time to support the incoming Council with induction, briefings and other administrative matters.

Meetings are held traditionally in the Council Chamber 43-51 Tanunda Road, Nuriootpa, as being the principle office unless Council determine otherwise by formal resolution.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999 Section 81

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs to support Council meetings are budgeted for.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

26 NOVEMBER 2018

7.2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER

7.2.1.3

AGENDA FORMAT FOR ORDINARY MEETINGS OF COUNCIL

B7322 18/80763

PURPOSE

To set the format for the agenda for ordinary meetings of Council for the term of Council.

RECOMMENDATION 1

That Council approves the agenda format as outlined in the report.

REPORT

Introduction

Council is provided an agenda at least 3 clear days (effectively that is 5 days as the day it is provided and the Council meeting day is not calculated in the 3 days) prior to an ordinary meeting. It is Council's decision as to the structure of its agenda.

The current agenda is derived from the Local Government Association (LGA) Meeting Procedures Handbook and the Council's development over many years.

Discussion

(1) Order of Business

The Local Government Association has produced the *Meeting Procedures Handbook*, a copy of which will be provided to members through the member portal. As Council's Order of Business is based on this guide, it is not proposed to alter this.

(2) Late Items / Other Business

Only late items of matters of urgency may be added to the Council Agenda and this shall be at the discretion of the Mayor and endorsed by the Council. Late items not resolved to be a matter of urgency should be deferred to the next meeting or a special meeting to allow time for public notification of the matter and for relevant input from officers and due reading time and consideration by members. The Act also provides for calling special meetings to deal with matters of urgency.

The suggested order of business should not contain an item "Other Business". The inclusion of matters at a meeting on which there has been no public notification, no relevant report from officers and possible subsequent decision of the Council is not in keeping with the provisions or

the tenor of the Act. Regulation 15(2) provides that a member may, with the leave of the meeting, raise a matter of urgency - any urgent item an elected member wishes to raise should be discussed with, and approved by the Mayor prior to the meeting and in most circumstances it would be the Mayor who seeks leave to introduce an urgent matter to the meeting.

(3) Agenda Format

3.1 General Agenda Structure

To comply with the Local Government Act and utilise the best practice structure provided through the LGA handbook the proposed structure of the agenda is as follows (the matters highlighted are amendments to the current structure):

1.	Administrative/Opening	Welcome
		Present
		Leave of Absence
		Apologies for Absence
		Confirmation of Minutes
		Matter Arising from Previous Minutes
		Petitions
		Deputations
		Notices of Motion
		Questions – With or Without Notice
2.	Mayor	Mayor Report/s
3.	Councillor	Councillor Report/s
4.	Consensus Agenda	Mayor
		Executive Services
		Corporate and Community Services
		Works and Engineering Services
		Development and Environmental Services
5.	Consensus Agenda Adoption	Items for Exclusion from Consensus Agenda
		Receipt of Consensus Agenda
		Debate of Items Excluded from Consensus Agenda
6.	Visitors to the Meeting/Adjournment of Meeting	Visitors to the Meeting
		Adjournment of Council Meeting
7.	Debate Agenda	Mayor
		Executive Services
		Corporate and Community Services
		Works and Engineering Services
		Development and Environmental Services
8.	Confidential Agenda	(Items will be specifically listed and sent under separate cover via email)
9.	Urgent Other Business	Only allowed if Mayor agrees and then Council endorses or provides its leave
10.	Next Meeting	Date will be listed for the next ordinary meeting
11.	Closure	Mayor will close the meeting

A prior agenda section "Representatives on Council Committees Report" is proposed to be removed. Members wishing to make reports relevant to Committees can do so under Council Report/s or as part of agenda items presented to Council of committee minutes.

3.2 Consensus Agenda and Debate Agenda

Council currently categorises agenda items between 'Consensus' and 'Debate' items. Currently all 'Consensus' items, which are generally matters for information only, are moved *en bloc*; however at the commencement of this section of the meeting, the Mayor will ask Councillors if they wish to remove any item from the 'Consensus' agenda section into the 'Debate' agenda section for discussion or clarification of any part of that particular item.

It is not proposed to alter this.

It is stressed only information items for receiving and noting are provided in the consensus report as any item requiring an active decision from Council must be able to demonstrate that Council has exercised its mind to the decision and performed its role to be an informed decision maker.

3.3 Debate Agenda Report format:

Current format of reports is:

- (1) Headings incorporating which meeting, the Directorate, area responsible for report and date
- (2) Title of Report – File Number – And Author if it is not one of the Executive
- (3) Purpose
Why the matter is coming to Council and what is being sought
- (4) Recommendation
Officers recommendation, this is not binding in anyway and can be changed, altered or discarded by Council, it is a starting point for discussion. It becomes a motion if it is moved and seconded by a Councillor. When a motion is passed it becomes a resolution of the Council.
- (5) Report
This is where the detail of the topic, research, comments and discussion and advice is provided by officers to Council. It will normally be structured into background, introduction, discussion and summary and conclusions but not always.
- (5) Attachments or Other Supporting References
Further background material in support of the officer's analysis and report.

- (6) Community Plan / Corporate Plan / Legislative Requirements
Officers will identify relevant Council strategy that the report relates to. If the matter does not fit Council strategy an explanation should be provided as to why the matter is being considered and in normal circumstances if it does not contribute to strategic outcomes and direction its purpose should be questioned and officers would normally provide an explanation as to the strategic relevance of the item in these cases.

Relevant legal requirements and statute will be quoted where it is relevant.

- (6) Financial, Resource and Risk Management Considerations
Reference will be made to any relevant financial, resourcing or risk issues so that any decision arising from the recommendation is clearly stated to Council and what the possible impacts are. These matters can be covered in the report at times but will be cross referenced.
- (7) Community Consultation
Identifies any policy or legislative requirement to be undertaken in relevance to the recommendation, or what have been consultation outcomes. These matters can be covered in the report at times but will be cross referenced.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999

Council Meeting Procedures Handbook from LGA.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs to support Council meetings are budgeted for.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER'S REPORT

26 NOVEMBER 2018

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.4

SUPPLEMENTARY ELECTION POLICY

B1485

Author: Governance Advisor

PURPOSE

Under Part 2 Section 6(2)(b) of the Local Government (Elections) Act 1999 (the Act), a council can make a policy not to fill a casual vacancy when that vacancy occurs in certain circumstances allowed by the Act.

The Supplementary Election Policy has been re-drafted in plain English. Other than drafting the policy in plain English, no substantive changes have been made to the contents of the Policy, as much of it is prescribed by the Act. Council is asked to consider the updated Supplementary elections Policy.

RECOMMENDATION

That Council having received and considered the Policy approves the draft Supplementary Elections Policy which is provided as Attachment 1 to this report.

REPORT

Background

The prior Council have adopted a Supplementary Election Policy to limit expenditure of council resources on additional election processes outside of the legislative requirement to hold General Elections (including Periodic Elections). On that basis, councils have determined that the cost for short term replacement outweighs the benefits of operating with a reduced number of councillor for a limited period of time.

Introduction

The draft Policy stipulates that unless required under the Act, in the event of a casual vacancy occurring for an office other than the Mayor, such position will remain vacant until the next General Election of the Council. The policy sets out the circumstances under the Act where a Supplementary Election will and will not be held.

The draft Policy has been re-drafted in plain English, however, no other substantive changes have been made to the contents of the Policy, from previous years.

Discussion

On the basis of current available information, the cost of each Supplementary Election would need to be budgeted at approximately \$50,000 given direct election materials, employee expenses and the like.

The Council is established with a Mayor and 11 Area members, elected to represent the whole district. In the event that a casual vacancy (or vacancies) was to occur in the current term then Council would be operating with a maximum of 10 Elected Members plus the office of the Mayor. This means that there will be occasions when voting to resolve decisions will be equal and increases the likelihood that the Mayor will be called upon to exercise a casting vote in accordance with section 86(6) of the Local Government Act 1999.

Summary and Conclusion

Notwithstanding the voting considerations and given the potential budgetary implications of undertaking additional Supplementary Election processes, it is the recommendation of officers that the draft Supplementary Election Policy be reviewed and approved by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – draft Supplementary Elections Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Legislative Requirements

Local Government Act 1999 – sections 51-57, 86

Local Government (Elections) Act 1999 – Section 6

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Appropriate budgetary provision will need to be made each financial year if a Supplementary Election Policy is not retained.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

THE BAROSSA COUNCIL

SUPPLEMENTARY ELECTIONS POLICY



<u>Corporate Plan Link:</u>	<u>6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.</u>		
<u>Policy Owner:</u>	<u>Chief Executive Officer</u>	<u>Previous Approval Date(s):</u>	<u>20/11/2012</u> <u>18/11/2014</u>
<u>Document Control Officer:</u>	<u>Governance Advisor</u>	<u>Current Approval Date:</u>	<u>DD/MM/YYYY</u>
<u>HPE Content Manager Ref:</u>	<u>1X/XXXX</u>	<u>Next Review Date:</u>	<u>Next Periodic Elections</u>

1. Purpose
To establish The Barossa Council's ~~["the Council's"]~~ position in dealing with a Casual Vacancy in the office of an Elected Member of Council (not being the ~~office of~~ Mayor) in accordance with Section ~~6-(2)-(1)(b)~~ of the Local Government (Elections) Act 1999 ~~["the Act"]~~.

2. Scope
This Policy applies to Elected Members of Council (not being ~~excluding~~ the office of Mayor) and the Chief Executive Officer (or Acting Chief Executive Officer).

3. Definitions

<u>Act</u>	<u>Local Government (Elections) Act 1999</u>
<u>Casual Vacancy</u>	The office of a Council <u>Elected Member</u> becomes vacant only in accordance with the circumstances detailed in section <u>Section</u> 54 of the Local Government Act 1999.
<u>Council Elected Member / Member of Council</u>	<u>Elected Members of The Barossa Council</u> common usage is "Elected Member" .
<u>General Election</u>	An <u>A general election</u> (including of members of the council, whether a Periodic <u>Period Election)</u> to determine the membership of the Council in accordance with a proclamation or notice under the Local Government Act 1999 or held under Section 5 of the Local Government (Elections) Act 1999 or pursuant to a proclamation or notice under the Local Government Act 1999. <u>[RM1]</u>
<u>Periodic Election</u>	An election to determine the membership <u>fill offices of the Council</u> a council held at intervals pursuant to Section 5 of 4 years in accordance with the Local Government (Elections) Act 1999. <u>[RM2]</u>

Supplementary Elections Policy approved by Council on 

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Polling Day	The day fixed as the polling day for the election, <u>in accordance with Section 4(2) of the Local Government (Elections) Act 1999.</u>
Supplementary Election	An election <u>that is</u> held when: - a General or Periodic Election wholly or partially fails to fill the offices or is declared void; or - a casual vacancy <u>Casual Vacancy</u> occurs in the office of a <u>an Elected Member of a council.</u>

4. Policy Statement ^[RM3]

4.1

4.1. Council's Policy seeks to ensure the efficient allocation of Council resources in the event of ~~a Casual Vacancy occurring and accordingly. Accordingly,~~ unless required under the Act, ~~confirms that~~ a ~~Casual Vacancy for the office of an Elected Member of Council office~~ other than Mayor will remain vacant until the next General Election ~~of Council~~. A Supplementary Election will not be held to fill that ~~Casual Vacancy.~~

4.2 Further, and pursuant to the Act, a Supplementary Election will not be held if:

4.2.1 ~~(1)~~ the Casual Vacancy occurs:

~~on or after~~

▪(i) between 1 January of a year in which a Periodic Election is ~~due to be held~~ expected, and ~~before the date on which~~ nominations open for that Periodic Election ~~are invited under, in accordance with~~ the Act; or

▪(ii) within a period of 7 months before Polling Day for a General Election ~~(other than that is not a Periodic Election) with, and~~ the date of that Polling Day ~~being~~ is known at the time ~~of the occurrence of~~ the Casual Vacancy occurred; or

~~(2)~~ 4.2.2 the Casual Vacancy is:

▪(i) for the office of an Elected Member of Council office other than Mayor; and

▪(ii) the area of the Council is not divided into wards; and

▪(iii) there is no other vacancy in the office of ~~a~~ an Elected Member of Council (disregarding the office of Mayor); and

Supplementary Elections Policy approved by Council on 

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- (iv) Council's Policy not to fill such a Casual Vacancy remains in operation.

4.3 ~~4.3~~ ~~A~~However, a Supplementary Election ~~must~~will be held if:-

4.3.1 a Casual Vacancy has occurred, but the vacancy has not been filled due to the ~~operation of sub-clause 4.2(2); and another~~

4.3.2 an additional Casual Vacancy ~~occurs in~~for the office of a ~~an~~ Elected Member ~~of Council~~ (other than the Mayor) has occurred (i.e. in addition to the vacancy described in sub-clause 4.3.1); and

4.3.3 the ~~other~~ Casual Vacancy has not occurred:

~~on or after~~

- (i) between 1 January of a year in which a Periodic Election is ~~due to be held~~expected, and ~~before~~ the date ~~on which~~ nominations are open for that Periodic Election ~~are invited under, in accordance with~~ the Act; or

- (ii) within a period of 7 months before Polling Day for a General Election (~~other than that is not a~~ ~~Periodic Election~~), and the date of that Polling Day ~~being~~is known at the time ~~of the occurrence of~~ the Casual Vacancy occurred.

4.4 Pursuant to Section 6(4.4 ~~If~~) of the Act, if a Casual Vacancy has occurred and a Supplementary Election is not ~~to be~~ held due to the ~~operation of sub-clause 4.2(2), any subsequent revocation or alteration of a Council, this Policy in force for the purposes of Part 2, section 6 (2)(b) of the Act, cannot have effect so as to be altered or revoked to effectively require that the Casual Vacancy to be filled before the next General Election.~~

4.5 ~~4.5~~ In the event ~~of that the Act requires for~~ a Supplementary Election ~~being required under to be held~~, the ~~Act, this~~ Supplementary Election will be held as ~~soon~~ as possible after the ~~occasion for the Supplementary Election requirement~~ arises.

5.	Supporting Documentation <u>Process</u>
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Nil

6.	Related Policies
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Nil

Supplementary Elections Policy approved by Council on 

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7. Legislation and References

Local Government Act 1999, sections 51-57, 86
Local Government (Elections) Act 1999, section 6

8. Review

This Policy ~~shall~~will be reviewed by ~~Director, Corporate and Community Services,~~the Document Control Officer in consultation with the relevant stakeholders, within 2 years of the new Council following a Periodic Election ~~or~~ more frequently if legislation or Council ~~needs change~~requires.

9. Further Information

9.1 This Policy is available ~~for inspection on Council's website at the Council offices~~www.barossa.sa.gov.au. It can also be ~~viewed electronically at Council's principal office~~ at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. ~~It is also available for inspection, download or printing, free of charge, from Council's web site:~~www.barossa.sa.gov.au.

~~Any grievances in relation to this Policy can be obtained at those venues upon payment of a fixed fee.~~

9.2 ~~Complaints regarding this Policy or its application should be forwarded in writing addressed~~can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's Complaints Handling Policy (see clause 9.1 above for availability). ~~Chief Executive Officer of Council, PO Box 867, Nuriootpa SA 5355.~~

Signed _____
Dated _____

Mayor **Robert Sloane** [**]

10. Policy Version History

Supplementary Elections Policy approved by Council on [**]

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<u>Version No:</u>	<u>Approval Date:</u>	<u>Description of Change:</u>
<u>1.0</u>	<u>20/11/2012</u>	<u>New Policy</u>
<u>2.0</u>	<u>18/11/2014</u>	<u>Policy reviewed following Periodic Elections</u>
<u>3.0</u>	<u>[**]</u>	<u>Policy reviewed following Periodic Elections</u>

The Barossa Council

Supplementary Elections Policy approved by Council on [**]

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COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER'S REPORT

26 NOVEMBER 2018

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.5

QUESTIONS LAPSED AND QUESTIONS LYING ON THE TABLE

B7322

Author: Governance Advisor

PURPOSE

In accordance with regulation 12(19) and 12(20) of the *Local Government (Procedures at Meetings) Regulations 2013* (the "Regulations"), any questions that remain lying on the table at the conclusion of a general election, lapse. It is the role of the Chief Executive Officer to report to the new Council, under regulation 12(20) of the Regulations, any procedural motions that have lapsed. Council is asked to receive and note the Chief Executive Officer report pursuant to the abovementioned regulation.

RECOMMENDATION

That Council receives and notes the Chief Executive Officer report pursuant to regulation 12(20) of the *Local Government (Procedures at Meetings) Regulations 2013*, there being no motions that lapsed at the general election.

REPORT

There are no motions that lapsed pursuant to regulation 12(19) of the Regulations.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

N/A

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Procedures at Meetings) Regulation – regulation 12(19) – (20)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

26 NOVEMBER 2018

7.2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER

7.2.1.6

COUNCIL WORKSHOP ARRANGEMENTS

B7322 18/80764

PURPOSE

To determine if, and if so, when to set Council workshops.

RECOMMENDATION 1

That Council approves the arrangements outlined in the report to hold Council workshops at least monthly, subject to material being necessary and available for discussion as determined by either the Mayor or Chief Executive Officer, and that they shall be held:

- (1) On the first Wednesday of each Monday at 5.30pm, except for January where no workshop will be held.
- (2) At the Council Chamber 43-51 Tanunda Road, Nuriootpa unless there is need for specific site visits.

REPORT

Introduction

Council has held workshops in the past to allow the exchange of idea, discussion of matters general, undertaking of training, development of budgets and other matters as they arise.

Discussion

As with all Council and committee meetings, workshops are open to the public, except where they meet limited confidentiality tests.

In the previous term of Council, the Elected Members opted to participate in monthly workshops to allow staff and outside community bodies to present information to Council for general exploration and discussion. No decisions can be made in an informal workshop environment, or any action undertaken to ascertain a view, just as decision outside of a Council meeting cannot be undertaken so as to obtain a consensus view or predetermine an outcome. Nonetheless workshops run in accordance with the Local Government Act allows Council to receive information, discuss matters and ask questions in an informal environment. Councillors and staff found these sessions very useful as an opportunity to explore opportunities, share ideas, and particularly in receiving

presentations from external stakeholders on matters that didn't require formal Council consideration.

Council workshops were normally held on the first Wednesday of each month commencing at 5.30pm. Workshops typically last for two hours. Traditionally a meal was held after a Council workshop. It is suggested that modern standards of public administration and in accordance with recent Ombudsman's findings and the Hospitality Policy a small social platter maybe appropriate rather than a full sit down meal. However, these are all factors for Council decision.

The Council, Mayor or Chief Executive Officer may also schedule additional workshops to discuss and receive information on specific matters, the development of the annual budget and business plan through dedicated financial workshops being a good example. Additional workshops are scheduled to try and coincide with other commitments such as at the conclusion of or before a Council meeting thus limiting repeat travel and visits.

During the last term of Council the Local Government Act (Act) was amended to require the adoption of an Informal Gatherings Policy, if Council was to hold them. The relevant policy is attached for member's information. It will be reviewed with Council within this period of Council. In summary any designated informal gathering that meets the definition must:

1. Be held in public except for limited circumstances where the matter meets Section 90(3) of the Act or of a planning session of a general or strategic nature;
2. An agenda will be published and displayed on Council's web site;
3. Formal meeting procedures do not apply;
4. No minutes are held, notes may be tabled at a Council meeting following the meeting if necessary, normally such matters would be incorporated in a report coming to Council for decision;

It is important to understand what an informal gathering by definition is. By definition in the Policy is "a gathering or discussion to which all Council members or Council committee members (as the case may be) are invited, even if not all attend".

Once this test is passed the next consideration is to determine if the gathering is a designated informal gathering or discussion. The *Local Government (General) Regulations 2013* define a designated information gathering or discussion as "*an event organised and conducted by or on behalf of the Council or Chief Executive Officer to which members of the Council or Council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee*".

Conclusion

The holding of workshops has been to date an invaluable tool to discuss matters between members and the executive and senior staff to help formulate ideas and thoughts on matters. It is recommended that they continue on the basic outline.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Informal Gatherings Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999 Section 90(8)

Local Government (General) Regulations 8AB

Informal Gatherings Policy

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs to support Council meetings or gatherings are budgeted for.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislation.

THE BAROSSA COUNCIL

INFORMAL GATHERINGS POLICY



Corporate Plan:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	16/02/2016
Document Control Officer:	Governance Advisor	Current Approval Date:	15/11/2016
TRIM Reference:	16/6339*	Next Review Date:	Next periodic election

1. Purpose

- 1.1 Section 90(8) of the *Local Government Act* allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the council or council committee.
- 1.2 This Policy aims to ensure that the statutory requirements for openness and transparency in The Barossa Council's ("Council's") decision-making are observed; while providing an opportunity for confidential discussions among Elected Members or Council committee members where this is warranted by the nature of the gathering or subject matter to be discussed.

2. Scope

- 2.1 This Policy applies to informal gatherings of the Council or a Council committee, including designated informal gatherings or discussions.
- 2.2 The *Local Government (General) Regulations 2013* define a 'designated informal gathering or discussion' as:

an event organised and conducted by or on behalf of the Council or Chief Executive Officer to which members of the Council or Council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee.
- 2.3 An informal gathering which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not a 'designated informal gathering or discussion'.

3. Policy Statement

3.1 Purpose of informal gatherings or discussions

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

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

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

3.2 Purpose of designated informal gatherings or discussions

3.2.1 Designated informal gatherings or discussions may be used to:

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

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

3.3 Designated informal gatherings or discussions to be open to the public, except in special circumstances

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

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

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

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

3.4 Processes applying to designated informal gatherings or discussions

- 3.4.1 Both the Chief Executive Officer and the Council are responsible for ensuring designated informal gatherings or discussions are conducted in accordance with the *Local Government Act*.
- 3.4.2 Designated informal gatherings or discussions are not subject to the procedural meeting requirements of the *Local Government Act* and *Local Government (Proceedings at Meetings) Regulations 2013*.
- 3.4.3 Designated informal gatherings or discussions will be chaired by the Mayor, or in his absence, the Deputy Mayor or in his/her absence, an Elected Member appointed at the meeting by the Elected Members present. The Chair is responsible for ensuring that the purpose, intent and outcomes of the designated informal gatherings or discussions are consistent with section 90 of the *Local Government Act*.
- 3.4.4 Formal minutes will not be recorded of a designated informal gathering or discussion. Notes of a designated informal gathering or discussion may be tabled at the Council meeting following the designated informal gathering or discussion.
- 3.4.5 If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Elected Members, the Chief Executive Officer and any other person invited to attend by the Council or the Chief Executive Officer.
- 3.4.6 If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then these confidential matters will be scheduled to be discussed at the end of the agenda for the designated informal gathering or discussion. The designated informal gathering or discussion will be open to the public until immediately prior to the discussion on confidential matters commencing, unless visitors to the meeting form part of the confidential informal discussion and the Mayor or CEO has approved that the scheduled item can be undertaken earlier on the agenda.
- 3.4.7 Should a matter be referred to the designated informal gathering for urgent discussion outside of the published agenda, it will be dealt with as an "Other Business" item.

3.5 Publication of information relating to designated informal gatherings or discussions

- 3.5.1 For all designated informal gatherings or discussions, the following information will be published on the Council's website at www.barossa.sa.gov.au:
- the place, date and time at which the designated informal gathering or discussion will be held;
 - the matter that is to be discussed at the designated informal gathering or discussion;
 - whether or not the designated informal gathering or discussion is to be held at a place open to the public.
- 3.5.2 Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or

discussion being held entirely or partially in confidence must be published on Council's website.

4. Supporting Process

Complaint Handling under the Code of Conduct for Council Members

5. Related Policies and Codes

Code of Practice for Access to Council and Committee Meetings and Associated Documents
Code of Conduct for Council Members

6. Legislation and References

Local Government Act 1999 Section 90(8a)-(8e)
Local Government (General) Regulations 2013

7. Review

This Policy will be reviewed by the Council in consultation with the relevant stakeholders, at the next periodic election or more frequently if legislation or Council's need changes.

8. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

Any complaint in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

Signed:
Mayor Bob Sloane

15th November 2016
Dated:

The Barossa Council

Information and matters within the ambit of section 90(3) Local Government Act

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;
- (j) information the disclosure of which:
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
 - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (l) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (m) information relevant to the review of a determination of a Council under the *Freedom of Information Act 1991*.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER'S REPORT

26 NOVEMBER 2018

7.2.1 – DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.7

APPOINTMENT OF ELECTED MEMBER AND STAFF ON EXTERNAL ASSOCIATIONS, BOARDS AND COMMITTEES

B7322

Author: Governance Advisor

PURPOSE

Council nominates Elected Members and staff members as representatives on a variety of associations, boards and committees which have been established outside of the Barossa Council committee framework. Attendance at these meetings provide significant education, advocacy and regional co-ordination opportunities for the representatives, and, when they filter the information back to the Elected Body, Council obtains valuable information upon which to make informed decisions.

To achieve standards of good public administration, representatives can file their meeting minutes or reports through the Elected Member Reports or Consensus Agenda items at the next available Council meeting.

Elected members are able to claim reimbursement for their travel expenses associated with attendance at these meetings in accordance with the Elected Members Allowances and Benefits Policy.

Council is now asked to appoint its representatives to the following associations, boards and committees.

ELECTED MEMBER AND OFFICER REPRESENTATIVES

Eastern Hills and Murray Plains Catchment – Local Action Planning Committee

A Memorandum of Understanding exists between Council and the Eastern Hills and Murray Plains Catchment – Local Action Planning Committee for the management of the Jutland Water Reserve. The Committee has written to the Chief Executive Officer seeking to have a Barossa Council representative continue, given the retirement of the previous Council representative – Cr Seager. The correspondence from the Committee is attached hereto as Attachment 1 and Council is asked to appoint its representative for the Committee.

RECOMMENDATION

That Cr be appointed as a member of the Eastern Hills and Murray Plains Catchment – Local Action Planning Committee for the life of this Council or until further reviewed and changed.

Gawler River Floodplain Management Authority

Previously, the Mayor, his proxy (Elected Member) and the Director, Development and Environmental Services was appointed, in accordance with the Gawler River Floodplain Management Authority's Charter. The Gawler River Floodplain Management Authority are currently in the process of reviewing its Charter, and it is likely that the need for a Proxy could be removed.

RECOMMENDATION

That Mayor Lange and his Proxy Cr and the Director, Development and Environmental Services be appointed Council's representatives on the Gawler River Floodplain Management Authority for the life of this Council or until further reviewed and changed.

Local Government Association (LGA)

Delegates are required to attend the Annual General Meeting, and any meetings Ordinary General Meetings and Special General Meetings that may be called.

It is customary for the Mayor to be the delegate to the LGA. Council should elect a Proxy to represent Council in the event that the Mayor is unable to attend a meeting.

RECOMMENDATION

That Mayor Lange and his Proxy Cr be appointed Council's representatives to the Local Government Association for the life of this Council or until further reviewed and changed.

Local Government Finance Association of SA (LGFA)

Meetings are held six times a year.

RECOMMENDATION

That Cr be appointed Council's delegate to the Local Government Finance Association of SA (LGFA), and that Cr be appointed as Proxy for the life of this Council or until further reviewed and changed.

Nuriootpa Centennial Park Authority (trading as the Barossa Valley Tourist Park)

The Nuriootpa Centennial Park Authority (NCPA) manages the Nuriootpa Centennial Park Precinct on behalf of The Barossa Council as a wholly owned subsidiary under section 42 of the *Local Government Act 1999*.

The NCPA is governed by a Board of Management which has the responsibility to manage the business and affairs of the Authority in accordance with the Charter. The selection of Board Members is via a nomination process and formal appointment via Council resolution. The annual rotation of NCPA Board members has been considered and the Board have made the necessary recommendations to Council to appoint continuing members to the Board.

Nominations have been received and endorsed for appointments from:

1. Mr Guy Martin, current Board member and Chair (two years)
2. Mr Brett Lydeamore, current Board member (two years)
3. Mr Trevor Schmidt, current Board member (one year)
4. Ms Sara La Nauze, current Board member (one year)

All nominees satisfy the one or more of the skills base requirement under the Charter. Nomination forms and associated correspondence are attached hereto as Attachment 2.

In accordance with the Authority's Charter which was approved by Council on 20 May 2014, Council's Manager, Organisational Development and Risk is a member of the Authority's Board. The Charter at clause 26.1.1 also requires that an Elected Member be nominated to serve on the Board for the life of this Council.

The Authority meets monthly.

RECOMMENDATION

That:

- (1) Council, being satisfied that Mr Guy Martin, Mr Brett Lydeamore, Mr Trevor Schmidt, and Ms Sara La Nauze possess the requisite qualities and skills, pursuant to clause 26.1.3 of the Nuriootpa Centennial Park Authority Charter appoints Mr Guy Martin and Mr Brett Lydeamore as members of the Board of Management for a period of two years concluding after the Board meeting scheduled for September 2020, and Mr Trevor Schmidt and Ms Sara La Nauze for a period of one year concluding after the Board meeting scheduled for September 2019.
- (2) Cr be appointed Council's representative on the Nuriootpa Centennial Park Authority Committee for the life of this Council or until further reviewed and changed.

Penrice Consultative Committee

RECOMMENDATION

That Cr and the Director, Development and Environmental Services be appointed Council's representative to the Penrice Consultative Committee for the life of this Council or until further reviewed and changed.

Central Local Government Region of South Australia (trading as Legatus Group)

This is a regional subsidiary established under section 43 of the Local Government Act and consists of Barossa, Barunga West, Clare and Gilbert Valleys, Copper Coast, Flinders Ranges, Light, Adelaide Plains (formerly Mallala), Mount Remarkable, Northern Areas, Orroroo/Carrieton, Peterborough, Port Pirie, Wakefield and Yorke Peninsula. It was established to undertake co-ordinating, advocacy and representational roles on behalf of its Constituent Councils at a regional level.

RECOMMENDATION

That Council's representative on the Central Local Government Region of South Australia for the life of this Council or until further reviewed and changed, be Mayor Lange and the Chief Executive Officer.

Tourism Barossa Inc.

Council is a significant funder and more broadly a stakeholder in tourism in the Barossa and is afforded a member on the Board of Tourism Barossa.

RECOMMENDATION

That Cr be appointed Council's representative to Tourism Barossa Inc. for the life of this Council or until further reviewed and changed.

ASSOCIATIONS, BOARDS AND COMMITTEES – STAFF MEMBER REPRESENTATIVES

Association of Tanunda STEDS irrigators Inc.

RECOMMENDATION

That Council's representative on the Association of Tanunda STEDS Irrigators Inc. for the life of this Council or until further reviewed and changed, be the Co-ordinator, Community Wastewater Management.

Junction Women's Housing Regional Reference Group

RECOMMENDATION

That Council's representative on the Junction Women's Housing Regional Reference Group for the life of this Council or until further reviewed and changed, be the Director, Corporate and Community Services, and/or the Manager Community Projects.

Barossa Zone Emergency Management Committee

RECOMMENDATION

That Council's representative on the Barossa Zone Emergency Management Committee for the life of this Council or until further reviewed and changed, be the Risk Advisor.

Local Government Emergency Liaison Officer

RECOMMENDATION

That Council's Local Government Emergency Liaison Officer for the life of this Council or until further reviewed and changed, be the Director, Works and Engineering Services.

South Para Natural Resource Management Committee

RECOMMENDATION

That Council's representative on the South Para Natural Resource Management Committee for the life of this Council or until further reviewed and changed be the Director, Development and Environmental Services and/or their delegate.

Ranges to River Local Government Advisory Committee

RECOMMENDATION

That Council's representative on the Ranges to River Local Government Advisory Committee for the life of this Council or until further reviewed and changed, be the Director, Development and Environmental Services and/or their delegate.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – correspondence from the Eastern Hills and Murray Plains Catchment – Local Action Planning Committee (18/69476)

Attachment 2 – nominations and associated correspondence received with respect to the Nuriootpa Centennial Park Authority

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Community Plan

2.3 Contribute to creating strong and sustainable community networks.

Corporate Plan

5.9 Contribute to informed decision making and the promotion of Council and community interests in relation to economic growth, planning and development through participation on peak bodies, industry boards and working parties.

Legislative Requirements

There are no legislative requirements.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

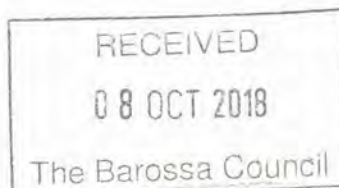
There are no financial, resource and risk management considerations with appointment of Elected Members and staff to these various associations, boards and associations.

COMMUNITY CONSULTATION

There is no requirement for community consultation.



25th September 2018



To: Mr Martin McCarthy, CEO Barossa Council

RE: Council representative on the Eastern Hills and Murray Plains Catchment Group Management Committee

Dear Martin,

The Eastern Hills and Murray Plains Catchment Group Inc was established in 1998 and is managed by a volunteer committee of 12 representatives. We are committed to supporting landholders and the community to achieve environmental projects. As per our Constitution, we offer a position on our Management Committee to each of the three Local Government Areas in our region.

I am writing on behalf of the Executive Committee of the Eastern Hills and Murray Plains Catchment Group to offer Barossa Council the opportunity to consider fulfilling a vacancy due to an outgoing General Committee member who has recently notified us of his pending retirement. Representatives from other Councils include Councillors and/or relevant staff members.

We have very much enjoyed the representation through Cr Michael Seager over the past 17 years. Since 2001 he has been a dedicated Committee member who has advocated strongly for farm based and grass roots Landcare in the Eastern Hills.

General Committee meetings are held every 2 months on the second Tuesday of the month. A meeting schedule is provided to all members for the calendar year. Every effort is made for a central location (meetings are often held at Palmer), however once or so a year we may schedule meetings in other locations in the region.

As you may know, our two organisations have a Memorandum of Understanding that enables our group to manage the Jutland Water Reserve for Landcare and I would like to take this opportunity to let you know that we hold regular working bees at the reserve. Other active roles we have in the Barossa Council region occur mainly in the Mt Pleasant-Springton-Eden Valley-Moculta area. We have very much enjoyed our last few years of returning to the Mt Pleasant Show to participate in the NRM tent.

We understand there is a current Council election process underway, however nominations to our General Committee can be accepted at anytime. Our first meeting after our AGM for our General Committee is Tuesday February 12th 2019.

Please find included an invitation for interested Council staff, Mayor and/or yourself to attend our AGM.

Yours sincerely

Jo Clarke – General Manager
The Eastern Hills and Murray Plains Catchment Group

Office: Murray Bridge Community Nursery, 92-106 Greenlands Drive, PO Box 2056 MURRAY BRIDGE SA 5253
Phone: 0428 380 568 ABN: 11 910 165 808 INC: A0024450R
e-mail: admin@ehmpcg.org.au
web: www.ehmpcg.org.au



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Eastern Hills & Murray Plains
CATCHMENT GROUP

Community | Biodiversity | Sustainability

*Council Staff
and Councillors*

Annual Community Invitation - 20 year celebration

Please join us for our AGM and presentation on

Future directions of community based Landcare

Mannum Leisure Centre - Thursday November 22nd

6:00pm - 8:30pm

Light food and refreshments provided RSVP appreciated 08) 8531 2077





Mayor + Partner

Annual Community Invitation - 20 year celebration

Please join us for our AGM and presentation on

Future directions of community based Landcare

Mannum Leisure Centre - Thursday November 22nd

6:00pm - 8:30pm

Light food and refreshments provided RSVP appreciated 08) 8531 2077



37





CEO + partner

Annual Community Invitation - 20 year celebration

Please join us for our AGM and presentation on

Future directions of community based Landcare

Mannum Leisure Centre - Thursday November 22nd

6:00pm - 8:30pm

Light food and refreshments provided RSVP appreciated 08) 8531 2077



Vincent Marsland

From: Tanya Pumpa <tanya.pumpa@barossatouristpark.com.au>
Sent: Wednesday, 26 September 2018 2:22 PM
To: Vincent Marsland
Subject: NCPA Board Membership Renewal Forms
Attachments: 9.2 Membership Renewal - B Lydeamore.pdf; 9.2 Membership Renewal - G Martin.pdf; 9.2 Membership Renewal - S La Nauze.pdf; 9.2 Membership Renewal - T Schmidt.pdf

Dear Vincent,

At the NCPA Board Meeting last week we tabled the attached 4 x NCPA Board Membership Forms. Current members, Guy Martin, Brett Lydeamore, Trevor Schmidt and Sara La Nauze have requested to extend their time on the Board. Guy Martin and Brett Lydeamore for a further 2 years, and Trevor Schmidt and Sara La Nauze for a further 1.

We also note that long standing member, Peter Rosenberg, has not renewed and his term and has now ceased his services. I will write to Council formally notifying them and giving recognition of his volunteered services.

We ask that these applications please follow through the appropriate channels and their terms formally adopted by Council.

Kind Regards,

Tanya Pumpa
Business Manager
(Tuesday / Wednesday / Thursday)

Nuriootpa Centennial Park Authority T/as BIG4 Barossa Tourist Park
ABN: 50 231 969 615
Penrice Rd, NURIOOTPA SA 5355
Email : Tanya.Pumpa@barossatouristpark.com.au
Web : www.barossatouristpark.com.au
Direct : 08 7503 0011
Reception : 08 8562 1404

NCPA BOARD MEMBER NOMINATION FORM: 2018-2019

1. CONTACT DETAILS

Name BRETT LYDEAMORE

Address

Telephone

Email

2. LENGTH OF POSITION

☐ One Year Position ☒ Two Year Position

3. SKILLS AND KNOWLEDGE

Please indicate your experience in the following areas	Experienced	Not Experienced
Commercial Business Management – Including Financial Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marketing and/or Advertising	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial Management – Including Property Management	<input type="checkbox"/>	<input type="checkbox"/>
Director or Board Member of a Similar Body	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Development & Significant Contribution to a Community Based Organisation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Local Government Experience at an Elected Member or Senior Officer Level	<input type="checkbox"/>	<input type="checkbox"/>

4. REQUIRED COMMITMENT

Can you commit to regularly attend Board Meetings (currently held monthly)?

☒ YES ☐ NO

(In addition to these meetings, Board Members could be allocated specific duties relating to sub committees and/or be required to provide support to various projects)

5. PLEASE EXPLAIN WHY ARE YOU NOMINATING FOR THE NCPA BOARD

EXISTING MEMBER & BELIEVE THAT I AM ABLE TO BRING CONTINUED VALUE PARTICULARLY IN RELATION TO THE ONGOING RELATIONSHIP BETWEEN THE NCPA & THE VARIOUS SPORTING CLUBS WHO UTILISE THE PARKS FACILITIES

6. CURRENT OR PREVIOUS COMMUNITY/BOARD INVOLVEMENT

- INCOMBERT, MEMBER OF THE BOARD
- COMMITTEE MEMBER OF THE NURIOOPA CRICKET CLUB
- MEMBER OF THE NRFC (FOOTY CLUB)
- PREVIOUS MEMBER OF THE NURI. FITNESS COMMITTEE

7. PLEASE DESCRIBE THE KNOWLEDGE, SKILLS AND EXPERIENCE THAT YOU POSSESS WHICH ARE DIRECTLY RELEVANT TO THE ROLE OF THE BOARD

EMPLOYED BY ALLIANT AS A KEY ACCOUNT MANAGER & RESPONSIBLE FOR 5 STAFF.
KEY MANAGEMENT SKILLS COMBINED WITH COMMUNITY INVOLVEMENT

8. RESUME ATTACHED

☐ YES

☒ NO

Signature

Name

BRETT LYDEANOR

Date

6/10/2018

NCPA BOARD MEMBER NOMINATION FORM: 2018-2019

1. CONTACT DETAILS

Name GUY MARTIN

Address

Telephone

Email

2. LENGTH OF POSITION

☐ One Year Position ☒ Two Year Position

3. SKILLS AND KNOWLEDGE

Please indicate your experience in the following areas	Experienced	Not Experienced
Commercial Business Management – Including Financial Management		
Marketing and/or Advertising		
Commercial Management – Including Property Management		
Director or Board Member of a Similar Body		
Community Development & Significant Contribution to a Community Based Organisation	YES.	
Local Government Experience at an Elected Member or Senior Officer Level		

4. REQUIRED COMMITMENT

Can you commit to regularly attend Board Meetings (currently held monthly)?

☒ YES ☐ NO

(In addition to these meetings, Board Members could be allocated specific duties relating to sub committees and/or be required to provide support to various projects)

5. PLEASE EXPLAIN WHY ARE YOU NOMINATING FOR THE NCPA BOARD

I have been involved with the NCPA for nearly 20yrs. and still have a passion for Community Service and the Parks.

6. CURRENT OR PREVIOUS COMMUNITY/BOARD INVOLVEMENT

- 19yrs. Board member NCPA
- 9yrs Chairman NCPA
- 3yrs CEO NCPA
- 25yrs Member of the B/LIONS CLUB
- current Chairperson of B/L "Timber Shed"

7. PLEASE DESCRIBE THE KNOWLEDGE, SKILLS AND EXPERIENCE THAT YOU POSSESS

WHICH ARE DIRECTLY RELEVANT TO THE ROLE OF THE BOARD

- 7yrs Eng/Manager Angasdon Cement Works
- 15yrs Capital Projects Mgr Adelaide Brighton Cement
- 25yrs community Service
- President LIONS CLUB three times
- Treasurer " " 5yrs
- Chairman NCPA 9yrs

8. RESUME ATTACHED

☐ YES

☒ NO

Signature

G. Martin

Name

GUY MARTIN

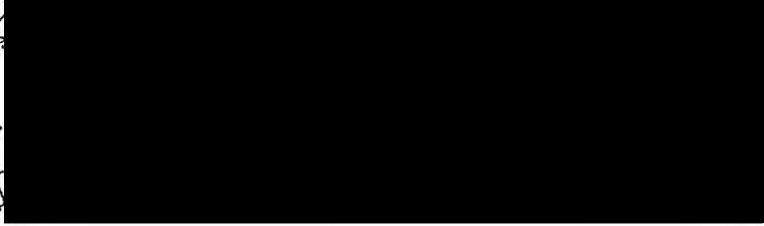
Date

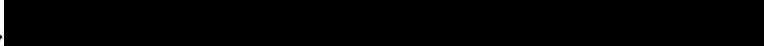
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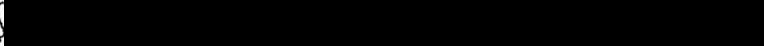
NCPA BOARD MEMBER NOMINATION FORM: 2018-2019

1. CONTACT DETAILS

Name Sara La Nauze

Address 

Telephone 

Email 

2. LENGTH OF POSITION

☒ One Year Position ☐ Two Year Position

3. SKILLS AND KNOWLEDGE

Please indicate your experience in the following areas	Experienced	Not Experienced
Commercial Business Management – Including Financial Management	✓	
Marketing and/or Advertising	✓	
Commercial Management – Including Property Management	✓	
Director or Board Member of a Similar Body	✓	
Community Development & Significant Contribution to a Community Based Organisation		
Local Government Experience at an Elected Member or Senior Officer Level		

4. REQUIRED COMMITMENT

Can you commit to regularly attend Board Meetings (currently held monthly)?

☒ YES ☐ NO

(In addition to these meetings, Board Members could be allocated specific duties relating to sub committees and/or be required to provide support to various projects)

5. PLEASE EXPLAIN WHY ARE YOU NOMINATING FOR THE NCPA BOARD

To continue my support as a board member into 2019.

6. CURRENT OR PREVIOUS COMMUNITY/BOARD INVOLVEMENT

Current board member for NCPA

7. PLEASE DESCRIBE THE KNOWLEDGE, SKILLS AND EXPERIENCE THAT YOU POSSESS WHICH ARE DIRECTLY RELEVANT TO THE ROLE OF THE BOARD

Please see previous application.

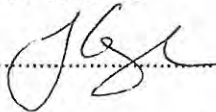
Director Marx Real Estate.

8. RESUME ATTACHED

☐ YES

☒ NO

Signature



Name

Sara La Nauze

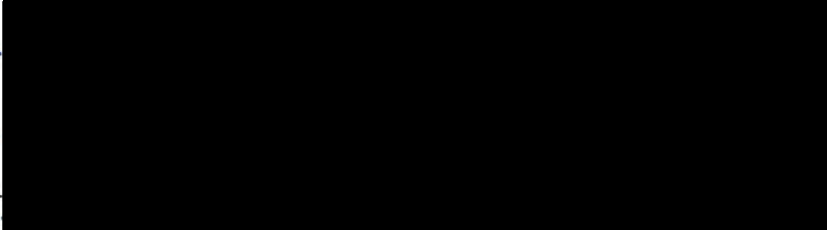
Date

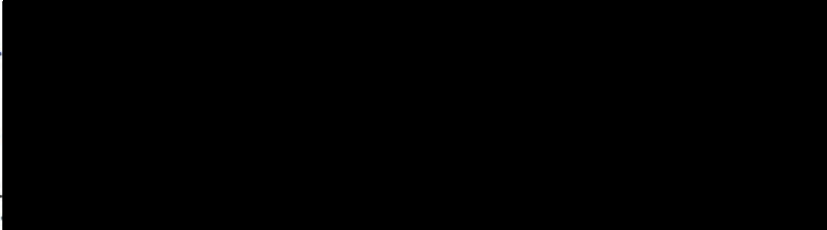
6/9/18

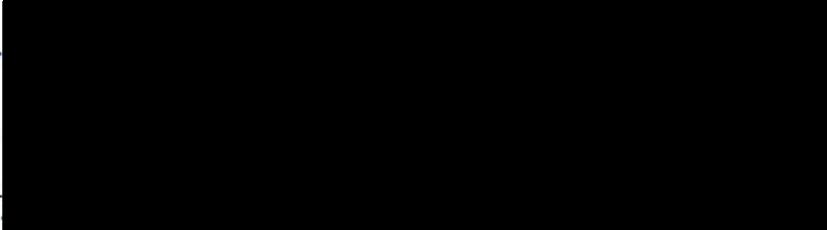
NCPA BOARD MEMBER NOMINATION FORM: 2018-2019

1. CONTACT DETAILS

Name Trevor Schmidt,

Address 

Telephone 

Email 

2. LENGTH OF POSITION

☒ One Year Position ☐ Two Year Position

3. SKILLS AND KNOWLEDGE

Please indicate your experience in the following areas	Experienced	Not Experienced
Commercial Business Management – Including Financial Management	Yes	
Marketing and/or Advertising	No	
Commercial Management – Including Property Management	Yes	
Director or Board Member of a Similar Body	COMPANY SECRETARY	
Community Development & Significant Contribution to a Community Based Organisation	36 years Community Store	
Local Government Experience at an Elected Member or Senior Officer Level	NO	

4. REQUIRED COMMITMENT

Can you commit to regularly attend Board Meetings (currently held monthly)?

☒ YES ☐ NO

(In addition to these meetings, Board Members could be allocated specific duties relating to sub committees and/or be required to provide support to various projects)

5. PLEASE EXPLAIN WHY ARE YOU NOMINATING FOR THE NCPA BOARD

TO CONTINUE MY INVOLVEMENT WITH
THIS COMMUNITY ASSET

I BELIEVE I ADD VALUE TO THE
COMMITTEE.

6. CURRENT OR PREVIOUS COMMUNITY/BOARD INVOLVEMENT

Refer previous application

7. PLEASE DESCRIBE THE KNOWLEDGE, SKILLS AND EXPERIENCE THAT YOU POSSESS
WHICH ARE DIRECTLY RELEVANT TO THE ROLE OF THE BOARD

Refer previous application

8. RESUME ATTACHED

☐ YES

☒ NO

Signature



Name

TREVOR SCHMIDT

Date

3/9/18

COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER REPORT
26 NOVEMBER 2018

7.2.1 DEBATE AGENDA

7.2.1.8

ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY

B7322

Author: Governance Advisor

PURPOSE

To receive, consider and approve the draft Elected Members' Allowances and Benefits Policy at Attachment 1.

RECOMMENDATION

That Council receives, considers and approves the draft Elected Members' Allowances and Benefits Policy, as attached, and makes the following policy decisions:

(1) That the following sub-clauses to clause 4.1 shall be deleted (if required):

...

AND

(2) That allowances shall be paid in instalments up to 3 months in arrears of each month in respect of which an instalment is payable

OR

(3) That allowances shall be paid in instalments up to 3 months in advance of each month in respect of which an instalment is payable

REPORT

Background

The Elected Members' Allowances and Benefits Policy sets out the allowances, reimbursement of expenses and the provision of benefits by Council to the Elected Members. The Policy lapses upon the general elections and is required to be reviewed and presented to Council following an election.

Introduction

In accordance with section 77 of the *Local Government Act 1999* (the "Act"), Council's policy regarding Elected Members' allowances and benefits lapsed at the conclusion of the general election of Council.

A revised policy is presented to Council for its consideration at Attachment 1. The supporting administrative process is presented for the Elected Body's information at Attachment 2, however, the process will be further reviewed and approved by the

Chief Executive Officer in accordance with his role to determine Council's administrative matters.

Discussion

Elected Member allowances for The Barossa Council are determined by the Remuneration Tribunal of South Australia's Determination 6 of 2018 at [Attachment 3](#). These allowances will be adjusted annually on the first, second and third anniversary of the 2018 local government election to reflect changes in the Consumer Price Index, as defined by section 76(15) of the Act.

The draft Policy has been updated to:

- include updated financial figures released by the Remuneration Tribunal of South Australia in its Determination 6 of 2018.
- implement improved process changes;
- allow for Council to make policy decisions; and
- make minor corrections

At clause 4.1, Council is asked to make a decision on whether any of the sub-clauses relating to the overarching principles of the Policy should be deleted.

The Barossa Council has previously paid allowances in instalments up to 3 months in arrears of each month in respect of which an instalment is payable. At clause 4.2.4, Council may decide whether allowances are paid in arrears or in advance.

The Policy has been reviewed by Council's Audit Committee and endorsed in principle.

Summary and Conclusion

Council is asked to received, consider and approve the Elected Members' Allowances and Benefits Policy and make decisions regarding clauses 4.1 and 4.2.4 of the Policy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

[Attachment 1](#)- draft Elected Members' Allowances and Benefits Policy

[Attachment 2](#) – draft Elected Members' Allowance Payment and Expense Reimbursement Process

[Attachment 3](#) - Remuneration Tribunal of South Australia - Determination 6 of 2018 and supporting Report

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999 – sections 76-79

Local Government (Accountability and Governance) Amendment Act 2015

Local Government (Members Allowances and Benefits) Regulations 2010

Income Tax Assessment Act 1997- section 28.25 (Cth)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Important issues of transparency, consistency and public confidence in Council process attach to the adoption of this Policy. Elected Members, too, can be confident in the protections afforded by the allowances, mandatory reimbursements and discretionary reimbursements, which allow the Members to undertake their Council duties to the best of their abilities without being financially compromised.

COMMUNITY CONSULTATION

This Policy is based on Local Government Act provisions and best practice guidelines from the Local Government Association which both act in the best interests of transparency to the public. The allowances paid to Elected Members are in accordance with the Act and pursuant to the Remuneration Tribunal South Australia's most recent Determination. Further, the Register of Elected Member Allowances and Benefits is a public document. Accordingly, officers contend that no public consultation is required in this matter as public interest is already being protected.

THE BAROSSA COUNCIL

ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY



Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	14/11/2014 19/04/2016
Document Control Officer:	Governance Advisor	Current Approval Date:	DD/MM/YYYY
HPE Content Manager Ref:	IX/XXXX14/43871	Next Review Date:	Next Periodic Election

1. Purpose

1.1 The Barossa Council ("Council") will ensure that the payment of its Elected Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").

1.2 This Policy sets out:

- the provisions of the Act and Regulations in respect of Elected Member allowances, reimbursement of expenses and support;
- the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made [\(pursuant to Section 77\(1\)\(b\) of the Act\)](#); and
- the information that must be recorded within Council's Register of Elected Members' Allowances and Benefits to ensure compliance with the Act.

2. Scope

2.1 This Policy applies to all Elected Members, including the Mayor.

2.2 This Policy involves those benefits given to the Mayor and Elected Members by Council. Receipt of benefits from persons or groups outside of Council will be managed in accordance with Sections 3.7 – 3.10 of the mandated Code of Conduct for Council Members [dated 18 August 2013](#).

3. Definitions	
Elected Members	All Elected Members , and includes the Mayor unless stated otherwise
Eligible Journey	A journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place

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Elected Members' Allowances and Benefits Policy approved by Council on [**](#) Page 1 of 9

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	of a Prescribed Meeting.
Function or Activity on the Business of Council	Includes official functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, dinners , official visits, inspection of sites within the Council area which relate to Council or Committee agenda items, meetings of community groups and organisations as a Council representative (but not to attend meetings of community organisations when fulfilling the role as a member of the Board).
Prescribed Committee	A committee that endures, irrespective of whether Council has assigned any particular work for the committee to perform, and assists Council or provides advice to Council in any of the following areas or combination of: Audit, CEO performance review; Corporate Services; Finance; Governance; Infrastructure and Works; Risk Management; Strategic Planning and Development. Council's Section 41 Committees are enduring and therefore Prescribed Committees.
Prescribed Meeting	A meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the <u>Elected</u> Member.

4.	Policy Statement
----	------------------

4.1 Principles

4.1.1 Elected Members should not be out of pocket as a result of performing and discharging their Council functions and duties. To assist Elected Members in performing their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this Policy.

4.1.2 Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official functions and duties, which will be assessed in accordance with their defined role in the Act.

4.1.3 Council encourages continued professional training and development for Elected Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.

4.1.4 Council is accountable to its community for the use of public monies.^[RM11]

4.2 Allowances

4.2.1 Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis before the designated day in relation to each periodic election held under the *Local Government (Elections) Act 1999*.

4.2.2 An allowance determined by the Remuneration Tribunal will be payable for the period:

- (i) _____commencing at the conclusion of the relevant periodic election; and
- (ii) _____concluding at the time at which the last result of the next periodic election is _____certified by the returning officer under the Local Government (Elections) Act _____1999 (including in respect of a member of the Council for whom the _____conclusion of the next periodic election is, for other purposes, the last _____business day before the second Saturday of November of the year of the _____periodic election as a result of the operation of section 4(2) (a) of that Act).

4.2.3 Elected Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic election to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.

4.2.4 Allowances will be paid in instalments up to 3 months in arrears of each month in respect of which an instalment is payable.[RM2]

_____4.2.5 An additional allowance in the form of a sitting fee is also payable for Elected_____Members who are Chairpersons of other Council committees – however, this _____allowance is not available to the ~~Mayer~~ or Deputy Mayor or the Deputy Chairperson of a _____Prescribed Committee.

4.2.6 An allowance under clause 4.2 is to be paid in accordance with any requirement_____set out in the Regulations (unless the Elected Member declines to accept payment_____of an allowance in accordance with section 76(12) of the Act).

4.2.7 Pursuant to the determination made by the Remuneration Tribunal, Elected Members (excluding the Mayor) are eligible for payment for a Travel Time allowance where the Elected Member's:

(i) _____usual[RM3] place of residence is within ~~the relevant~~ Council [DJ4][RM5]area and _____is located _____at _____least 30kms but less than 50km or more distance from Council's _____principal office, via the nearest route by road - \$~~410336~~ per annum; or

(ii) _____usual place of residence is within ~~the relevant~~ Council area and is located at least 50 km but less than 75 km_____50km or more distance from Council's principal office, via the nearest _____route by road - \$~~700560~~ per annum; or

(iii) _____usual place of residence is within Council area and is located at least 75 km [DJ6][RM7]but less than 100km distance from the Council's principal office, via the nearest route by road - \$1,050; or

(i) _____

~~(iii)~~(iv) usual place of residence is within the relevant Council area and is located _____ 100km or more distance [DJ8][RM9] from Council's principal office, via the nearest _____ route by road - \$~~1120~~ 1,490 per annum.

_____ If eligible, this payment will be automatically made to an Elected Member in _____ addition to any entitlement to reimbursement of travel expenses incurred.

4.3 Mandatory Reimbursements under section 77(1)(a) of the Act

- 4.3.1 Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected Member for travel *within* the Council area and associated with attendance at a Prescribed Meeting (section 77(1)(a) of the Act).
- 4.3.2 Reimbursement for travel expenses is restricted to Eligible Journeys, provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area. Accordingly, any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act. [For reimbursement for travel *outside* the Council area, refer to clause 4.6].
- 4.3.3 Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.
- 4.3.4 Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, but is still limited to Eligible Journeys by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 4.3.5 Elected Members may aggregate claims for reimbursement of expenses that relate to Eligible Journeys that do not exceed 20 kilometres and then claim reimbursement for them on a quarterly basis in accordance with the process outlined in clause 4.5.
- 4.3.6 Elected Members are entitled to reimbursement for child and/or dependent care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a Prescribed Meeting. Child and/or dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

4.4 Council-Approved Reimbursements under section 77(1)(b)

4.4.1 The additional prescribed expenses incurred by Elected Members, which do not fall _____ within the categories of allowances or mandatory reimbursements outlined above, _____ but which have been approved

by Council for reimbursement under section _____77(1)(b) of the Act are as follows:

~~(i)~~ _____ an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;

~~(ii)~~ _____ travelling expenses incurred by the Elected Member as a consequence of _____ the Elected Member's attendance at a Function or Activity on the Business of _____ Council other than for which the Member is reimbursed under section _____ 77(1)(a) of the Act;

~~(i)~~ _____

~~(iii)~~ _____ travelling expenses incurred by the Member in undertaking an Eligible Journey to the extent that those expenses are attributable to travel *outside* the area of the Council;

~~(iii)~~ _____

~~(iii)~~~~(iv)~~ _____ expenses for the care of (i) a child of the Member; or (ii) a dependent of the Member, requiring full-time care which is incurred by the Member as a consequence of the Member's attendance at a Function or Activity on the Business of Council, other than for which the Member is reimbursed under section 77(1)(a) of the Act; and

~~(iv)~~~~(v)~~ _____ expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of an Elected Member, other than for which the Member is reimbursed under section 77(1)(a) of the Act.

4.4.2 Reimbursement of travel expenses in this clause is restricted to the shortest or most practicable route.

4.4.3 Travel by taxi, bus, airplane or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Elected Member's attendance at a Function or Activity on the Business of Council.

Domestic air travel is restricted to economy class fare and international air travel is restricted to either economy or, where the flight time is greater than 8 hours, then business class fare (the latter subject to budget allocation).

4.4.4 Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.

4.4.5 Car parking fees will be reimbursed where they are a consequence of an Elected Member attending a Function or Activity on the Business of Council.

4.5 Process for Reimbursement

4.5.1 To receive reimbursement:

~~for prescribed travel and care expenses under section 77(1)(a) of the Act and described in clause 4.3 above, each Elected Member must complete an Elected Member's Mandatory Reimbursements Claim Form 1, and~~

~~for Council approved additional expenses under section 77(1)(b) and described in clause 4.4 above, each Elected Member must complete an Elected Members' Council-Approved Reimbursements Claim Form 2~~

_____ and submit ~~them~~ it to the Manager, Financial Services on the last business day of _____ each quarter in accordance with the *Elected Members' Allowance Payment and _____ Expense Reimbursement Process*.

4.6 Facilities and Support

4.6.1 In addition to allowances and the reimbursement of expenses, and pursuant to section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected Members including the Mayor to assist them in performing or discharging their official functions and duties:

(i) _____ Mobile telephone standard model from Council's Information and _____ Communication Technology's service catalogue, plan, call costs, and _____ accessories (ie charger, case) - however if Elected Member purchases their _____ own mobile telephone Council will reimburse the mobile phone plan and _____ call costs up to \$50 per month and accessories (reasonable private usage is _____ acceptable, subject to clause 4.6.4)

(ii) _____ Tablet-based device, including Council business-related applications, and mobile data plan charges

(iii) _____ Printing support, available upon request, in terms of:

- 3 reams of paper per year for plain paper printer;
- 3 black ink cartridges per year;
- a printer purchased by Council for use at the Member's residence;

or alternatively, access to a dedicated Elected Members' Office where a Member can print documents

~~(ii)~~(iv) Meals and refreshments where appropriate while attending Council meetings, Council committee meetings, briefings and workshops

(v) Name badge
~~(iii)~~

(vi) Council business cards

~~(iii)~~

(vii) Insurance – section 80 of the Act requires that Council insures its Elected Members against risk associated with the performance or discharge of their official duties. Members and their partners/spouses are covered under the following Council insurance policies while engaged in or on any activity directly or indirectly connected with or on behalf of Council, travelling to and from such activity:

~~(iv)~~

- Personal Accident Liability,
- Personal Effects Property Cover and
- Elected Member's travel.

4.6.2 The provision of facilities and support in clause 4.6.1 will be made available to all Elected Members, including the Mayor, on the basis that:

(i) (i) such provision is necessary or expedient for the Elected Member to perform or discharge his/her official functions or duties;

(ii) the facilities remain the Council's property regardless of whether they are used off site or not and will be returned to Council at the end of each term in office, or earlier at the request of the Chief Executive Officer when an upgrade is scheduled;

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

(iv) each Elected Member is solely responsible for those facilities released into their care and/or control during their term in office – if

the _____ facility _____ is
_____ damaged or lost, the Elected Member should provide
a written report to _____ the CEO to assist in the
insurance claim; and

- (v) the _____ technical support for all Information and Communication
_____ Technology (ICT) resources in clause 4.6.1 (i)-(iii) will be
conducted by the _____ Knowledge and
Technology Services team at Council's principal office.

4.6.3 In addition to facilities and support outlined in clause 4.6.1, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following to assist them in performing and discharging their official functions and duties:

- (i) _____ An appropriate motor vehicle fully maintained including fuel card for Council- and Local Government Association-related business, to a total limit of 20,000km per year subject to:

~~(i)~~

- Council's *Motor Vehicle Policy* and
- Any usage of the vehicle for private purposes will require the Mayor to reimburse the Council the additional costs or expenses at 20 cents per
~~kilometre~~ kilometer

- (ii) Administrative support in accordance with Council's budget

- (iii) _____ All reasonable and incidental private costs incurred with the provision of the Council mobile telephone

~~(iii)~~

- (iv) A purchasing card with a monthly limit of \$2000 to facilitate any authorised expenditure pursuant to this Policy. The monthly statements provided by Council's bank will be reconciled, reviewed and then authorised by the Chief Executive Officer to ensure compliance with this Policy.

4.6.4 The use of Council facilities, support and/or services by Elected Members for election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of an Elected Member's official functions or duties under the Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Act.

4.7 Other Reimbursements

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

4.8 Register of Elected Members' Allowances and Benefits

4.8.1 Pursuant to section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which he or she will ensure on a quarterly basis that a record is kept of—

~~(i)~~ the annual allowance payable to an Elected Member;

~~(i)~~

~~(ii)~~ any expenses reimbursed under section 77(1)(b);

~~(ii)~~

~~(iii)~~ other benefits paid or provided for the benefit of the Elected Member by the Council;

~~(iii)~~

~~(iv)~~ any changes in the allowance or benefit payable to or provided for the benefit of Elected Members; and

~~(iv)~~

(v) provisions of a reimbursement or benefit not previously recorded in the Register.

4.8.2 Mandatory travel and care reimbursements paid under section 77(1)(a) of the Act are not required to be recorded in the Register.

4.8.3 The Register is available for inspection by members of the public, free of charge, at Council's Principal Office during ordinary business hours. Copies or extracts of the Register are available for purchase upon payment of a fixed fee (as detailed in Council's Fees and Charges Register).

4.9 Breach of this Policy

4.9.1 Any breach of this Policy will be managed in accordance with Council's Code of Conduct for Council Members, and, where appropriate, by Council's Complaint Handling Process under the Code of Conduct for Council Members.

5. Supporting Documentation

Register of Elected Members' Allowances and Benefits

Elected Member Reimbursement Claim Form RM11's Mandatory Expenses Reimbursement Claim Form 1

Elected Member's Council-Approved Expenses Reimbursement Claim Form 2

Elected Members Allowance Payment and Expense Reimbursement Process

6. Related Policies and Codes

Caretaker Policy

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Elected Members' Allowances and Benefits Policy approved by Council on ** Page 9 of 9

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7. Legislation and References

Local Government Act 1999 – sections 76-79
Local Government (Accountability and Governance) Amendment Act 2015
Local Government (Members Allowances and Benefits) Regulations 2010
Income Tax Assessment Act 1997- section 28.25 (Cth)
Determination 67 of the Remuneration Tribunal 20184 – [Allowances for Members of Local Government Councils](#)
Fees and Charges Register

8. Review

This Policy will lapse at the next general election at which time the new Council will be required to adopt a new policy dealing with Elected Member's allowances, reimbursements and benefits, but in the meantime, will be reviewed in the case of legislative changes.

9. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

Any complaint in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

Signed:
Mayor [**]

Dated:.....

10.	Policy Version History
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Version No:	Approval Date:	Description of Change:
1.0	14/11/2014	New Policy for new Council
2.0	19/4/2016	Inclusion of new clause 4.2.2 as a result of changes from Local Government (Accountability and Governance) Amendment Act 2015 and inclusion of 4.6.1 limited monthly telephone costs and 4.6.3(iv) purchasing card for Mayor. See Council Report 19 April 2016.
3.0	[**]	Review and adoption of Policy following expiration of Policy in accordance with Section 77(2) of the Local Government Act 1999. See Council Report [**date**]

THE BAROSSA COUNCIL

ELECTED MEMBERS' ALLOWANCE PAYMENT AND EXPENSE REIMBURSEMENT PROCESS



<u>Corporate Plan Link:</u>	<u>6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.</u>		
<u>Process Owner:</u>	<u>Chief Executive Officer</u>	<u>Previous Approval Date(s):</u>	<u>18/11/2014</u>
<u>Document Control Officer:</u>	<u>Manager, Financial Services</u>	<u>Current Approval Date:</u>	<u>DD/MM/YYYY</u>
<u>HPE Content Manager Ref:</u>	<u>1X/XXXX</u>	<u>Next Review Date:</u>	<u>Next Periodic Election</u>

1. Overview

This Process informs the steps required manage payments to the Elected Members of their prescribed allowances and reimbursement of expenses in accordance with the Local Government Act 1999 ("the Act") and Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations") and the Elected Members' Allowances and Benefits Policy ("Policy").

2. Core Components

- 2.1 Elected Member Allowance
- 2.2 Elected Member Reimbursements
- 2.3 Processing of Allowance and Reimbursement Claims in Finance One
- 2.4 Updating of Register
- 2.6 Statement of Earnings

3. Definitions

Elected Members	Includes the Mayor unless stated otherwise
Quarter	For the application of this process, Quarter means the following: 18 November to 17 February; 18 February to 17 May; 18 May to 17 August and 18 August to 17 November

4. Process

4.1 Elected Members' Allowances

- 4.1.1 The Elected Members' Allowances are set by the Remuneration Tribunal on a four- yearly basis prior to the Local Government Elections. This information is forwarded to Council by via Gazette and also LGA Circulars around July preceding the periodic election.

Elected Members' Allowance Payment and Expense Reimbursement Process
approved by the Chief Executive Officer on 18 November, 2014

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- 4.1.2 Upon the appointment of the Council following the periodic election – a calculation is made by the Manager, Financial Services for each Elected Member (except for the Mayor) as to the distance between their place of residence and the Council's Principal Office at Nuriootpa, and as per clause 4.2.76 of the Policy, a Travel Time Allowance is paid annually in arrears to the eligible Elected Member.
- 4.1.3 Annually on the 1st, 2nd and 3rd anniversaries of the relevant periodic election, the Elected Members Allowances are to be adjusted by the Manager, Financial Services to reflect changes in the Consumer Price Index using the All Groups Index for Adelaide – September quarter.
- 4.1.4 On receipt of the LGA circulars advising of the allowances as well as the anniversary increases, the Manager, Financial Services will update the payment vouchers for each of the Elected Members ready for payment.
- 4.1.5 The payment vouchers are to be forwarded to the Chief Executive Officer (CEO) for review and authorisation prior to being handed to the Accounts Payable Officer for processing of the payments.
- 4.1.6 The CEO will prepare a Consensus Agenda item for the next Council meeting confirming these arrangements.

4.2 Elected Member Reimbursements

- 4.2.1 14 days before the last business day of each Quarter, the Manager, Financial Services will send an e-mail reminder with attached Elected Member Reimbursement Claim Forms 1 and 2 to the Elected Members (and copy the CEO into the email for his/her information).
- 4.2.2 If reimbursements are being sought, the Elected Member correct Reimbursement Claim Form is to be completed by the Elected Member, signed and returned to the Manager, Financial Services by the last -business day of the relevant Quarter, with all the Forms to have attached to them the originals of invoices which support any claim for reimbursement.
- 4.2.3 The Manager, Financial Services will review each Elected Member's Reimbursement Form(s) and supporting tax invoices and calculate the final reimbursement claim amount which will include the reimbursement for kilometres travelled in a private vehicle.
- 4.2.4 Should the requirement of clause 4.2.2 not be met, or if the Form(s) has/have not been received, the CEO will liaise directly with the Elected Member to resolve any disparities.
- 4.2.5 Once the Manager, Financial Services has determined that the Form(s) has/have met the requirement of clause 4.2.2, s/he will forward the completed Forms to the CEO for final review and authorisation for payment.
- 4.2.6 The Form(s) and supporting tax invoices must then be forwarded to the Accounts Payable Officer for processing.

4.3 Processing of Allowance and Reimbursement Claims in Finance One

Elected Members' Allowance Payment and Expense Reimbursement Process
approved by the Chief Executive Officer on 18 November, 2014 

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4.3.1 The Accounts Payable Officer will process any completed and appropriately authorised Allowance Payment Vouchers and any Forms for payment in Finance One in the next available payment run (Forms received by Tuesday lunchtime will ensure that payment will be received the Elected Member on Friday of that same week). All Elected Member transactions will be itemised within their customised project journals.

4.3.2 On completion of the payment, the Accounts Payable Officer will email the remittance advice to each Elected Member.

4.4 Updating of Register

4.4.1 During the relevant quarter, the Executive Assistant to the CEO and Mayor (EA, CEO/Mayor) will ensure that the provision of meals and refreshments, and stationery as itemised in clause 4.6.1 (iii) of the Policy for each Elected Member will be costed to their customised project ledger numbers in Finance One.

4.4.2 During the relevant quarter, the Manager, Knowledge and Technology Services will ensure that the provision of Information and Communication Technology facilities and support as itemised in clause 4.6.1 (i)-(iii) of the Policy for each Elected Member will be costed to their customised project ledger numbers in Finance One.

4.4.3 The Manager, Financial Services will run the XL One "Elected Members Register of Allowances and Benefits" ('the Register') report and ensure the various itemised project journals balances to the Elected Members Transaction list for the same period.

4.4.4 Once the Register has been updated and signed by the CEO, the EA/CEO and Mayor will save the Register into TRIM.

4.5 Statement of Earnings

On an annual basis as at the end of June, a Statement of Earnings is provided to the Elected Members. This Statement of Earnings together with a covering letter is completed by the end of July by the Manager, Financial Services and aligns with the Register.

Included in the Statement are the Allowance and Mandatory and Council Approved Reimbursements paid to the Elected Member for Council-related duties. Those benefits received by the Elected Member which are paid for by Council are not included in the Statement.

5. Responsibilities

Elected Members will complete and sign Elected Members Reimbursement Claim Forms in accordance with the Policy.

CEO will review and authorise payment of Allowances and Reimbursements in accordance with the Policy and review Register on a quarterly basis.

Accounts Payable Officer will make payment on completed and appropriately authorised Allowance and Elected Member Reimbursement Claim Forms.

Manager Financial Services will initiate the process, update the Allowance Payment Vouchers calculate the CPI increase for the 1st, 2nd and 3rd anniversaries, calculate Reimbursements and complete the annual Statement of Earnings for each Elected Member.

EA to CEO/Mayor and Manager, Knowledge and Technology Services will update Register during quarter to reflect (respectively) meals and stationery costs; and technology costs.

6. Training

Elected Members will be made aware of this Process during their Induction by the CEO.

Staff members involved in this process will be trained by the Manager, Financial —Services.

7. Related Documents

Elected Members' Allowances and Benefits Policy
 Register of Elected Members' Allowances and Benefits
 Elected Member's Mandatory Reimbursements Claim Form 1
 Elected Member's Council-Approved Reimbursements Claim Form 2
 Elected Members' Project Ledger Number Summary

8. References

Local Government Act 1999 (sections 77(1)(a)(b))
 Local Government (Members Allowances and Benefits) Regulations 2010 (Regulation 5 and 6)

9. Review

This Process shall be reviewed by the CEO in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council needs change.

SIGNED: DATE:

.....

— Chief Executive Officer

The Barossa Council

10. Process Version History

<u>Version No:</u>	<u>Approval Date:</u>	<u>Description of Change:</u>
<u>1.0</u>	<u>18/11/2014</u>	<u>New Process</u>
<u>2.0</u>	[**]	<u>Review and adoption of Process following expiration of Policy in accordance with Section 77(2) of the Local Government Act 1999. See Council Report [**date**] with respect to adoption of the Policy.</u>


Elected Members' Allowance Payment and Expense Reimbursement Process
 approved by the Chief Executive Officer on ~~18 November, 2014~~ **[**]**

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The Barossa Council

Elected Members' Allowance Payment and Expense Reimbursement Process
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No. 6 of 2018

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

SCOPE OF DETERMINATION

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

INTERPRETATION

3. In this Determination, unless the contrary appears:

"Committee" means a committee established by a council in terms of section 41 of the Act.

"Councillor" means a person appointed or elected as a member of a local government council under the Act.

"Principal Member" means a principal member under the Act.

"Prescribed Committee" means for the purposes of this determination, a committee that endures, irrespective of whether the council has assigned any particular work for the committee to perform and assists the council or provides advice to the council in any of the following areas or any combination thereof:

- Audit
- Chief Executive Officer performance review
- Corporate services
- Finance
- Governance
- Infrastructure and works
- Risk management
- Strategic planning and development

ALLOWANCES

4. **Councillors**

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

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

Council Groups are provided in Appendix 1.

5. **Principal Members**

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

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

The annual allowance for a councillor who is a deputy mayor or deputy chairperson, or the presiding member of a prescribed committee or more than one prescribed committees established by a council, will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.

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

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

TRAVEL TIME ALLOWANCE FOR MEMBERS OF NON-METROPOLITAN COUNCILS

- An allowance of \$410 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.
- An allowance of \$700 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 75 kms** from that council's principal office, via the most direct road route.
- An allowance of \$1,050 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 75 kms but less than 100 kms** from that council's principal office, via the most direct road route.
- An allowance of \$1,490 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.
- The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.

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

DATE OF OPERATION

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



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 30th day of August 2018

Appendix 1 – Council Groups

GROUP 1A

City of Charles Sturt
City of Onkaparinga
City of Port Adelaide Enfield
City of Salisbury

GROUP 1B

City of Holdfast Bay
City of Marion
City of Mitcham
City of Playford
City of Tea Tree Gully
City of West Torrens

GROUP 2

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

GROUP 3

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

GROUP 4

Adelaide Plains Council (formerly Mallala)
Corporation of the Town of Walkerville
District Council of Coorong
District Council of Grant
District Council of Lower Eyre Peninsula
District Council of Yankalilla
District Council of Renmark Paringa
Kangaroo Island Council
Northern Areas Council
Regional Council of Goyder
Wakefield Regional Council

GROUP 5

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

Appendix 2 – Non – Metropolitan Councils

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



No. 6 of 2018

REPORT OF THE REMUNERATION TRIBUNAL
ALLOWANCES FOR MEMBERS OF LOCAL GOVERNMENT COUNCILS

INTRODUCTION

1. This Report concerns a Determination made by the Remuneration Tribunal ("the Tribunal").
2. The Tribunal has made two Determinations which prescribe allowances to which persons elected or appointed as members of Councils established under legislation constituting Local Government are entitled to be paid.
3. The two Determinations are as follows.
 - Determination 6 of 2018 prescribes allowances payable to members of Councils constituted under the *Local Government Act 1999* ("the Act").
 - Determination 7 of 2018 establishes allowances payable to members of the Adelaide City Council.
4. This Report is in respect of Determination 6 of 2018.
5. Determination 7 of 2018, which prescribes allowances payable to members of the Council of the City of Adelaide, is subject to a separate Report in relation to that Determination.

BACKGROUND

6. The Act and the *City of Adelaide Act 1998* direct the Tribunal to determine allowances payable in relation to the offices held by members of Councils on a 4 yearly basis.
7. The scheme of the legislation is that the allowances to which members of Councils will be entitled during a term of office should be determined prior to the periodic elections held under the *Local Government (Elections) Act 1999*. The date for the close of nominations for the conduct of such elections is 18 September 2018. The relevant provisions of the Act require the Tribunal to have made such a Determination 14 days before that date. The term of the offices for which the election is to be held is 4 years.
8. Clearly, the intention is to inform persons eligible for election who may be considering nomination to know what the allowance(s) payable in respect of an office(s) will be in the event they are elected. This certainty is reinforced by statutory provisions which index adjustments to the amounts of the allowances so determined by the Tribunal, during the term of office for which the election is held.

9. The establishment of the statutory scheme under which the Tribunal makes such a Determination occurred with the passage and enactment of the relevant legislation¹ which commenced operation on 14 January 2010.

NATURE OF THE ALLOWANCES

10. It is appropriate to make some observations concerning the nature of the allowances contemplated by the Act.
11. By the provisions of section 76 of the Act, the nature of the Determination to be made by the Tribunal is to create an entitlement for members of Councils to be paid what is described as an allowance, in the nature of a fee, as defined by the *Remuneration Act 1990*. That definition is set out below:

“remuneration includes—

- (a) salary; and*
- (b) allowances; and*
- (c) expenses; and*
- (d) fees; and*
- (e) any other benefit of a pecuniary nature;”*

(emphasis added to original)

12. Clearly, the legislature has discretely identified the allowances of members of Council under subparagraph (d), as opposed to sub paragraph (b) of the definition of remuneration in that Act. Accordingly, it is appropriate to understand the purpose of that distinction when considering the nature of the allowances to be determined.
13. In the relevant context, in particular having regard to the provisions of section 76 of the Act as a whole and the functions of Councils, as prescribed by section 7 of the Act, the use of the word “fee” denotes a payment akin to that paid for counsel or advice provided in relation to the decisions and actions of Councils in the performance of their statutory responsibilities, including a representative function within that decision making process.
14. The provisions which govern the Tribunal’s determination of the relevant allowances are set out more extensively later in this report.
15. It is clear from those provisions that the legislature views the appropriate level of allowances as related to the scale of the undertakings of Councils and presumably the associated complexity and consequence of discharging the necessary functions of the various Councils.
16. This has been recognised by the Tribunal’s previous reviews by the grouping of Councils and the determination of commensurate allowances on a scale, having regard to the provisions of subparagraph (b) of subsection (3) of Section 76 of the Act.

THE NATURE OF THE ALLOWANCES AND THE ROLE OF ELECTED MEMBERS

17. Local government bodies are fortunate to attract Council members from all walks of life. The rate of remuneration received for their efforts in the usual vocations of persons elected or appointed as Councillors would usually be higher than that reflected by the allowances which have been historically applicable under the Tribunal’s Determinations. Clearly, there is a significant component of public service by Council members for which the fee, described as an allowance, is paid. As subparagraph (c) of subsection (3) of section 76 of the Act makes clear, the allowance to be determined is not to be in the nature of an amount payable like a salary or, by analogy, a wage. The allowance is not the subject of statutory superannuation and the Tribunal has previously satisfied itself that it lacks jurisdiction to provide for such.

¹ *Statutes Amendment (Council Allowances) Act 2009*

18. Prior to the first Determination of the relevant allowances by the Tribunal, Councils determined the allowances payable to their members and officers.
19. In the course of the Report in relation to the Tribunal's first Determination of the relevant allowances the following conclusion, among others, was stated:

"6.3 Voluntary nature of work undertaken by council members

6.3.1 The Tribunal understands that the relevant local government legislation reinforces the notion that a council member is a voluntary role and is not paid employment. In addition, the allowances determined are not intended to amount to a salary and qualifications are not required to undertake the role of a council member."

THE PREVIOUS DETERMINATIONS

20. The first Determination made by the Tribunal was issued on 23 August 2010. A five level structure of annual allowances payable to elected members was established. Councils were classified within those levels, broadly in line with a composite, although not strictly formulaic, ranking of the area, population and revenue of Councils, having regard to the representative role of elected members accordingly.
21. On 28 July 2014, the Tribunal made two Determinations. On that occasion, the Tribunal considered it appropriate to make a separate Determination in respect of allowances payable to members of the Adelaide City Council. The five level structure was maintained for Councils other than the Adelaide City Council. However, the Tribunal subdivided Level 1 of the 5 level structure to create levels 1(a) and 1(b) with different levels of allowance.
22. Those Determinations and the accompanying Reports are available on the Tribunal's website.

2010 REVIEW OF ALLOWANCES

23. The initial Report and Determination of the Tribunal was significantly formative of the framework of allowances currently operating under the Tribunal's Determination 7 of 2014, in respect of Councils constituted under the Act.
24. In 2010, the Tribunal received 65 written submissions, including 25 from Councils. Submissions were received from the Local Government Association, current and past members of Councils and members of the public. The Tribunal also conducted three sittings for the purposes of hearing oral submissions and independently sought information from the Local Government Association, the Office of State/Local Government Relations in the Department of Local Government, the South Australian Local Government Grants Commission, the Boards and Committees Unit of the Department of the Premier and Cabinet and the Australian Institute of Company Directors.
25. The 5 level structure provided annual allowances for a Councillor who is not a principal member (within the meaning of the Local Government Act or the Lord Mayor under the City of Adelaide Act), a Deputy Mayor, Deputy Chairperson or Presiding Member, for each of the 5 levels.
26. The 2010 Determination provided that the allowance payable to Principal Members of a Council, except the Lord Mayor of the City of Adelaide, would be four times the annual allowance for Councillors of that Council. For Deputy Mayors, Deputy Chairpersons or Presiding Members of one or more standing committees established by a Council, the annual allowance was determined as 1.25 times the annual allowance for Councillors of that Council.
27. For the Lord Mayor of the City of Adelaide the annual allowance was determined at 7 times the annual allowance for a member of that Council.
28. Additionally, a travel time payment was determined, which was applicable to members of non-metropolitan Councils.

2014 REVIEW OF ALLOWANCES

29. As already noted, in addition to making a discrete Determination in respect of the Adelaide City Council, in 2014, the Tribunal amended the structure determined in 2010 so as to create a subdivision of level 1 into levels 1(a) and 1(b).

STATUTORY PROVISIONS

30. The principal provisions of the Act which direct the Tribunal's consideration for the purpose of the making of a Determination are set out in Section 76, in particular subsection (3) of that Section. The counterpart provisions of Section 24 of the *City of Adelaide Act 1998* are relevantly identical.
31. Having regard to the infrequency of the Tribunal's determination of the relevant allowances, it is informative to include the provisions of Part 5 of Chapter 5 of the Act, which are attached with this Report. Those provisions deal with various matters of a pecuniary nature attached to the entitlement of a person elected or appointed to office as a member of a Council constituted under the Act. However, it is convenient to reproduce the provisions of section 76 of the Act, which contain the provisions which direct the Tribunal's considerations for the purposes of the required Determination.

76—Allowances

- (1) *Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*
- (2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*
- (3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*
 - (a) *the role of members of council as members of the council's governing body and as representatives of their area;*
 - (b) *the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*
 - (c) *the fact that an allowance under this section is not intended to amount to a salary for a member;*
 - (d) *the fact that an allowance under this section should reflect the nature of a member's office;*
 - (e) *the provisions of this Act providing for the reimbursement of expenses of members.*
- (4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of **remuneration** in the Remuneration Act 1990.*
- (5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*
 - (a) *allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and*
 - (b) *allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.*
- (6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may*

care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).

- (7) *The rates of allowances may vary from office to office, and from council to council.*
- (8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*
 - (a) *commencing on the conclusion of the relevant periodic election; and*
 - (b) *concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).*
- (9) *An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.*
- (10) *Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.*
- (11) *Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.*
- (12) *An allowance under this section is to be paid in accordance with any requirement set out in the regulations (unless the member declines to accept payment of an allowance).*
- (13) *Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.*
- (14) *Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.*
- (15) *In this section—*

Consumer Price Index *means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;*

designated day, *in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.*

- 32. It will be observed from a reading of the attached provisions, the Act provides various supports for persons elected as a member of a Council, of which the allowances determined by the Tribunal form part. In this context, it is appropriate to recall that in addition to allowances previously determined to be payable on an annual basis, an entitlement to an allowance for time spent travelling by certain members of Councils in regional areas is a feature of the scheme in operation at the time of making the Determination to which this Report relates. Those entitlements in respect of time spent travelling by non-metropolitan Council members are dealt with more specifically elsewhere in this Report.
- 33. It was appropriate to have regard to all of the relevant statutory provisions which form Part 5 of Chapter 5 of the Act, and the Reports and Determinations made in 2010 and 2014 when considering the Determination to be made on this occasion. The actual level of support provided pursuant to sections 77, 78, 79 and 80 of the Act is not for the Tribunal to determine and is largely within the discretion of a Council, subject to the statutory governance of the matters dealt with by those provisions of the Act, including Regulations

made in accordance with the Act. In respect of these matters, it is assumed that such support will be that which is considered reasonable by Councils and that such support is relevantly provided or if not is a matter for Councils to resolve in accordance with their governance responsibilities.

PROCEDURAL HISTORY

34. The combination of the provisions of subsection (5) of section 76 of the Act, above, and section 10 of the *Remuneration Act 1990*, set out below, impose procedural obligations upon the Tribunal in relation to the making of the relevant Determination.

“10—Evidence and submissions

- (1) The Tribunal is not bound by the rules of evidence but may inform itself in any manner it thinks fit.*
 - (2) Before the Tribunal makes a determination affecting the remuneration of a particular person, or persons of a particular class, the Tribunal must allow that person, or the persons of that class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.*
 - (3) A person may appear before the Tribunal personally, or by counsel or other representative.*
 - (4) The Minister may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.”*
35. On 29 May 2018, by letters, the Tribunal wrote to the following officers, notifying of its intention to review Local Government Council Allowances, inviting submissions from affected persons, with a closing date of 6 July 2018.
- The President of the Local Government Association of South Australia;
 - The CEOs of Local Government Councils;
 - The Minister for Local Government, as the Minister responsible for the Act and the *City of Adelaide Act 1998*; and
 - The Premier, as the Minister responsible for the Act.
36. In the week commencing 2 June 2018, the Tribunal placed public notices in *The Advertiser*, *The Messenger*, and in rural newspapers, calling for submissions in relation to the Determination to be made.
37. Additionally, a notice was placed on the Tribunal's public website. The notice advised that submissions must be received by the close of business on 6 July 2018. The Tribunal also posted guidelines for such submissions. Those guidelines encouraged the making of submissions which addressed the considerations to which the Tribunal is directed by subsection (3) of Section 76 of the Act. A copy of the text of the advertisements is shown below.



REMUNERATION TRIBUNAL DETERMINATION OF ALLOWANCES FOR MEMBERS OF COUNCILS

Section 76 of the *Local Government Act 1999* (SA) and Section 24 of the *City of Adelaide Act 1998* (SA), require the Remuneration Tribunal to determine, on a four yearly basis, allowances for members of Local Government Councils.

The Remuneration Tribunal, in making its Determination, must have regard to:

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

Councils, individual members of Councils, and interested associations are invited to make written submissions to the Tribunal outlining views they consider should be taken into account in the determination of the above allowances.

Persons who are entitled to be enrolled on the voters roll for a council area are also invited to make submissions, regarding Determinations relating to members of the council for that area.

Guidelines for the making of written submissions, and information about the current allowances, may be obtained by going to the Remuneration Tribunal website: www.remtribunal.sa.gov.au

Opportunities for oral submissions will be determined based on need. Persons interested in making an oral submission should contact the Executive Officer to register their interest in making an oral submission.

Submissions must be received by **5pm Friday, 6 July 2018** and can be forwarded to:

**The Executive Officer
Remuneration Tribunal
GPO Box 2343
ADELAIDE SA 5001**

Telephone: (08) 8429 5459

Submissions may also be sent via email to RemunerationTribunal@sa.gov.au

The *Local Government Act 1999* (SA) and the *City of Adelaide Act 1998* (SA) are available at: www.legislation.sa.gov.au

38. The guidelines published on the Tribunal's website are set out below:

"Councils

The Tribunal has determined that written submissions from councils should be submitted in accordance with the following format:

- *Name of Council*
- *Size (number of elected members .etc)*
- *Population and Geographical Area*
- *Revenue and Expenditure*
- *Economic, Social and Demographic Factors*
- *Meetings (number of council and committee meetings held in last 12 months, number of councillors attending council and committee meetings).*
- *Amount of Allowance Deemed Appropriate (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).*
- *Any Other Relevant Factors (This may include comment on the current Determination, council groupings for the purpose of determining the level of allowance, and the council's capacity to pay)."*

Associations / Individuals

Written submissions from associations and individual persons should be submitted in accordance with the following format:

- *Name of Association / Person Making Submission*
 - *Address of Association / Person Making Submission*
 - *Is the submission being made with relevance to the allowances being paid to councillors in general, or the allowances paid to members of a particular council?*
 - *Amount of Allowance Deemed Appropriate (Submission may present justification for an adjustment, and may include comment on the appropriate allowance payable to the principal member of council).*
 - *Any Other Relevant Factors and Comments (Comments should be limited to a maximum of 250 words)."*
39. The Tribunal is aware that, on 31 May 2018, the Local Government Association of South Australia informed members of Association of the Tribunal's enquiry for the purposes of the Determination. That information set out the Tribunal's criteria for the making of its Determination in accordance with the relevant provisions of section 76 of the Act.

NATURE OF THE TRIBUNAL'S FUNCTION

40. It is appropriate to make two observations concerning the interaction of the relevant procedural provisions of the two Acts.
41. The first concerns the persons in respect of whom the Tribunal has responsibility to ensure an opportunity to make submissions and the nature of the opportunity to make such submissions which must be accorded to those persons.
42. The second concerns the nature of the Tribunal's powers and procedures. The combination of the relevant statutory provisions invokes the inquisitorial power of the Tribunal in relation to the manner of its procedure for the purposes of making the relevant Determination. This arises from the incorporation of the provisions of subsection (1) of Section 10 of the *Remuneration Act 1990*.
43. In the first instance, the effect of the combination of the statutory provisions is to extend a responsibility upon the Tribunal to provide an opportunity to different classes of persons. The first class of persons are those entitled to be enrolled on the voters roll for a Council election for an area, the second is the Local Government Association and the third is any person or class of persons whose remuneration may be affected.
44. In the second instance, the statutory directions and the procedural powers conferred upon the Tribunal impose an obligation to conduct an independent enquiry into the matters to be determined, informed by the submissions made by persons for whom the Tribunal is obliged to provide opportunities to make such submissions. It is therefore appropriate to understand this hybrid function as one of discrete independent enquiry, information and judgement, which pays due regard to submissions received.
45. In this context, it is relevant to note that since the initial Determination the number of submissions and the scope of the issues raised with the Tribunal has steadily declined. For the 2010 Determination a total of 65 written and 3 oral submissions were received including a submission from the Local Government Association. For the 2014 review the total number of submissions was 17. For the Tribunal's 2018 Determination, 19 submissions have been received of which 9 are made by Councils. Of the submissions made by Councils only 8 submissions propose a specific outcome of the Tribunal's Determination. 6 submissions made personally by elected members propose such specific outcomes. A submission by a resident's association proposes specific outcomes. 1 submission made by an individual does likewise. No submission was made by the Minister for Local Government.

TRIBUNAL'S ENQUIRIES

46. To assist in its deliberations, the Tribunal, in accordance with section 10 of the *Remuneration Act 1990*, independently sought information from the following bodies:

- The Local Government Association of South Australia;
- The Local Government Grants Commission of South Australia;
- The Boards and Committees Unit of the Department of the Premier and Cabinet.

OVERVIEW OF SUBMISSIONS

47. The Tribunal deals directly with the submissions received below. Before doing so, it is useful for an understanding of the Tribunal's consideration of the submissions received to set out a summary table.

48. Submissions made officially by Councils and submissions emanating from Council Officers:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
1	City of Marion Council	Group 1B	No	Allowance to be maintained at the level of \$19,808
2	Port Augusta City Council	Group 2	Group 2 to Group 3	Reclassification of group from group 2 to 3
3	City of Tea Tree Gully	Group 1B	No	No increases to allowances for the next 4 years
4	Mid Murray Council	Group 3	No	No specific outcome sought
5	City of Norwood, Payneham and St Peters	Group 2	No	Should not be increased other than by CPI for the 4 year period.
6	District Council of Kimba	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4; and Mayor Allowance increased to 5 times multiplier
7	District Council of Streaky Bay	Group 5	Group 5 to Group 4	Group 5 be abolished and those councils rolled into Group 4
8	District Council of Grant, Limestone Coast	Group 4	Group 4 to Group 3	Allowance should be increased with CPI, backdated from 2009
9	Adelaide Hills Council	Group 2	No	Majority view of council that allowance is insufficient; and Amount of time travel payment insufficient and changes to the terms of the time travel payment.
10	City of Onkaparinga	Group 1A	Group 1A to Separate Group	Potential reclassification from group 1A to separate group

49. Submissions made personally by elected members of Councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
11	City of Port Lincoln Council	Group 3	No	Seeking variable amount of allowance based on number of council members, and Identified anomaly between Port Augusta and Port Lincoln
12	City of Burnside Council	Group 2	No	Presiding member allowances should be reduced
13	Not stated	N/A	No	Allowance should be adjusted according to CPI; and Time travel allowance inequity, kilometre brackets are too far apart
14	City of Charles Sturt	Group 1A	No	Inequity between the roles and allowances of presiding member and deputy presiding member. Seeking a sitting fee to rectify the inequity.
15	Not stated	N/A	No	Time Travel allowance inequity, kilometre brackets too far apart
16	City of Adelaide	Adelaide City	No	Lord Mayoral Allowance should be \$255,000. Councillor should be no less than \$45,000. 15% loading for ordinary member who is a chairman of a council committee.
17	City of Marion	Group 1B	No	No specific outcome sought. Raises issues in relation to conduct of members.

50. Submissions made by organisations other than councils:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
18	Prospect Resident's Association	Group 2	No	Group 2 Allowance of \$15,900

51. Submissions made by members of the public:

Number	Institution	Current Council Grouping	Reclassification Sought	Submission (outcome sought)
19	Unknown	N/A	No	Allowances should be reduced

52. Using the numbers in the table above it is convenient to deal with some of the submissions in a summary fashion.
53. While the Tribunal has had regard to the content of submissions 4 and 17 they do not propose a specified outcome. Therefore, there are 17 submissions which specifically engage with proposed outcomes of the Tribunal's Determination.
54. Submissions 1, 3, 8 and 18, are inconsistent with the legislation. Moreover, some of the outcomes proposed by these submissions are impossible to give effect to, having regard to the statutory provisions which automatically index the allowances determined by the Tribunal. Namely, the outcomes proposed by submissions 1, 3 and 8.
55. Submission 14, which deals with anomalies due to payment of allowances when presiding members are absent and proposes a sitting fee to rectify that anomaly is considered a matter concerning the constitution and reconstitution of committees by Councils having regard to the circumstances and disposition of the membership of such committees.
56. The submission from an elected member of the City of Port Lincoln proposes that the annual allowances be determined as a multiple of the number of members of a Council, and that the allowance for the Mayor should be 5 rather than 4 times that of a councillor and questions the classification of the City of Port Augusta Council. The subject of the classification of the City of Port Augusta Council is dealt with more extensively below. The Tribunal has regard to the number of elected members generally, however is unable to identify a suitable methodology which would relate that factor to the relevant statutory considerations in a formulaic manner. The submission in relation to the multiple of the annual allowance for a Principal Member is not elaborated beyond the opinion and judgement of the author, by comparing the two roles. The Tribunal found the submission insufficient to justify a change to the longstanding multiple to apply to the structure of the allowances generally for the 66 Councils subject to the Determination or to the City of Port Lincoln individually.
57. Submission 19 proposes an unspecified general reduction in the level of allowances is comprised of one line of text. The submission lacks adequate exposition of the merit of such an outcome to be seriously contemplated.
58. Consequently, there remain 12 submissions to be considered which effectively propose specific outcomes as a result of the Tribunal's Determination.
59. Submissions 5,13 and 18 essentially propose that the existing level of allowances should not be varied except by the application of the relevant statutory provisions during the period of operation of the Tribunal's Determination. Therefore, there remain 9 submissions which propose outcomes which would result in increases in allowances other than by the statutory mechanism. Not all of those submissions propose an increase in allowances for all elected members of Councils.
60. Those 9 submissions can be divided into categories.

61. The first category is comprised of submissions for changes to the classification of Councils within the structure operating since 2014, including, significantly, the abolition of level 5 of the existing classification structure and the classification of the 18 Councils classified at that level in the structure by the 2014 Determination at level 4. The relevant submissions are submissions 2,6,7 and 8, of which submissions 6 and 7 concern the proposed abolition of level 5 and the reclassification of the relevant Councils at level 4.
62. The Adelaide Hills Council submission is that both the annual allowances and the time travel payment are generally insufficient. This submission is the subject of the Tribunal's conclusion below.
63. Submissions 2, 4 and 10 propose discrete movements of individual Councils, within the structure determined in 2014, one rising one level in the structure, one falling one level and one submission somewhat non specific in relation to a change of classification but implying the creation of a new and higher level of classification above the highest current level.
64. Submissions 12,13,14 and 15, propose changes to the travelling time payment.
65. Submission 17 deals with matters of conduct, which are addressed in paragraphs 76 and 77 below.

OVERVIEW OF SUBMISSIONS

66. Viewed as a whole, the submissions are somewhat fragmentary in nature. That is not to suggest that the various submissions should be treated any less seriously.
67. Including the Adelaide City Council there are 67 Councils constituted under the relevant Local Government Acts. The number of officially endorsed submissions emanating from Councils suggests that there is limited interest by Councils in general changes to the current structure of the allowances and the level of those allowances. Likewise, the submissions received from elected members of Councils is indicative of such a conclusion. The various submissions of elected members, viewed overall, can be said to deal with a number of detailed considerations within the existing structure of the current framework of the allowances. Accordingly, the weight of the submissions would suggest, that changes to the level of the allowances, with the exception of those applicable at level 5, should be marginal if any.
68. Submissions subject to further reasoning are dealt with below.

Prospect Residents Association ("the Association")

69. The Association filed a submission which addressed a number of aspects of the role of Councillor and Mayor. The submission supports the payment of an annual allowance of \$15,900 for members of Council subject to a "contract", including a requirement for attendance at 80% of meetings of Council.
70. The submission supports the classification of the Prospect City Council at level 2 within the existing 5 level classification structure.
71. With respect to the proposal in relation to attendance at meetings, in the Report accompanying the 2014 Determination the Tribunal included the following:
"...the Tribunal considered whether it could attach terms and conditions to the payment (of the allowances) so that payment could be denied to a councillor who does not attend a meeting and who fails to submit an acceptable reason for not attending. In considering its options, the Tribunal sought the advice of the Crown Solicitor who advised the Tribunal does not have the jurisdictional powers to attach such a term or condition to the payment of an allowance"
72. Some other significant issues addressed by the submission are also beyond the Tribunal's legal competence or, impractical for inclusion in the terms of a Determination of the requisite kind. For example, mandating a requirement to read all relevant

documentation in order to be eligible for receipt of an annual allowance determined by the Tribunal.

73. The Association also proposes the “contract” would include a requirement for some manner of specific reporting by Councillors to Councils on community contacts. How this would be enforced in relation to the entitlement to the allowances determined would also be highly problematic, even if within the Tribunal’s jurisdiction, which is considered most unlikely. Moreover, the submission seems to suggest that the Tribunal might somehow deal with the manner in which Councillors should perform their representative function and the sources of information upon which Councillors should deliberate and decide upon matters in accordance with their responsibilities.
74. The Tribunal considers such issues are best addressed by legislation, Councils themselves and competitive elections. The enforcement of the proposed conditions of a “contract” of this kind would be extremely problematic and the legislation does not contemplate the Tribunal indirectly exercising governance of the manner in which elected or appointed members of a Council perform their functions.
75. The role and functions of Councillors are defined and regulated extensively by the provisions of the Act made by the Parliament. The Tribunal must respect the prerogative of the legislature accordingly and with respect to the Association it is to that forum that these proposals are appropriately submitted.
76. Section 63(1) of the Act provides for the Governor to issue a Code of Conduct for members of Councils, which seems to be the means by which the legislature has chosen to address the manner of performance of the functions of a Councillor by elected members.
77. Notwithstanding that the Tribunal could make discrete provisions applicable to individual Councils we also think that any such conditional terms of a Determination would need to be the subject of wider consideration across Local Government and would likely lead to complex and conflicting views, at least in relation to how such concepts could be made operational, in the unlikely event that it was considered such terms would be within the jurisdiction and power of the Tribunal.
78. For all these reasons, the Tribunal has decided not to impose any further or discrete conditions on the entitlement to the annual allowances determined beyond those already existing under Determination 7 of 2014, either generally or in relation to the City of Prospect.

Port Augusta City Council - Classification

79. In 2016 the Tribunal received a letter from the Port Augusta City Council dated 30 November, enquiring if the Tribunal would consider a change to the classification of the Council within the 5 level classification structure.
80. The letter stated that Council had *“identified savings that could be made in regard to Elected Member allowances if Council were to be classified as a Group 3 Council, rather than the current Group 2 classification”*.
81. The Executive Officer of the Tribunal replied on behalf of the Tribunal, advising that a submission concerning the appropriate classification for members of the Council would be received and given due consideration for the purposes of making the Determination to which this report relates.
82. Subsequently, a further letter was received dated 25 June 2018. That letter was brief and referred to the letter of 2016 to the Tribunal and the Tribunal’s response. The letter thanked the Tribunal for the opportunity to provide feedback in relation to the Tribunal’s review for the purposes of the 2018 Determination. The letter specifically asked that the information in the exchange of correspondence referred to above *“could be reconsidered as part of the 2018 review process”*. No more extensive submission was received.

83. It is uncertain if the limited information provided to the Tribunal, concerning potential “savings”, can be understood as an official submission on behalf of the Council, seeking a change of classification from level 2 to level 3. Moreover, the letters were signed by Mr Lee Heron, Director – City & Cultural Services and not the Chief Executive of the Council. While not critical to consideration of the issue it would be more appropriate for an official communication of this kind to be made by the Chief Executive, either officially on behalf of the Council or, independently, as a submission on behalf of the Chief Executive.
84. No other submission was received from an elected member of the Council or an enrolled elector proposing a change to the classification of the allowances payable to elected members of the Council.
85. Critically, there is no submission which makes out the basis of a change to the classification of the Council by reference to the statutory criteria for the determination of the allowances under consideration, specifically, the matters to which section 76 of the Act and in particular subsection (3) thereof refer, to which the Tribunal must have regard to for the purposes of the relevant Determination.
86. The considerations set out above and the desirability of stability within the structure established, unless the merits of a change based on the relevant criteria which the Tribunal must have regard to are made out, or become clearly apparent, cause considerable doubt about the wisdom of making the change alluded to in the correspondence.
87. It is against this background that the Tribunal considered the classification of the Port Augusta City Council. While the Council ranks last in the order of Councils in the level 2 classification and the population and rate base have correlation with Councils in the upper order of level 3 the total operating revenue of the Council is significantly higher. This factor is one to which the Tribunal must have regard.
88. Arguably, inclusion of the Council in level 2 is marginal. However, that observation could also be made in respect of other Councils at the lower rungs of the various levels. In a system of classification of the kind under consideration, which requires the drawing of several lines of demarcation, this marginal feature of the classifications is, most likely, unavoidable.
89. Taking all of the above into account, on balance, the Tribunal decided against varying the classification of the Port Augusta City Council for the purposes of the Determination made. Given the limitations of the contents of the correspondence, together with the informality of the communication observed above, the Tribunal notes that “*identification of possible savings*” referred to is not a sufficient ground upon which to do so. Particularly as that is not a consideration to which the statute directs the Tribunal’s consideration.

District Council of Streaky Bay

90. The Tribunal received a detailed submission from the District Council of Streaky Bay which coherently and comprehensively addresses the relevant statutory criteria for the purposes of the Tribunal’s determination of the relevant allowances. The submission was concisely and informatively formatted in accordance with the Guidelines for submissions published on the Tribunal’s website.
91. The principal aspect of the submission was a proposal for the classification of the Council at level 4, rather than level 5 as currently determined. Council’s submission proposed the abolition of level 5 and that all Council’s currently in level 5 be incorporated within the level 4 classification.
92. In addition, the submission proposed that the Principal Member allowance should be 6 times the allowance for an elected member rather than 4 times. The latter factor being the current factor, which is the factor determined in 2010 and has been common to all Councils other than the City of Adelaide since the initial Determination.

93. The Tribunal gave careful consideration to the Council's submissions and the current money value of the annual allowance determined for level 5.
94. The ratio of population to geographic area was a notable feature of the information provided. This aspect of Local Government in regional South Australia is relevant to several Councils. In such circumstances, regard must be had to the necessary time spent travelling to and from meetings by elected members of Council in order to perform their function and the provision of a travelling time payment in the current Determination. The determination of the appropriate travelling time payment was informed by consideration of the information provided in the Council's submission.
95. The Tribunal accepted that part of the submission which asserts that, in large Council areas with small populations, the factors of distance and travelling time affect residents and ratepayers significantly. The frequency and intimacy of the relationship between elected members of Councils and constituents may give rise to greater intensity of interactions, in relation to the representative function of Council members. More so perhaps than might be the case in other Council areas without such characteristics.
96. In respect of the proposal that level five of the classification structure be abolished and all Councils currently classified at that level be classified at level 4, it is notable that there are currently 18 Councils classified within level 5. To act on the submission of the District Council of Streaky Bay and the submission immediately below, made personally by the an elected member of the District Council of Kimba, to abolish the level 5 classification would have significant impact beyond the immediate circumstances from which those two submissions emanate. The Tribunal considered such wholesale change to the classification structure in these circumstances would not be justified without the views of more of the Councils within level 5 of the classification structure which have not made submissions. The 5 level structure has operated since 2010, in the absence of any further submissions for change there must be some doubt about the level of support for the change proposed.
97. Having regard to the area, population and revenue of the District Council of Streaky Bay the Tribunal was not satisfied that reclassification of the Council would be appropriate. In relation to the role of an elected member the Tribunal was satisfied that there should be some variation of the level of allowances at level 5 and the travelling time allowance which is dealt with elsewhere in this report.

District Council of Kimba

98. The Tribunal received one other submission proposing general reclassification of Councils from level 5 to level 4, similarly by the abolition of level 5. That submission was provided on behalf of an elected member of the District Council of Kimba. The author stated that this submission had been the subject of consultation with similar sized and larger Councils. The views of those consulted are not detailed. Presumably, the Tribunal is to understand that those consulted are in accord or do not disagree with the submission. Given the extent and impact of the change proposed, the Tribunal is left to wonder why those concerned have not made a submission likewise.
99. The submission addresses the relevant statutory criteria and makes similar points to those of the submission of the District Council of Streaky Bay. Comments in respect of the latter submission, above, are likewise applicable in respect of those aspects of the submission under consideration.
100. The submission was taken into account for the purposes of consideration of the allowances to be determined in respect of the Councils currently classified at level 5 generally and the classification of the District Council of Kimba individually.
101. The Tribunal was not satisfied that it would be appropriate to abolish the level 5 classification for the reasons already stated above. The Tribunal was satisfied that it would be appropriate to vary the level of allowance at level 5.

102. The Tribunal was not satisfied that the area population and revenue of the District Council of Kimba justify a reclassification of the Council at level 4. As previously stated, the Tribunal addresses the role of an elected member of the Council having regard to the time spent travelling to perform that role elsewhere in this Report.

District Council of Grant

103. A formal official submission received from the District Council of Grant proposes the reclassification of the Council within the existing 5 level structure. The Council is currently classified at level 4, whereas, the submission proposes that the Council be classified at level 3. The submission is detailed and addresses the relevant statutory criteria. Considerable stress is placed on the extent of the Council area and the demands that distance and travel requirements place on the representative function of elected members of the Council.
104. Attention was drawn to the fact that the level of allowances to which elected members were entitled before 2010 was reduced by the Determination of the Tribunal of that year and that effect has continued in the history of the relative real value of the allowances payable to Councillors since.
105. Notably, the Council is responsible, for the operation of a major regional airport linking the South East of the State with Adelaide and Melbourne.
106. The submission concludes as follows:

“Conclusion

The area and population of a council are not the only indicators of the relative commitment of an elected member towards their constituency. Their employment circumstances, sense of obligation, desire for involvement and level of commitment to community service are more likely to dictate the time and effort expended by an elected member rather than the size of the council. The above submission is intended to provide some insight into the potential time commitment and breadth of expertise required for an elected member of the Grant Council, both current and future.

The level of allowance has not sat well with longer serving members since the reduction in 2010 and may not be considered adequate by people considering nomination for the November Council elections. Local Government needs to make itself attractive to new intending members, particularly younger members. If we want to attract the best candidates, if we want people to make family sacrifices and if we want people to put business interests aside, it is important to appropriately compensate such people. Service as an elected member is akin to Board membership – it is no longer a voluntary role albeit making a positive contribution to the community remains the driving force.

A return to the allowance levels of November 2009 (adjusted annually for CPI) should be the starting point for consideration in the context of this submission. However, Council would argue that an elevation from Group 4 to Group 3 for the determination of the allowances would more appropriately recognise our relative size and strong synergies with other south-east regional councils including Naracoorte Lucindale, Tatiara and Wattle Range”

107. It is appropriate to commence by reference to the Tribunal’s consideration of the submission concerning the sense of dissatisfaction with the consequences of the Determination made in 2010, which dominates the conclusion set out above. In essence, the proposition is that the Tribunal reached an erroneous conclusion in 2010 which has been effectively perpetuated since that time. Accordingly, it is proposed that the “starting point” for consideration of appropriate allowances is a return to the level of allowances of 2009, updated for CPI increases in the meantime. As previously observed, prior to the Tribunal’s initial Determination elected member allowances were determined by Councils.
108. The Tribunal considered that to adopt this “starting point” would conflict with the legislative policy that the relevant allowances should be independently determined by a

Tribunal with reference to the specified statutory criteria. To uphold this aspect of the submission for the reasons stated would not be coherent with the Tribunal's responsibility to make the requisite Determination by reference to those criteria. Rather, to do so would be to effectively determine the level of allowances on the basis that the allowances set by the Council in 2009 should be the dominant criteria. Nothing in the Act accords such weight to the allowances fixed by Councils in existence at the time the Act was made or at the time of the Tribunal's initial Determination. It would have been open to the legislature to include such a consideration as a part of the statutory direction to the Tribunal in relation to the criteria for that Determination to avoid the consequence complained of. That was not done and the outcome complained of was, therefore, always a possibility.

109. The Tribunal has considered the relevant statutory criteria in subsection (3) of Section 76 of the Act in relation to the submission of the Council. The considerations of area, population, revenue and representative function must be given the significant weight accorded by the statute for the purposes of judging the outcome proposed by the Council's submission. In relation to the first three of those considerations the Tribunal is unable to conclude that the District Council of Grant is wrongly classified within the existing 5 level structure. The Tribunal is unable to observe any extraordinary change in area, population, rates or operating revenue. In relation to the fourth consideration, the issues of distance and travel are matters to be approached with regard to the level of travelling time allowance rather than the classification of the Council within the 5 level structure prescribing the annual allowances. As previously noted that allowance is dealt with elsewhere.

City of Onkaparinga

110. The Council of the City of Onkaparinga Council provided a submission which addresses the statutory criteria. The submission makes reference to a number of factors which go to the annual allowances of elected members, including the following:

"Elector Representation Review 2017

The City of Onkaparinga recently conducted a review of the composition of Council ward boundaries and number of Councillors. The review concluded in October 2017 with certification of the review received from the Electoral Commission in December 2017.

The below composition and structure will come into effect in November 2018.

The principal member of Council will be a Mayor elected by the community.

The elected body of Council will comprise the Mayor and twelve (12) ward councillors.

The Council area will be divided into six wards.

Each ward will be represented by two (2) ward councillors.

The wards will be identified as Mid Coast, Knox, Pimpala, Thalassa, Southern Vales and South Coast.

It should be noted that the City of Onkaparinga currently has a Mayor elected by the community and twenty (20) councillors. Therefore, there will be a reduction of eight (8)

councillors following the November 2018 elections when the new composition of the Council will come into effect.

Further detail on the Review can be found in the Elector Representation Review Final Report attached for your information.

Size (number of elected members etc)

The number of electors in the City of Onkaparinga is currently in excess of 121,000. The reduction in elected member numbers come November 2018 will serve to increase the current elector ratio across the City of one councillor per 6,093 to approximately one councillor per 10,155. This will be the highest elector ratio in the state."

111. The submission concludes by asking the Tribunal to give particular consideration to the following:

“whether the City of Onkaparinga continues to be captured within the current Group A of metropolitan Council’s (sic) for the purpose of setting allowances or whether the City of Onkaparinga should be in a separate Group due to its (sic) elector ratio due to come into effect in November 2018.”

112. The reference to Group A is understood to be intended to refer to Group1A. The Tribunal has given careful consideration to the Council’s submission as requested.

113. From the information provided it is not possible to understand the submission to contemplate the possibility that the Council could be appropriately classified at level 1B of the classification structure established by the 2014 Determination. However, for the avoidance of doubt, we do not think that the Council could be appropriately classified within the classification structure at level 1B having regard to the relevant statutory criteria.

114. The Council’s submission can only be cogently understood to seek the Tribunal’s consideration of whether a higher level of allowance than applies to level 1A would be appropriate, in light of the changes to the Council’s representational arrangements and the consideration of other information, concerning the population, geographic area, revenue, expenditure, economic, social and demographic factors affecting the Council, plus the schedule of governance activity included with the submission.

115. The provisions of sub paragraph (a) of subsection (3) of Section 76 of the Act direct the Tribunal to have regard to the following:

“(a) the role of members of council as members of the council’s governing body and as representatives of their area;”

116. The ordinary meaning of the word *role* in the relevant context is the expected function of a person in a particular setting. In this case the statutory provisions specify two considerations, namely, governance and representative functions.

117. The Council provided a copy of a report to the Electoral Commissioner on the extensive process by which the decision to change the number of elected members from 20 to 12 was arrived at. Included in that report are two expressions of view which are relevant to consideration of whether this change should cause the creation of a new classification for the City of Onkaparinga, at a higher level of allowance than would apply at level 1A.

118. The relevant text of the views expressed in the report is set out below:

“Council believes that the proposed reduction to twelve ward councillors is the right and responsible course of action to take at this time. Whilst Council is keen to maintain the quality of representation long afforded the community, it believes that twelve councillors should be sufficient to provide adequate and fair representation to the community, and to perform the roles and responsibilities of Council.”

Although the task of a councillor may become more demanding, candidates for election will be aware of the task facing them. Further, the role of an elected member has changed over the years to primarily that of a strategic and policy decision maker, and a communication conduit between Council and the community. This being the case, it is envisaged that the demands to be placed upon the future elected members should be manageable and may, in part, be mitigated by ever improving telecommunications and information technology.

Council is confident that twelve councillors should be able to represent and serve the community of the City of Onkaparinga adequately over the coming years.”

119. Further and elsewhere, under the heading of “Communication”, the following is stated:

“Council believes that the mayor and twelve ward councillors can provide adequate lines of communication between Council and the community, given the relatively compact nature of the urban precincts within the Council area, wherein a large percentage of the population resides. Representation of the communities and electors residing in the large

rural area may be more challenging and demanding, however, the task will be known to aspiring members and they will have to adjust and adapt in order to meet the demands of their constituents. Most of the larger (area) regional councils have similar circumstances and are able provide fair and adequate representation.

In addition, the task of representing each of the proposed wards will be shared by two ward councillors; and on-going advances in telecommunications and information technology should serve to assist in this regard."

120. Taken at the highest, the submission rests upon a somewhat unknown and potentially uneven level of increased demand upon Councillors, which it is considered may arise from the combination of a higher elector to member ratio, changing role definition and the advantages of contemporary communication and information technologies. Having regard to the views referred to above, it appeared that the Council is yet to ascertain the actual extent and distribution of the impact on the representative function which will arise from the change in the number of elected members. The contents of the report to the Electoral Commissioner seem equivocal on the subject. The Tribunal considered that it would be premature to reach a conclusion that the change in the number of elected members of the Council, of itself, should result in the creation of a new and higher level of allowance than that which is appropriate for level 1A.
121. The Tribunal has given close consideration to the area, population, revenue, social and economic features of the Councils jurisdiction. On this occasion, on balance, the Tribunal is not convinced that the creation of a new and discrete classification for the Council of the City of Onkaparinga is appropriate. However, the Council's profile against the statutory criteria shows relevant development.
122. Should the current trends continue relative to other Councils and the actual experience of the change in the number of elected members be relevant, a more substantive case for such a reclassification may emerge over the coming four years. The evaluation of that question would be a matter for the Tribunal at that time, and no indication of an outcome should be inferred from this observation.

TRAVELLING TIME ALLOWANCES

123. Several submissions drew attention to the demands upon elected members of non-metropolitan Councils caused by distance and the need to travel for sometimes significant amounts of time to attend meetings. The size of the geographic area of Councils is a relevant statutory consideration. Such a consideration inherently directs the Tribunal's attention to the issue of travelling time as a factor pertinent to the determination of the relevant allowances.
124. The submissions can be divided into two considerations. The first is the general aspect of the extent of the travelling time demands upon elected members of those Councils. The second concerns the structure of the existing travelling time allowances and in particular the distance criteria for the entitlement to the current amounts of the allowances. In this latter respect, the submissions identify what are considered to be anomalies in the application of the terms of the 2014 Determination. Namely that the distance criteria are too widely separated.
125. It is convenient to set out the relevant provisions of the 2014 determination.

"TIME TRAVEL ALLOWANCES FOR MEMBERS OF NON-METROPOLITAN COUNCILS

*4.1 An allowance of \$336 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 30 kms but less than 50 kms** from that council's principal office, via the most direct road route.*

*4.2 An allowance of \$560 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **at least 50 kms but less than 100 kms** from that council's principal office, via the most direct road route.*

4.3 *An allowance of \$1,120 per annum will be payable to council members, excluding principal members, whose usual place of residence is within the relevant council area and is located **100 kms or more** from that council's principal office, via the most direct road route.*

4.4 *The non-metropolitan council members travel time allowance will be payable in addition to any entitlement to reimbursement of expenses actually incurred.*

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

126. The Tribunal considers the amount of the travelling time allowances to be modest and has made an adjustment to the allowances to more adequately address the relevant demands.
127. Additionally, the existing distance table of travelling time entitlements has been varied. An allowance for travelling time of an elected member of a non-metropolitan Council whose usual place of residence is within the relevant Council area and at least 75 kilometres but less than 100 kilometres from that Council's office by the most direct route will be included. Respectively an allowance for the relevant distance between 75 kilometres and 100 kilometres is provided for. Finally, the allowance for a member travelling more than 100 kilometres has been increased by \$297 per annum. None of these or other travelling time allowances will apply to Principal Members.
128. All of the above variations address the representative function of elected members of Councils with large geographic areas, to a modest degree, having regard to the limited information available from the submissions before us.

CONCLUSION

129. The Tribunal has applied the indexation of the allowances determined in 2014 in accordance with the scheme prescribed by regulation 4(2) of the *Local Government (Members and Benefits) Regulations 2010* for the purposes of its consideration of the appropriate level of the allowances to be prescribed in accordance with section 76(2) of the Act.
130. As previously set out, section 76(9) of the Act prescribes as follows:
- "(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations."*
131. The Regulation which prescribes the scheme for the indexation of the relevant allowances between four yearly Determinations by the Tribunal is set out below:
- Section 4(2) of the Local Government (Member Allowances and Benefits) Regulations 2010*
- "(2) For the purposes of section 76(9) of the Act, an allowance is to be adjusted by multiplying the allowance by a proportion obtained by dividing the Consumer Price Index for the September quarter last occurring before the date on which the allowance is to be adjusted by the Consumer Price Index for the September quarter immediately before the date on which the allowance was determined under section 76 of the Act (with the amount so adjusted being rounded up to the nearest dollar)."*
132. The date upon which the allowances were determined by the Tribunal in 2014 was 28 July 2014. Consequently, that is the first reference point for the operation of the scheme. For the avoidance of doubt this was the subject of advice from the Crown Solicitor's Office.
133. Taking all the submissions into account, our independent enquiries, data published by the Local Government Grants Commission, a review of changes in the circumstances confronting elected members of councils since the 2014 review, the Tribunal determined that it was appropriate to provide the allowances set out in Determination 6 of 2018. The allowances have been increased in various amounts according to discrete considerations

gleaned from the submissions and the information gathered independently, upon which the Tribunal has proceeded, having regard to the statutory criteria prescribed by section 76 of the Act for the making of the Determination.

134. The increases in the amounts of the allowances do not involve reclassification of any Council within the previously determined 5 levels including sub divisions 1a and 1b of level 1. The proportionate increase in the amount of the allowance at level 5 is greatest, as a result of the Tribunal's concern that the money value of the allowance at that level of the structure was inadequate.
135. The Tribunal has made changes to the structure and amounts of travelling time allowances which address equity issues raised in the submissions received and to ensure that allowances for elected members travelling significant distances are adequate.
136. The money value of the increase in the level of the annual allowances varies within the range of \$212 and \$460, depending upon the classification of the Council. The cost of the increases in the allowances to all Councils will be marginal as a factor of total operating revenue respectively.
137. On the basis of the information published by the Local Government Grants Commission, as far as the Tribunal can ascertain, the cost of the increase in the annual allowances for the year ending 30 June 2017, determined represents 0.001 of one per cent of the revenue of a Council with total operating revenue as low as \$3.65 million per annum, and less than 0.001 of one per cent of the revenue of the council with the highest total operating revenue. For many councils, the cost of the increase in the allowances is likely to be less as a result of increases in revenue since the publication of the data by the Local Government Grants Commission.



John Lewin
PRESIDENT



Peter Alexander
MEMBER



Pamela Martin
MEMBER

Dated this 30th day of August 2018

Attachment 1 – Part 5 of the *Local Government Act 1999*

Part 5—Allowances and benefits

76—Allowances

(1) *Subject to this section, a member of a council is entitled to the allowance determined by the Remuneration Tribunal in relation to the member's office and indexed in accordance with this section.*

(2) *The Remuneration Tribunal must make determinations under this section on a 4 yearly basis before the designated day in relation to each set of periodic elections held under the Local Government (Elections) Act 1999.*

(3) *The Remuneration Tribunal must, in making a determination under this section, have regard to the following:*

(a) the role of members of council as members of the council's governing body and as representatives of their area;

(b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;

(c) the fact that an allowance under this section is not intended to amount to a salary for a member;

(d) the fact that an allowance under this section should reflect the nature of a member's office;

(e) the provisions of this Act providing for the reimbursement of expenses of members.

(4) *For the purposes of the proceedings before the Remuneration Tribunal but without derogating from the operation of subsection (3), the allowances to be determined under this section will be taken to be in the nature of a fee under the definition of remuneration in the Remuneration Act 1990.*

(5) *Without limiting section 10 of the Remuneration Act 1990, the Remuneration Tribunal must—*

(a) allow persons who are entitled to be enrolled on the voters roll for an area a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to a determination under this section that relates to the members of the council for that area; and

(b) allow the LGA a reasonable opportunity to make submissions orally or in writing to the Tribunal in relation to any determination under this section.

(6) *Nothing in subsection (5) requires the Remuneration Tribunal, for the purposes of making all determinations required under this section in any 4 year period, to hold more than 1 hearing to receive any oral submissions that persons may care to make (and the Tribunal is not required to hold any hearing if it appears to the Tribunal that no one is seeking to make oral submissions).*

(7) *The rates of allowances may vary from office to office, and from council to council.*

(8) *An allowance determined under this section will, in relation to the members of a particular council, be payable for the period—*

(a) commencing on the conclusion of the relevant periodic election; and

(b) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second

Saturday of November of the year of the periodic election as a result of the operation of section 4(2)(a)).

(9) An allowance determined under this section is to be adjusted on the first, second and third anniversaries of the relevant periodic elections to reflect changes in the Consumer Price Index under a scheme prescribed by the regulations.

(10) Sections 17 and 19 of the Remuneration Act 1990 do not apply in relation to a determination under this section.

(11) Subject to subsection (8), a member of a council who holds an office for part only of the period in respect of which an allowance is payable is entitled to the proportion of the allowance that the period for which the member held the office bears to the total period.

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

(13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.

(14) Regulations made for the purposes of this section may make different provision according to the offices or classes of council to which they are expressed to apply.

(15) In this section—

Consumer Price Index means the Consumer Price Index (All groups index for Adelaide) published by the Australian Bureau of Statistics;

designated day, in relation to particular periodic elections, means the day that is 14 days before the day on which nominations close for those elections.

77—Reimbursement of expenses

(1) A member of a council is entitled to receive from the council—

(a) reimbursement of expenses of a kind prescribed for the purposes of this paragraph incurred in performing or discharging official functions and duties; and

(b) reimbursement of expenses of a kind prescribed for the purposes of this paragraph, and approved by the council (either specifically or under a policy established by the council for the purposes of this section), incurred in performing or discharging official functions and duties.

(2) A policy under subsection (1)(b) lapses at a general election of the council.

(3) A person is entitled to inspect (without charge) a policy of a council under subsection (1)(b) at the principal office of the council during ordinary office hours.

(4) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under subsection (1)(b).

78—Provision of facilities and support

(1) A council may provide facilities and other forms of support to its members to assist the members in performing or discharging official functions and duties.

(2) The provision of facilities and services under this section is at the discretion of the council subject to complying with the following requirements:

(a) the council must specifically resolve that the provision of the facilities or services is necessary or expedient to the performance or discharge of official functions or duties;

(b) facilities and services must be available to members on a uniform basis (other than facilities or services specifically provided for the benefit of the principal member);

(c) any property provided to a member remains the council's.

(3) A member of a council must not use a facility or service provided by the council under this section for a purpose unrelated to the performance or discharge of official functions or duties (unless the use has been approved by the council and the member has agreed to reimburse the council for any additional costs or expenses associated with this use).

78A—Obtaining of legal advice

(1) The regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.

(2) The scheme may require the preparation and adoption of a policy by a council and include provisions for the variation of the policy and its availability to the public.

(3) The scheme or a policy adopted under the scheme may—

(a) impose limitations on the obtaining of legal advice; and

(b) provide for a process for approval of requests to obtain legal advice; and

(c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and

(d) provide for a council to set an overall budget for the purpose; and

(e) include other relevant provisions.

79—Register of allowances and benefits

*(1) The chief executive officer of a council must ensure that a record (the **Register of Allowances and Benefits**) is kept in which is entered, in accordance with principles (if any) prescribed by the regulations, in respect of each member of the council—*

(a) the annual allowance payable to the member; and

(b) details of any expenses reimbursed by the council under section 77(1)(b); and

(c) details of other benefits paid or payable to, or provided for the benefit of, the member by the council.

(2) The chief executive officer must ensure that an appropriate record is made in the Register, in accordance with principles prescribed by the regulations, in respect of—

(a) changes in the allowance or a benefit payable to, or provided for the benefit of, members; or

(b) the provision of a reimbursement (other than a reimbursement under section 77(1)(a)) or benefit not previously recorded in the Register.

(3) A person is entitled to inspect (without charge) the Register at the principal office of the council during ordinary office hours.

(4) A person is entitled, on payment of a fee fixed by the council, to an extract from the Register.

80—Insurance of members

A council must take out a policy of insurance insuring every member of the council, and a spouse, domestic partner or another person who may be accompanying a member of the council, against risks associated with the performance or discharge of official functions or duties by members.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

26 NOVEMBER 2018

7.2.1. DEBATE AGENDA

7.2.1.9.

ELECTED MEMBERS' TRAINING AND DEVELOPMENT POLICY

B7322

Author: Governance Advisor

PURPOSE

Council's Elected Members' Training and Development Policy is now due for review. An updated draft version is attached for Elected Members' consideration at Attachment 1.

RECOMMENDATION

- (1) That Council receives, considers and approves the draft Elected Members' Training and Development Policy attached to this report.
- (2) That the Chief Executive Officer prepare and present to Council for approval the draft Training and Development Plan, following consultation / gap analysis with Elected Members in the coming months.

REPORT

Background

Section 80A of the Local Government Act 1999 requires Council to prepare and adopt a training and developing policy for its Elected Members to assist them in the performance and discharge of their functions and duties and comply with any requirements of the Local Government (General) Regulations 2013.

Introduction

The current Elected Members' Training and Development Policy was approved on 18 April 2017. The Policy is now due for a review. The updated draft version the Policy is presented as Attachment 1 for the Elected Body's consideration and approval.

Discussion

The draft Policy has had minor updates and corrections, but is substantively the same as previously adopted.

The draft Policy provides for a formal Training and Development Plan which will be prepared by the Chief Executive Officer following consultation / gap analysis with Elected Members in the coming months and then presented to Council for approval. Activities approved on the Plan require no further Council approval.

The Plan is updated annually by the CEO and referred to the Council for approval.

Summary and Conclusion

Council is asked to approve the draft Elected Members' Training and Development Policy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – draft Elected Members' Training and Development Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.13 Ensure that Elected Members undertake training and development to assist them in making informed decisions.

Legislative Requirements

Local Government Act 1999: Section 80A

Local Government (General) Regulations 2013, Regulation 8AA

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Elected Members' training and development is supported with an annual budget allocation.

Resource – Officers undertake support for Elected Member training and development within their current duties.

Risk Management – It is fundamental to good governance that Council supports its Elected Members with the necessary training to make them effective advocates for the Barossa constituents.

COMMUNITY CONSULTATION

There is no community consultation required under the Local Government Act 1999. Further, the Training Plan is based on the Local Government Association recommendations and all training costs and attendances will be recorded in the *Elected Members' Allowances and Benefits* and the *Elected Members' Training and Development Registers*. Accordingly, officers contend that no public consultation is required in this matter as public interest is already being protected through these transparent processes.

THE BAROSSA COUNCIL

ELECTED MEMBERS' TRAINING AND DEVELOPMENT POLICY



Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements. <u>6.13 Ensure that Elected Members undertake training and development to assist them in making informed decisions.</u>		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	18/09/2012 17/03/2015 17/05/2016 18/04/2017
Document Control Officer:	Governance Advisor	Current Approval Date:	XX/XX/XX
TRIM Reference:	15/10312	Next Review Date:	01/12/2019

1. Purpose

- 1.1 To ensure The Barossa Council's ("Council's") Elected Members are offered opportunities to undertake the required training in accordance with the *LGA Training Standards* as defined in regulation 8AA of the Local Government (General) Regulations 2013, ~~("the Regulations")~~, and any other appropriate training and development activities relevant to their roles and functions.

2. Scope

- 2.1 This Policy applies to the Mayor and Elected Members.

3. Definitions

Development	An activity which is unstructured and informal where a person has the opportunity to further develop knowledge regarding their job through mentoring, networking or interacting with colleagues in the local government sector or in one which is directly related to the local government sector eg. attendance at seminars and conferences.
Elected Member	The Elected Members of The Barossa Council, including the Mayor, unless otherwise stated.
<u>LGA Training Standards</u>	<u>Has the same meaning as regulation 8AA of the Local Government (General) Regulations.</u>
<u>Plan</u>	<u>The Training and Development Plan adopted by Council in accordance with this Policy</u>
<u>Regulations</u>	<u>Local Government (General) Regulations 2013^[RM1]</u>
Training	An activity where an existing skill or knowledge held by a person is enhanced through further formal sessions.

Elected Members' Training and Development Policy approved by Council on [**]

Page 1 of 5

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

4.	Policy Statement
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4.1 Training and Development Plan

4.1.1 Council will develop and adopt a Training and Development Plan ~~("the Plan")~~ to ensure that activities available to all Elected Members:

- comply with the Regulations and
- contribute to:
 - o the personal development of the individual and
 - o the achievement of the strategic and good governance objectives of Council.

4.1.2 Particular emphasis will be given in the first annual Training and Development Plan following a general election to the participation of all Elected Members in the development of a new team as well as the orientation of first time Elected Members.

4.1.3 Council recognises that Elected Members will need specific training and refresher courses about their legislative and governance roles and functions in order to carry out their roles and responsibilities to the community. In preparing its Plan, Council will use a range of strategies to identify Elected Members' needs and match these needs against Council's strategic and good governance objectives. Such strategies will include:

- annual assessment of Council performance
- survey or questionnaire
- interviews and
- workshops.

4.1.4 Once the Chief Executive Officer has prepared the Training and Development Plan, it will be brought to the Elected Body for approval and will be further reviewed annually to ensure it meets the training and development needs of the Elected Members.

4.1.5 Although Elected Members may choose to participate in many of the training and development activities within the Plan, pursuant to Regulation 8AA of the Regulations, ~~they both returning and newly elected Members~~ must, and returning members are encouraged to, undertake the LGA Training Standards ("the Training Standards") within the first 12 months of their four year term 2018-2022.

The Standards consist of the following training modules:

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

Failure to complete the mandatory training requirements in the relevant time frame will amount to a breach of the Code of Conduct for Council Members.

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

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

4.1.7 Council's Plan will include the agreed delivery method to respond to the identified needs of Elected Members.

4.2 Annual Budget Allocation

4.2.1 A budget allocation will be provided to support the training and development activities undertaken by Elected Members.

4.3 Attendance at Training / Development Activities

4.3.1 Activities in the Plan

The Plan will determine the nature of training and development activities to be made available. No further Council approval is required for an Elected Member to attend an activity which is approved in the Plan.

4.3.2 Activities not in the Plan

Further training and development activities will emerge outside of the Plan's annual review cycle. Elected Members may attend such activities provided that:

- sufficient funds are available within the budget line for Elected Member training and development, and
- the attendance is necessary or expedient to the performance or discharge of official duties or functions, and

- if the total training / development activity cost (ie registration fee, transportation, meals and accommodation expenses based on thresholds outlined at clause 4.3.3) is :
 - (i) *Less than \$500*: an Elected Member may attend without further Council approval.
 - (ii) *\$500 and over*: the Elected Member/Mayor will submit an *Elected Member's Training and Development Request Form* to a Council meeting at which time Council will consider the request at its next available meeting.

If urgent attendance is requested and an ordinary Council meeting is not scheduled before the activity occurs, the Mayor is authorised to approve an Elected Member's *Request Form* and the CEO is authorised to approve the Mayor's *Request Form*, where sufficient funds are available. For transparency purposes, the request must be ratified at the next practicable Council meeting.

4.3.3 To calculate the anticipated total costs of a training or development activity, the following maximum thresholds for meals, accommodation and transport will be applied:

- Breakfast \$30;
- Lunch \$30;
- Dinner \$60;
- where an overnight stay is required - Bed \$260;
- where domestic air travel is required - an economy class fare will be organised via the CEO's office for the shortest or most practicable route.

4.3.4 *Elected Member's Training and Development Request forms* are available from the [Elected Member drive](#) ~~CEO or on OneDrive~~.

4.3.5 Where approval has been granted by Council for attendance at an activity in this clause, an Elected Member may seek reimbursement of expenses in accordance with the *Elected Members' Allowances and Benefits Policy*.

4.4 Reporting

4.4.1 Following attendance at a training or development activity which is not mandatory under the Regulations, the Elected Member should complete the *Elected Member's Training Feedback Questionnaire*, to outline the nature of the activity and the benefits gained through attendance along with feedback on ideas to enhance the activity.

This questionnaire is available from the CEO and the One Network and should be completed and forwarded to the CEO for inclusion in Council's Consensus Agenda.

4.4.2 The CEO or their delegate will update on a quarterly basis:

- Council's *Elected Members' Training and Development Register* to reflect the mandatory and optional training and development activities undertaken by Elected Members; and
- Council's *Elected Members' Allowances and Benefits Register* to reflect the actual and associated expenditure of such training and development activities.

4.5 Annual Report

4.5.1 Council's Annual Report will include reference to the operation of this Policy as regards:

- the categories of training and development undertaken in the Plan,
- attendances by Elected Members, and
- expenditure allocated and used for their training and development.

5. Supporting Process

Elected Member's Training and Development Request Form
Elected Member's Training and Development Feedback Questionnaire
Elected Members' Training and Development Plan
Elected Members' Training and Development Register

6. Related Policies

Elected Members' Allowances and Benefits Policy
Code of Conduct for Council Members

7. Legislation and References

LGA Training Standards (www.training.lga.sa.gov.au)
Section 80A Local Government Act 1999
Regulation 8AA Local Government (General) Regulations 2013

8. Review

- 8.1 This Policy shall be reviewed annually by the Council in consultation with relevant stakeholders, in conjunction with the Annual Budget Allocation and Review of the Training and Development Plan.

9. Further Information

- 9.1 This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 9.2 Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's *Complaints Handling Policy* (see clause 9.1 above for availability).

Signed:

Dated:

Mayor [**]

COUNCIL
CHIEF EXECUTIVE OFFICER

REPORT

26 NOVEMBER 2018

7.2.1 DEBATE AGENDA

7.2.1.10

AUDIT COMMITTEE MEMBERSHIP

B7455

PURPOSE

Elected Member representatives to be appointed to the Audit Committee for the ensuing term of Council.

RECOMMENDATION

That Council:

- 1) appoint Cr.....and Cr..... to The Barossa Council Audit Committee for the term of this Council;
- 2) adopt the existing Terms of Reference for the Audit Committee;
- 3) delegate authority to the Audit Committee to appoint a Chairperson for the Committee at its first meeting.

REPORT

Introduction

The Local Government Act 1999 requires that all councils in South Australia establish an Audit Committee.

Discussion

The Audit Committee is responsible for:

- overseeing and monitoring the participation of Management and the External Auditors in the financial reporting process;
- overseeing and making recommendations on the approach used by Management to address business risks; and
- reviewing and making recommendations on how Council's corporate, financial, governance and legal responsibilities are being addressed.

The Audit Committee Terms of Reference (copy attached) at clause 3.1 states that the Committee shall consist of five members, three being Independent Members and two Elected Members. Ideally, Members will have a financial, risk management and/or auditing background.

Meetings are held at least four times per year as determined by the Committee. Minutes and Agendas of previous meetings are available on Council's website.

Current Independent Members are Ms Tanya Johnston, Mr Peter Brass (Chair) and Mr Ian Swan. Both Mr Brass and Ms Johnston's term expires on 27 January 2019. Council advertised for Expressions of Interest (EOIs) for the positions in the Leader and Bunyip on 14 November 2018 and posted information on the website. EOIs close at 5.00pm on 28 November 2018 and will be reviewed by an Interview Panel, consisting of the Chief Executive Officer, Manager Financial Services and the two appointed Elected Members. A report will be presented to the December Audit Committee meeting, to make a recommendation regarding appointments to the January 2019 Council Meeting.

Mr Swan's term expires in January 2020, as appointments have been staggered to secure consistency of Independent Members on the Committee.

Summary and Conclusion

Two Elected Member representatives to be appointed to the Audit Committee. Offices recommend that Council adopt the existing Terms of Reference and that it be reviewed by the incoming Audit Committee.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Audit Committee Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Costs related to advertising for Independent Members of the Audit Committee are allowed for in the Budget. There are no Risk Management considerations.

COMMUNITY CONSULTATION

There are no items related to this matter that require consultation under the Act or Council's Policy as the requirement of an Audit Committee and associated functions are legislatively required.

TERMS OF REFERENCE OF THE BAROSSA COUNCIL'S AUDIT COMMITTEE ESTABLISHED PURSUANT TO SECTION 41 OF THE LOCAL GOVERNMENT ACT 1999

1. ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 6 September 2005 Minute Book Reference 2005/292 established the Audit Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Committee is established to enquire into and report to Council in respect of those matters conferred upon it under section 126 of the Act and as set out in the clause 2 Objectives herein.

2 OBJECTIVES

2.1 Financial reporting

- 2.1.1 The Committee shall monitor the integrity of the financial statements of the Council, including its annual report, and review significant financial reporting issues and judgements which they contain.
- 2.1.2 The Committee shall review and question where necessary:
 - (i) The consistency of, and/or any changes to, accounting policies;
 - (ii) The methods used to account for significant or unusual transactions where different approaches are possible;
 - (iii) Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;
 - (iv) The clarity of disclosure in the Council's financial reports and the context in which statements are made; and
 - (v) All material information presented with the financial statements.

2.2 Internal Controls and Risk Management Systems

The Committee shall:

- 2.2.1 Keep under review the effectiveness of the Council's internal controls and risk management systems; and
- 2.2.2 Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management.

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
Updates approved at Council Meeting – 15 November 2016

- 2.2.3 Understand the business of the Council to appreciate the risks it manages on a daily basis and to ensure that there are appropriate management plans to manage and mitigate this business risk. This will include: governance considerations; insurance matters, financial reporting, legal and regulatory compliance, business continuity, and statutory compliance. This can be facilitated by discussions with internal and external auditors and through presentations by management on how business risks are identified and managed.

2.3 Internal audit

The Committee shall:

- 2.3.1 Monitor and review the effectiveness of the Council's internal audit function in the context of the Council's overall risk management system;
- 2.3.2 Consider and make recommendations on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the Act, supporting regulations and relevant professional standards;
- 2.3.3 Review all reports on the Council's operations from the internal auditors;
- 2.3.4 Review and monitor management's responsiveness to the findings and recommendations of the internal auditor; and
- 2.3.5 Where appropriate, meet the internal audit provider at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the internal audit provider shall be given the right of direct access to the Mayor and to the Chairperson of the Committee.

2.4 External audit

The Committee shall:

- 2.4.1 Consider and make recommendations to the Council, in relation to the appointment, re-appointment and removal of the Council's external auditor. The Committee shall oversee the selection process for new auditors and if an auditor resigns the Committee shall investigate the issues leading to this and decide whether any action is required;
- 2.4.2 Oversee Council's relationship with the external auditor including, but not limited to:
- (i) Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
Updates approved at Council Meeting – 15 November 2016

- (ii) Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - (iii) Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - (iv) Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
 - (v) Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - (vi) Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the Committee's own internal quality procedures).
- 2.4.3 Meet as needed with the external auditor noting that the Committee shall meet the external auditor at least once a year without management being present to discuss the external auditor's report and any issues arising from the audit;
- 2.4.4 Review and make recommendations on the annual audit plan and its consistency with the scope of the external audit engagement;
- 2.4.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;
- (i) A discussion of any major issues which arose during the external audit;
 - (ii) Any accounting and audit judgements; and
 - (iii) Levels of errors identified during the external audit.
- 2.4.6 Review the effectiveness of the external audit based on the contract of engagement;
- 2.4.7 Review any representation letter(s) requested by the external auditor; and
- 2.4.8 Review the management letter and management's response to the external auditor's findings and recommendations.

2.5 Reporting responsibilities

- 2.5.1 The Committee shall make whatever recommendations to Council it deems

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
Updates approved at Council Meeting – 15 November 2016

appropriate on any area within this Terms of Reference where in its view action or improvement is needed.

3 MEMBERSHIP

- 3.1 The Committee shall consist of 5 members:
 - 3.1.1 3 will be Independent Members, and
 - 3.1.2 2 will be Elected Members;
 appointed by Council.
- 3.2 Independent Members will have recent and appropriate experience in finance, risk management and/or internal auditing.
 - 3.2.1 Unless otherwise determined by Council, the Independent Members will be appointed for a 2 year term with a right of extension of the appointment by Council;
 - 3.2.2 Independent Members' remuneration, including when acting as the Chairperson, will be reviewed annually for consideration by Council during the Budget process.
- 3.3 The Committee will be supported by the Chief Executive Officer and other staff members who shall attend the Committee meetings in an advisory capacity.
- 3.4 Council's external auditors and internal auditors may be invited to attend meetings of the Committee in an advisory capacity.
- 3.5 Subject to clause 3.2, Committee members shall continue in office until the completion of a Periodic Election under the Local Government (Elections) Act 1999. Retiring Committee members shall be eligible for re-election.
- 3.6 The Committee shall, at its first meeting or at its first meeting following the Periodic Election, nominate a Chairperson, preferably from among the Independent members. The nomination must be approved by Council. Should there be more nominations than required to fill the positions then all voting shall be by secret ballot.
- 3.7 A member may be removed from the Committee on the grounds that he or she has been absent without leave from three or more consecutive meetings, or is not performing duties as required within the purpose of this Committee.
- 3.8 All members of the Committee shall be appointed by the Council on the recommendation of the Committee being persons who have signified to the Committee their willingness to act if so appointed. Such method of appointment is to be made when filling vacancies on the Committee caused by either casual vacancies, or by the effluxion of time of the members.

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
 Updates approved at Council Meeting – 15 November 2016

- 3.9 The Council may at its discretion, remove from membership any member and appoint others in their stead.

4. MEETINGS

- 4.1 When the Chairperson is absent from a meeting the Committee members may appoint a person from those present to act as Chairperson for the duration of the meeting.
- 4.2 The meetings of the Committee shall be held in accordance with the Local Government (Procedures at Meetings) Regulations 2013 ("the Regulations").
- 4.3 Meetings shall be held at least 4 times per year, or at other times as determined by the Committee.
- 4.4 Ordinary meetings of the Committee shall be held at the discretion of the Council, or, subject to a decision of Council, the Committee. A special meeting of the Committee may be called in accordance with the Act.
- 4.5 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Committee, all Elected Members and other attendees, no later than 3 clear days before the date of the meeting. Supporting documents shall be sent to Committee Members (and to other attendees as appropriate) at the same time.
- 4.6 No Committee member shall vote or take part in debate who has an interest in any matter before the Committee that would contravene the Conflict of Interest provisions in sections 73, 74 and 75 of the Act.

5. QUORUM

- 5.1 The quorum shall be determined by dividing the number of members appointed to the Audit Committee, pursuant to clause 3 of these Terms of Reference, by two, ignoring any fraction resulting from the division and adding one. The quorum for a fully appointed committee shall be 3.

6. VOTING

- 6.1 All decisions of the Committee shall be made on the basis of a majority decision of the members present.
- 6.2 The Chairperson to have a determinative vote and a casting vote in the event of no majority being achieved.
- 6.3 Members present must vote on all resolutions of the Committee. Proxy votes are not permitted.

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
Updates approved at Council Meeting – 15 November 2016

7. MINUTES

- 7.1 The Committee shall keep or cause to be kept minutes of all meetings, which shall include a record of the names of members present at each meeting. Minutes of meetings shall be circulated within 5 days after a meeting to all Committee members. Draft (or confirmed) minutes will be placed on the subsequent Council agenda and Council's website as soon as practicable.
- 7.2 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance, are minuted and that the minutes otherwise comply with requirements of the Regulations.
- 7.3 The Committee shall furnish to Council such information concerning the Committee's proceedings and activities as may be required.

8. GOVERNANCE

- 8.1 The activities of the Committee shall be regulated by such directions as may be made from time to time by Council and by such Terms of Reference as may be made by the Committee, and ratified by Council.
- 8.2 Pursuant to section 44 of the Act the Committee shall have delegated authority relative to section 126(4) of the Act. For other matters the Committee will make recommendations to Council.
- 8.3 The Chairperson shall be responsible to the Council for the proper observance of these Terms of Reference. However, no member shall be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith. However, Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- 8.4 In the event of there being any dispute, which cannot be resolved by the Committee, the matter in question is to be referred to the Council for resolution.
- 8.5 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
 - (i) Act;
 - (ii) Regulations;
 - (iii) *Code of Conduct for Elected Members* (for Elected Member Committee members) or Council's *Volunteer Management Policy* (for Independent members);

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
 Updates approved at Council Meeting – 15 November 2016

- (iv) *Independent Commissioner Against Corruption's Directions and Guidelines*; and
 - (v) Council's policies and processes which are relevant to the operations of the Committee.
- 8.6 Members of the Committee who are not Elected members are not required to complete a Register of Interest Return pursuant to Section 64 of the Local Government Act 1999.
- 8.7 Members are expected to:
- act honestly and within the law at all times;
 - act in good faith and not for improper or ulterior motives;
 - act in a reasonable, just and non discriminatory manner;
 - undertake their role with reasonable care and diligence;
 - conduct their ongoing relationship with fellow Committee members, Council employees and the public with respect, courtesy and sensitivity;
 - use information in a careful and prudent manner.
- 8.8 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions, in accordance with any budget allocation being approved by Council.
- 8.9 All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.

TERMS OF REFERENCE - THE BAROSSA COUNCIL AUDIT COMMITTEE

Adopted at Council Meeting – 27 January 2016
Updates approved at Council Meeting – 15 November 2016

COUNCIL
EXECUTIVE SERVICES
FINANCE
26 NOVEMBER 2018

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1

BUDGET UPDATE 2018/2019 (AS AT 30 SEPTEMBER 2018)

B7181

Author: Senior Accountant

PURPOSE

The Budget Update for 2018/2019 (as at 30 September 2018) is attached for Council consideration and adoption of budget variations.

RECOMMENDATION

That the Budget Update for 2018/2019 (as at 30 September 2018) be received and the budget variations including reserve transfers contained therein be adopted.

REPORT

Discussion

The report provides information as to the financial position of Council, containing budget update reports which include Executive Summary, Uniform Presentation of Finances, Key Performance Indicators, Summary of Operating Budget Variance Adjustments and Summary of Capital Budget Variance Adjustments.

The proposed variances between the Original Budget and this budget update are listed on the operating and capital budget adjustment pages. Please note for reconciliation purposes, from the Original Budget to the first Budget Update, the variances also include a summary of the carried forwards as approved by Council at the meeting on 6 November 2018. The report also includes details of new initiatives and capital expenditure adjustments.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Budget Update as at 30 September 2018

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999 Sect 123 (13)

Local Government (Financial Management) Regulations 2011 Regulation 9 (1)(a)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

To enable Council to make effective and strategic financial decisions, a Quarterly Budget Review Report is provided. This report contains budget adjustments for decisions Council has made since the last review and other adjustments to meet financial changes in capital and/or operational areas. The document contains comments and implications for the Long Term Financial Plan as a result of this review.

COMMUNITY CONSULTATION

Community Consultation was part of the Original Budget adoption process in June 2018, as per legislation.



Annual Budget and Business Plan 2018/19

Budget Update - Quarterly

As at 30 September 2018

Budget Update Report

Executive Summary	2
Uniform Presentation of Finances	4
Key Performance Indicators	5
Summary of Operating Budget Variance Adjustments	6
Summary of Capital Budget Variance Adjustments	10
Statement of Comprehensive Income	12

Annual Business Plan Report

Operating Result – The Barossa Council	13
Subsidiary Result – Nuriootpa Centennial Park Authority (NCPA)	13
Functional Reporting Operating Expenditure	14
Capital Works Program	15

Executive Summary

This report is a Budget Update as at 30 September 2018 for the 2018/19 financial year pursuant to Regulations 7, 9 and 10 of the Local Government (Financial Management) Regulations 2011 under the Act. Unless otherwise indicated figures shown are for the 2018/19 financial year and the variance report comparison is actual to original budget.

The proposed Revised Budget adjustments include a number of 'one-off' variations shown as Favourable (F) or Unfavourable (U). Only larger variances (excluding carried forward amounts from 2017/18) are highlighted below. For further details and information on the note numbers refer to variance adjustments on pages 6-11 within this report:

- (1-7) Mandatory Rate Rebates for Housing Trust lower than expected \$9k (F), Discretionary Rate Rebates higher than forecast \$14k (U), Natural Resource Management Levy final Gazettal amount lower than forecast \$5k (U), Risk Management operating grant received for purchase of Automated External Defibrillators \$27k (F), Community and Culture operating grants received \$8k (F), Increase in Investment Income interest \$30k (F), Change in Procurement Shared Services model \$53k (U), Revise Organisational Development/Human Resources service budget \$27k (U), Increase in Fuel Tax Credits \$21k (F). Net \$6k (U).
- (8-11) Barossa Bushgardens salary increase as per Natural Resource Management Board agreement \$17k (U), Customer Service and Library Operations salaries increases and budget transfers to support Change Program implementation \$32k (U), Revise salary costs associated with Organisational Development/Human Resources service budget \$16k (U), Increases hours for Manager Strategic Projects \$11k (U), Change in Procurement Shared Services model \$68k (F) Hutton Vale Airstrip tree removal costs \$6k (U), The Big Project costs reallocated to Capital \$172k (F), Fuel Tax Credits consultancy costs \$6k (U), GIS Software licensing increase \$7k (U), Income Protection insurance reduction \$10k (F), Buildings and Contents insurance reduction \$16k (F), Workcover insurance increase \$8k (U), Public Liability insurance reduction \$8k (F), Natural Resource Management Levy payment reduction \$6k (F). Net \$176k (F).
- (12-13) Stockwell/Carrara Hill budget savings reallocated to Lyndoch, Angaston and Williamstown Oval upgrades \$109k (F), Valley Road Angaston sealing costs \$25k (U), Hoffman Oval Changeroom project budget reallocated to Nuriootpa Oval Renovation \$23k (U). Net \$57k (F).
- (14-16) Prider Street land purchase \$720k (U), Strategic land purchase \$525k (U), Alf Pellegrini Drive footpath construction (funded from Developer Contribution Reserve) \$40k (U), Stockwell/Carrara Hill savings reallocated to Lyndoch, Angaston and Williamstown Oval upgrades \$109k (U), Hoffman Oval Changeroom project budget reallocated to Nuriootpa Oval Renovation \$23k (F), The Big Project Implementation costs reallocated to Talunga Park – The Big Project \$49k (F), Lyndoch Recreation Park – The Big Project \$35k (U), Williamstown Queen Victoria Jubilee Park – The Big Project \$45k (U), Barossa Rugby Park – The Big Project \$25k (U), Talunga Park - The Big Project \$49k (U), Tanunda Recreation Park - The Big Project \$35k (U), Barossa Culture Hub - The Big Project \$80k (U), Angas Recreation Park - The Big Project \$37k (U), Nuriootpa Centennial Park - The Big Project \$37k (U), Talunga Recreation Park internal roads \$19k (U), Williamstown Skate Park (part funded from Youth Services Reserve) \$20k (U), Footpath savings (part reallocated to Talunga Recreation Park internal roads) \$14k (F), Sealed roads Developer Contributions \$13k (F). Net \$1,677k (U).

Executive Summary (continued)

Long Term Financial Plan (LTFP) - Review

Since the adoption of the Budget, Council has made decisions on projects that have material financial implications not only for the 2018/19 year (these are included within the yearly budget wherever possible) but also may effect the longer term. In some cases not all information is available for these projects and not included in the budget review. The following list is a summary of these types of projects:

- ❖ A review of the Council's Asset condition, useful and remaining lives to more accurately reflect the actual service needs and consumption of the assets will continue. It is expected that Council's understanding and management of this important function could potentially improve the operating result in the Long term Financial Plan (LTFP). Selected asset types are made of two components mainly within the transport asset class. The second component being a long life asset. In many cases these are not replaced when the upper layer or component is replaced at appropriate intervals providing protection over the whole asset condition and useful life. Previous practice was not to depreciate these second components. In conjunction with the asset revaluation and condition assessment processes, recognition of the long life component has been done in 2017/18. This resulted in an increase to the depreciation charge; this increase will be considered in the Mid-Year budget review and the next annual review of the LTFP.
- ❖ Angaston Railway Precinct was successful in receiving grant funding support of over \$1m for this significant project. A majority of the capital expenditure and matching grant funding received has been carried forward into 2018/19.
- ❖ Council approved the commencement of "The Big Project" (TBP) and the Tanunda Recreation Park project is a part of this. The Council report approving the masterplan(s) required a review of the LTFP to ensure financial sustainability together with financial modelling for the TBP. This budget update reallocates amounts from The Big Project Phase 1 Implementation to individual projects.
- ❖ As required in Council's Prudential Management Policy and the appropriate level of due diligence there is a full assessment underway for all of The Big Project(s).
- ❖ The new waste, recycling and green services contract revised service charges and levels affecting the forward years service cost and service charges. These calculations form part of the budget 2018/19 and annual review of the LTFP. During 2018/19 the full service numbers and disposal rates will be assessed to the budget estimates.

Uniform Presentation of Finances

for the year ending 30 June 2019

The following is a high level summary of both operating and capital investment activities of the Council prepared in a uniform and consistent basis. All Councils in South Australia voluntarily have agreed to summarise annual budgets and long term financial plans on the same basis. The arrangement ensures that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances.

		Original Full Year Budget	Actuals as at 30 Sep 2018	C/fwd from 2017/18	Budget adjustments quarter 1	Proposed Full Year Revised Budget (RB)
	Budget Adjustment Notes	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Income	1-7	37,188	31,982	170	(6)	37,352
Less Expenses	8-11	37,106	7,374	335	(176)	37,265
Operating Surplus / (Deficit)		82	24,608	(165)	170	87
Less Net Outlays on Existing Assets						
Capital Expenditure on Renewal and Replacement of Existing Assets	12	4,472	(256)	480	(57)	4,895
Less Depreciation, Amortisation and Impairment	10	7,362	1,841	0	0	7,362
Less Proceeds from Sale of Replaced Assets	13	346	0	54	0	400
		(3,236)	(2,097)	426	(57)	(2,867)
Less Net Outlays on New and Upgraded Assets						
Capital Expenditure on New and Upgraded Assets	14	14,977	1,247	2,779	1,689	19,445
Less Amounts Received Specifically for New and Upgraded Assets	15	4,721	1,710	186	13	4,920
Less Proceeds from Sale of Surplus Assets	16	389	0	105	0	494
		9,867	(463)	2,488	1,676	14,031
Net Lending / (Borrowing) for Financial Year		(6,549)	27,168	(3,079)	(1,449)	(11,077)

Funding Source for the movement in Net Lending / (Borrowing)	(\$'000)
Original Full year Budget Net Lending / (Borrowing)	(6,549)
Carried Forward Budget Adjustments – Report on Financial Results	(3,079)
Funds were held for these projects in cash and investments at 30 June 2018	
Other Budget Adjustments - September Budget Update. Funds required for these items will decrease Councils cash and investments. This amount includes amendments approved at the Council meetings held July and November 2018; refer to information on Budget Variance Adjustments within this report	(1,449)
Proposed Full-year Revised Budget - Net Lending / (Borrowing)	(11,077)

Key Performance Indicators (KPI)

Key Performance Indicators (KPI)		Original Budget 30 June 19	Budget Update 30 June 19
Operating Surplus / (Deficit) (\$'000)		82	88
Target	To achieve an operating breakeven position, or better, over any five year period.		
Notes	Operating Surplus decreased as a result carried forwards from 2017-18.		
Operating Surplus Ratio		0.2%	0.2%
Target	To achieve an operating surplus ratio of between -2% to 10.		
Notes	The adopted LTFF 3 year average for this ratio was 3.1%. This budget update projects the annual result within the target range of (2%) to 10%, using the last 2 years actuals 2017 at 7.7% and 2018 at 5.9% and this Budget update 2018 is 0.2% the three average is 4.6%.		
Net Financial Liabilities (\$'000)		14,308	14,190
Target	Council's level of net financial liabilities is no greater than its annual operating revenue and not less than zero.		
Notes	Decrease to net liabilities as a result of cash holdings being slightly higher than when Council had adopted its 2018/19 original budget (refer also to carry forward expenditure not spent).		
Net Financial Liabilities Ratio		38.5%	38.0%
Target	Net financial liabilities ratio is greater than zero but less than 100% of total operating revenue.		
Notes	This ratio has decreased; refer to the comments in the Net Financial Liabilities indicator above.		
Interest Cover Ratio		1.7%	1.6%
Target	Net interest is greater than 0% and less than 8% of operating income.		
Notes	Minimal change on this ratio, due to increased income (refer Notes 1-4 for further details).		
Asset Funding Renewal Ratio		69%	82%
Target	Capital outlays on renewing/replacing assets net of proceeds from sale of replaced assets is greater than 80% but less than 110% of Infrastructure Asset Management Plans (previously Depreciation) over a rolling 3 year period, the ratio shown above is for the current year only.		
Notes	Expenditure on Renewal & Replacement Assets has decreased as a result of averaging 3 years and the ratio for the three years: 2016-17 actual 58%, 2017-18 actual 61% and 2018/19 Revised Forecast 82%, over a three rolling period this is 67%. The annual budget ratio was expected to be 69% this has increased to 82% as a result of the Carried Forwards.		
A substantial amount of 'Upgraded' asset work completed each year are partly renewing components of existing assets. For normal work cycles, components of these assets would need to be replaced when the depreciation or consumption of them had reduced their remaining life to zero, but as they are being upgraded to a better service level, they are effectively replacing asset components that would normally need to be replaced as/when due.			

Summary of Operating Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
		Operating Adjustments					
CCS	Addition to income	Rate Revenue General	Increase to revenue for actual as compared to forecasts	2,065			2,065
CCS	Addition to income	Rate Rebates - Mandatory Rebates	Allowance for Housing trust rebates not as significant as expected	9,482			9,482
CCS	Addition to income	Rate Rebates - Discretionary Rebates	Increase in rebates for actual as compared to forecasts	(13,678)			(13,678)
CCS	Reduction to income	Natural Resource Management Levy - Adelaide and Mount Lofty Natural Resource Management Levy	Adjust to final Gazettal amount	(5,099)			(5,099)
CCS	Reduction to income	Natural Resource Management Levy - Murray Darling Natural Resource Management Levy	Adjust to final Gazettal amount	(561)			(561)
		Rates	Note 1		(7,791)		
			No adjustments required for first quarter budget review	0			0
		Statutory Charges	Note 2		0		
CCS	Reduction to income	Overpayment of Lease Fee - Vodafone Rowland Flat	Original prorata 2016/17 fee incorrectly calculated	(3,767)			(3,767)
		User Charges	Note 3		(3,767)		
Executive	Addition to income	Risk Management Operating Grant	Grant Funding approved for purchase of community access Automated External Defibrillators	26,759			26,759
CCS	Addition to income	Collaborative Officer - Operating Grant Other	Community and Culture Grants received for community project	7,879			7,879
	<i>Carried Fwd</i>	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	88,689			88,689
		Grants, Subsidies and Contributions	Note 4		123,327		
CCS	Addition to income	Administer Council Investments - Interest Earned	Better than expected interest on investments due to incomplete works from the previous year and grants paid in advance	30,000			30,000
		Investment Income	Note 5		30,000		
Executive	Reduction to income	Procurement Shared Service - Reimburse Income	Change in operating model for shared resource now hosted by Town of Gawler	(52,686)			(52,686)
		Reimbursements	Note 6		(52,686)		
Executive	Reduction to income	Human Resources Miscellaneous - Contractors Other Councils	Revise Organisational Development/Human Resources Service Budget	(27,227)			(27,227)
WES	Addition to income	Machine/Vehicle/Equipment Other Income	Recognition of additional rebate income. Off set against additional vehicle expense	1,000			1,000
CCS	Addition to income	Fuel Tax Credits - Other income	Claim for fuel tax credits for 4 year period from the review of plant usage, rates and additional fuel claim	20,600			20,600
	<i>Carried Fwd</i>	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	80,642			80,642
		Other Income	Note 7		75,015		
Executive	Reduction to expenditure	Procurement Shared Service - Salaries Travel Allowance	Change in operating model for shared resource now hosted by Town of Gawler	144			144
WES	Transfer from expenditure	Engineering Support Services - Salaries Works Admin Staff	Savings in wages/salaries to be transferred to consultants for recruitment of Depot Operations Manager	18,000			18,000
WES	Transfer from expenditure	Administer Asset Registers - Salaries	Transfer budget from consultancy to salaries to cover cost of short term casual Asset Support Staff	(10,500)			(10,500)
DES	Addition to expenditure	Barossa Bushgardens - Natural Resource Centre Program - Salary	Budget adjustment as per the Grant Agreement with the NRM Board. The Board fund 2 days per week and Council 1 day	(17,200)			(17,200)
DES	Addition to expenditure	Barossa Bushgardens - Salaries	Salary costs in respect of SALA exhibition	(1,364)			(1,364)
CCS	Addition to expenditure	Customer Service Operations - Salaries	Support implementation phase Change Program - Customer Service Reboot project planning phase	(15,000)			(15,000)
CCS	Addition to expenditure	Library and Heritage Services - Strategy Implementation -Salaries	Support implementation of library service review	(4,500)			(4,500)
CCS	Transfer from expenditure	Customer Service Operations - Salaries Library Staff	Transfer budget allocation to support customer service program changes	(12,340)			(12,340)

Summary of Operating Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
CCS	Addition to expenditure	Designated First Aider allowance	Admin Officer now designated first aider - weekly allowance applies	(485)			(485)
Executive	Addition to expenditure	Human Resources Miscellaneous - Salaries	Revise Organisational Development/Human Resources Service Budget	(15,948)			(15,948)
Executive	Addition to expenditure	Business Excellence Program - Salaries	Increased hours for Manager Strategic Projects	(11,225)			(11,225)
Executive	Reduction to expenditure	Procurement Shared Service - Salaries	Change in operating model for shared resource now hosted by Town of Gawler	77,953			77,953
	<i>Carried Fwd</i>	<u>Approved</u> Carried Forwards	<i>As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018</i>	(2,042)			(2,042)
		Employee Costs	Note 8		5,493		
DES	Addition to expenditure	Hard Waste - Contractors Waste Disposal Services	Garage Sale Trail participation 2018. Refer May 2018 Council Report	(2,250)			(2,250)
WES	Addition to expenditure	Hutton Vale Airstrip tree removal	Refer Council report 20 February 2018	(6,000)			(6,000)
CCS	Transfer from expenditure	Angaston Railway Land Maintenance - Design Costs	Slight increase from budget - reallocate to Capital	2,460			2,460
CCS	Transfer from expenditure	Schoolies Bus - Contractors	Budget Reallocation	0			0
CCS	Transfer from expenditure	Executive Services Miscellaneous - Contractors	Transfer budget allocation to support customer service program changes	12,340			12,340
CCS	Transfer from expenditure	Recreation Park - Curdnatta - Contractors	Reallocate budget to fund removal of unsafe Oval Irrigation tank	0			0
WES	Transfer from expenditure	Recreation Park - Talunga - Contractors	Transfer budget to Capital to complete Talunga Recreation Park internal roads project scope	7,000			7,000
WES	Transfer from expenditure	Engineering Services - Miscellaneous - Consultants - Recruitment fees	Savings in wages/salaries to be transferred to consultants for recruitment of Depot Operations Manager	(18,000)			(18,000)
Executive	Reduction to expenditure	Generational Investment in The Barossa - Consultants - Technical Support	The Big project expenditure now allocated to Capital	45,910			45,910
Executive	Reduction to expenditure	Generational Investment in The Barossa - Consultants - Strategic Planning	The Big project expenditure now allocated to Capital	21,630			21,630
WES	Transfer from expenditure	Works Asset Management Plan - Consultants	Transfer budget from consultancy to salaries to cover cost of short term casual Asset Support Staff	10,500			10,500
Executive	Reduction to expenditure	Procurement Shared Service - Consultants Other	Change in operating model for shared resource now hosted by Town of Gawler	5,000			5,000
CCS	Addition to expenditure	Fuel Tax Credits - Review cost	Consultancy cost to review the last 4 years claims, vehicle list and usage and fuel expenditure	(6,352)			(6,352)
Executive	Reduction to expenditure	Generational Investment in The Barossa - Consultants - Other	The Big project expenditure now allocated to Capital	75,500			75,500
CCS	Transfer from expenditure	Visitors Information Centre AC failure repairs	Reallocate budget - air conditioning for the back area of the office has need of additional repairs	0			0
CCS	Transfer from expenditure	Hall - Rowland Flat - Asbestos Checks/Maintenance Contractors	Reallocation of budget to Rowland Flat Community Centre for asbestos removal	0			0
Executive	Reduction to expenditure	Procurement Shared Service - Software Annual Licence	Change in operating model for shared resource now hosted by Town of Gawler	1,500			1,500
CCS	Addition to expenditure	General Rates Income - Software Licence Fees	Provide budget for scan of old records	(1,219)			(1,219)
CCS	Addition to expenditure	GIS Software licensing	Additional costs associated with a 1 year agreement instead of a 3 year agreement	(7,260)			(7,260)
Executive	Addition to expenditure	Risk Management Direct Purchases Assets <\$5,000	Budget increase to allow for purchase of Defibrillators. Funded from Grant income and a budget reduction	(26,945)			(26,945)
Executive	Addition to expenditure	Manage Occupational Health and safety in the Workplace - Direct Purchases Other	Budget increase for Automatic External Defibrillator (AED) consumables	(2,000)			(2,000)
CCS	Addition to expenditure	Collaborative Officer - Community and Culture - Direct Purchases Other	Additional expenditure matched by additional income received for community project	(7,879)			(7,879)
Executive	Reduction to expenditure	Income Protection Insurance	2018/19 Income Protection Insurance - adjustment to actuals	9,644			9,644

Summary of Operating Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
Executive	Reduction to expenditure	Buildings and Contents Insurance/Vehicle Insurance	2018/19 Asset Insurance - adjustment to actuals	13,236			13,236
Executive	Addition to expenditure	Workcover Insurance	2018/19 Workcover Insurance - adjustment to actuals	(7,885)			(7,885)
Executive	Reduction to expenditure	Public Liability Insurance	2018/19 Public Liability Insurance - adjustment to actuals	7,804			7,804
Executive	Reduction to expenditure	Buildings and Contents Insurance/Vehicle Insurance	2018/19 Asset Insurance - adjustment to actuals	3,147			3,147
Executive	Reduction to expenditure	Buildings and Contents Insurance/Vehicle Insurance	2018/19 Asset Insurance - adjustment to actuals	(69)			(69)
CCS	Transfer from expenditure	Schoolies Bus - Advertising	Budget reallocation	0			0
Executive	Reduction to expenditure	Generational Investment in The Barossa - Advertising	The Big project expenditure now allocated to Capital	24,000			24,000
Executive	Reduction to expenditure	Generational Investment in The Barossa - Staff Training - Travel	The Big project expenditure now allocated to Capital	3,000			3,000
Executive	Reduction to expenditure	Generational Investment in The Barossa - Staff Training - Accommodation	The Big project expenditure now allocated to Capital	2,200			2,200
Executive	Reduction to expenditure	Procurement Shared Service - Postage	Change in operating model for shared resource now hosted by Town of Gawler	300			300
DES	Transfer from expenditure	Administer Waste Services - Postage	Budget reallocation for postage - required as part of the new service implementation	0			0
Executive	Reduction to expenditure	Procurement Shared Service - Mobile Phone Expenses	Change in operating model for shared resource now hosted by Town of Gawler	125			125
Executive	Reduction to expenditure	Procurement Shared Service - Wireless Broadband	Change in operating model for shared resource now hosted by Town of Gawler	125			125
CCS	Reduction to expenditure	Community Programs and Development - Contributions	Reduction to Community Contributions - cash applied to Williamstown Skate Park project	17,114			17,114
Executive	Addition to expenditure	Procurement Shared Service - Other Contribution	Change in operating model for shared resource now hosted by Town of Gawler	(17,309)			(17,309)
CCS	Reduction to expenditure	Natural Resource Management Levy - Levies paid to Government	Adjust to final Gazettal amount	6,265			6,265
WES	Addition to expenditure	Cemeteries - Other Maintenance - Subscriptions	Budget increase to cover Cemeteries Association of SA Membership fees	(195)			(195)
Executive	Reduction to expenditure	Procurement Shared Service - Other Miscellaneous Expenses	Change in operating model for shared resource now hosted by Town of Gawler	300			300
WES	Reduction to expenditure	Construction Industry Training Levy - Footpaths and Kerbing	Adjust budget to actuals for Construction Industry Training Board levy payments	1,115			1,115
WES	Reduction to expenditure	Construction Industry Training Levy - CWMW's Infrastructure Maintenance	Adjust budget to actuals for Construction Industry Training Board levy payments	1,013			1,013
WES	Reduction to expenditure	Construction Industry Training Levy - Bridges	Adjust budget to actuals for Construction Industry Training Board levy payments	716			716
	Carried Fwd	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	(332,739)		18,020	(314,719)
		Materials, Contracts and Other Expenses	Note 9		(164,158)		

Summary of Operating Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
		Depreciation, Amortisation and Impairment	No adjustments required for first quarter budget review	0			
			Note 10		0		
		Finance Costs	No adjustments required for first quarter budget review	0			
			Note 11		0		
NET TOTAL - Operating Adjustments			Note: for reconciliation purposes the report includes <u>Approved</u> Carried Forwards	5,433	5,433	18,020	23,453
CCS	Addition to expenditure (positive amount)	Landfill Rehabilitation cash payment	2017/18 payment not made from the liability expense recognised previously; effect to cashflow and balance sheet only	(210,000)			
		Balance Sheet Adjustment only			(210,000)		

Summary of Capital Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
		Capital Expenditure on Renewal and Replacement of existing assets					
WES	Transfer from expenditure	Road Seal Stockwell Road Stockwell	Transfer savings from Stockwell/Carrara Hill upgrade to Angaston, Lyndoch and Williamstown Ovals drainage upgrades	108,547			108,547
WES	Addition to expenditure	Valley Road Angaston	Refer Council report 17 July 2018	(25,000)			(25,000)
WES	Transfer from expenditure	Footpath Elizabeth Street Tanunda	Budget reallocation	(2,424)			(2,424)
CCS	Transfer from expenditure	Miscellaneous Buildings Renewal	Reallocate budget to fund replacement of Curdnatta Park Oval Irrigation Tank	11,193			11,193
NCPA	Transfer from expenditure	Nuriootpa Oval Renovation	Budget reallocated from Hoffman Oval Change Room project	(22,882)			(22,882)
WES	Transfer from expenditure	Tanunda Recreation Park - Transfer from Work department to CCS only	Tanunda Recreation Park - Transfer from Works to CCS only for oval works carried forward budget - to be changed in capital listing only - same asset number	0			0
WES	Transfer from expenditure	Transfer of funds for vehicle purchase	Additional funds required to purchase new team leader vehicle transferred from contingency	(1,350)			(1,350)
WES	Addition to expenditure	Office Vehicle Contingency	Increase in vehicle expense budget off set by increased income	(1,000)			(1,000)
WES	Transfer from expenditure	Transfer of funds for vehicle purchase	Additional funds required to purchase new team leader vehicle transferred from contingency	1,350			1,350
CCS	Transfer from expenditure	Curdnatta Oval Irrigation Tank Replacement	Reallocate budget to fund replacement of Curdnatta Park Oval Irrigation Tank	(11,193)			(11,193)
	<i>Carried Fwd</i>	<i>Approved Carried Forwards</i>	<i>As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018</i>	(480,856)		0	(480,856)
		Capital Expenditure on Renewal and Replacement of Existing Assets	Note 12		(423,615)	0	
		Asset Sales adjustments/Capital Income*					
	<i>Carried Fwd</i>	<i>Approved Carried Forwards</i>	<i>As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018</i>	53,500		0	53,500
		Proceeds from Sale of Replaced Assets	Note 13		53,500		
NET TOTAL - Asset Renewal/Replacement Adjustments					(370,115)	0	53,500
		Capital Expenditure on New and Upgraded assets					
Executive	Addition to expenditure	Prider Street Land Purchase	See Council resolution of 18 September 2018 and 11 September 2018	(720,000)			(720,000)
Executive	Addition to expenditure	Strategic Land Purchase	Refer Council confidential resolution of 21 August 2018 CO2014/18-81	(525,000)			(525,000)
WES	Transfer from expenditure	Footpath Barossa Street Nuriootpa	Budget reallocation	(4,332)			(4,332)
WES	Transfer from expenditure	Footpath Tolley Reserve Nuriootpa	Budget reallocation	6,756			6,756
WES	Transfer from expenditure	Footpath Melrose Street Mount Pleasant	Transfer budget to Capital to complete Talunga Recreation Park internal roads project scope	12,000			12,000
WES	Addition to expenditure	Alf Pellegrini Footpath Construction - funded from Developer Contribution Reserve	Footpath construction	(39,555)		39,555	0
WES	Transfer from expenditure	Lyndoch Oval Drainage Upgrade	Transfer savings from Stockwell/Carrara Hill upgrade to Lyndoch Oval drainage upgrade	(22,591)			(22,591)
WES	Transfer from expenditure	Angaston Oval Drainage Upgrade	Transfer savings from Stockwell/Carrara Hill upgrade to Angaston Oval drainage	(47,671)			(47,671)
WES	Transfer from expenditure	Williamstown Oval Drainage Upgrade	Transfer savings from Stockwell/Carrara Hill upgrade to the Williamstown Oval drainage upgrade	(38,285)			(38,285)
CCS	Transfer from expenditure	Angaston Railway Precinct Picnic Area - Design Costs	Slight increase from budget - fund from Operating	(820)			(820)
CCS	Transfer from expenditure	Angaston Railway Precinct Bike Track - Design Costs	Slight increase from budget - fund from Operating	(820)			(820)

Summary of Capital Budget Variance Adjustments

Business Unit	Type of Adjustment	Adjustment Title	Reason for Budget Adjustment	Adjustment \$ Favourable/ (Unfavourable)	Sub Total per type \$	Reserve \$ From/(To)	Net
CCS	Transfer from expenditure	Angaston Railway Precinct Play Area - Design Costs	Slight increase from budget - fund from Operating	(820)			(820)
CCS	Transfer from expenditure	The Big Project Implementation Costs	Budget reallocation for Williamstown Skate Park	2,000			2,000
Executive	Reduction to expenditure	The Big Project - Buildings Phase 1 Implementation	Reallocate The Big project expenditure	49,000			49,000
NCPA	Transfer from expenditure	Hoffman Oval Change Rooms	Reallocate budget	22,882			22,882
Executive	Addition to expenditure	Lyndoch Recreation Park - The Big Project	Provide for The Big Project expenditure	(35,000)			(35,000)
Executive	Addition to expenditure	Williamstown QVJP - The Big Project	Provide for The Big Project expenditure	(45,000)			(45,000)
Executive	Addition to expenditure	Barossa Rugby Park - The Big Project	Provide for The Big Project expenditure	(25,000)			(25,000)
Executive	Addition to expenditure	Talunga Park - The Big Project	Provide for The Big Project expenditure	(49,000)			(49,000)
Executive	Addition to expenditure	Tanunda Recreation Park - The Big Project	Provide for The Big Project expenditure	(35,000)			(35,000)
Executive	Addition to expenditure	Barossa Culture Hub - The Big Project	Provide for The Big Project expenditure	(80,000)			(80,000)
Executive	Addition to expenditure	Angas Recreation Park - The Big Project	Provide for The Big Project expenditure	(37,000)			(37,000)
Executive	Addition to expenditure	Nuriootpa Centennial Park - The Big Project	Provide for The Big Project expenditure	(37,000)			(37,000)
WES	Transfer from expenditure	Talunga Park Atrium - Internal Road Talunga Recreation Park	Transfer budget to Capital to complete Talunga Recreation Park internal roads project scope	(19,000)			(19,000)
CCS	Addition to expenditure	Williamstown Skate Park - funded from Youth Services Reserve	Skate park expenditure	(17,114)		17,114	0
CCS	Addition to expenditure	Williamstown Skate Park	Additional Skate park expenditure	(810)			(810)
CCS	Transfer from expenditure	Williamstown Skate Park	Budget reallocation from The Big Project Implementation to Williamstown Skate Park	(2,000)			(2,000)
	Carried Fwd	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	(2,778,445)		5,777	(2,772,668)
		Capital Expenditure on New and Upgraded Assets	Note 14		(4,467,625)		
		Amounts received specifically for New and Upgraded Assets/Profit & loss for asset disposal					
WES	Addition to income (negative amount)	Roads Sealed - Miscellaneous - Capital Contributions - Developers	Refer Council report 17 July 2018	12,500			12,500
	Carried Fwd	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	186,441		0	186,441
		Amounts Received Specifically for New and Upgraded Assets	Note 15		198,941		
		Asset Sales adjustments					
	Carried Fwd	<u>Approved</u> Carried Forwards	As part of the Report on Financial Results 2017-18 - Carried Forwards were approved by Council at the meeting held October 2018	105,000		0	105,000
		Asset Disposal and Fair Value Adjustments	Note 16		105,000		
NET TOTAL - Asset New/Upgrade Adjustments					(4,163,684)	62,446	(4,101,238)
NET TOTAL - Capital Adjustments			Note: for reconciliation purposes the report includes <u>Approved</u> Carried Forwards	(4,533,799)	(4,533,799)	62,446	(4,047,738)

Statement of Comprehensive Income

for the year ending 30 June 2019

		Original Full Year Budget	Actuals as at 30 Sep 2018	C/fwd from 2017/18	Budget adjustments quarter 1	Proposed Full Year Revised Budget (RB)
	Budget Adjustment Notes	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Income						
Rates	1	30,122	30,007	0	(8)	30,114
Statutory Charges	2	674	122	0	0	674
User Charges	3	3,078	598	0	(4)	3,074
Grants, Subsidies and Contributions	4	1,845	778	89	35	1,969
Investment Income	5	238	76	0	30	268
Reimbursements	6	215	37	0	(53)	162
Other Income	7	1,016	364	81	(6)	1,091
Net Gain – Joint Ventures and Associates		0	0	0		0
Total Revenues		37,188	31,982	170	(6)	37,352
Expenses						
Employee Costs	8	13,445	2,839	2	(7)	13,440
Materials, Contracts and Other Expenses	9	15,444	2,737	333	(169)	15,608
Depreciation, Amortisation and Impairment	10	7,362	1,841	0	0	7,362
Finance Costs	11	855	(43)	0	0	855
Net Loss – Joint Ventures and Associations		0	0	0	0	0
Total Expenses		37,106	7,374	335	(176)	37,265
Operating Surplus / (Deficit)		82	24,608	(165)	170	87
Asset Disposal and Fair Value Adjustments		(51)	0	0	0	(51)
Amounts Received Specifically for New or Upgraded Assets		4,721	1,710	186	13	4,920
Physical Resources Received Free of Charge		282	0	0	0	282
Net Surplus / (Deficit)		5,034	26,318	21	183	5,238
Changes in revaluation surplus - infrastructure, property, plant and equipment		0	0	0	0	0
Infrastructure, property, plant and equipment Impairment (Expense)/Recoupments offset to Asset Revaluation Reserve		0	0	0	0	0
Total Other Comprehensive Income		0	0	0	0	0
Total Comprehensive Income		5,034	26,318	21	183	5,238

Annual Business Plan

Operating Result - The Barossa Council (Excludes NCPA)

Operations

	Original Full Year Budget	Actuals as at 30 Sep 2018	C/fwd from 2017/18	Budget adjustments quarter 1	Proposed Full Year Revised Budget (RB)
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Income	35,366	31,628	170	(6)	35,530
Expenditure	35,320	6,992	335	(176)	35,479
Capital Amounts	364	451	186	13	563
Net Surplus (Deficit)	410	25,087	21	183	614

Associated Entities – Subsidiary

Operating Result - Nuriootpa Centennial Park Authority

Responsibilities and Services Provided: Established as a subsidiary of Council pursuant to Section 42 of the Local Government Act 1999, the Nuriootpa Centennial Park Authority manages and maintains the Nuriootpa Caravan Park and adjacent sporting and leisure facilities on behalf of Council.

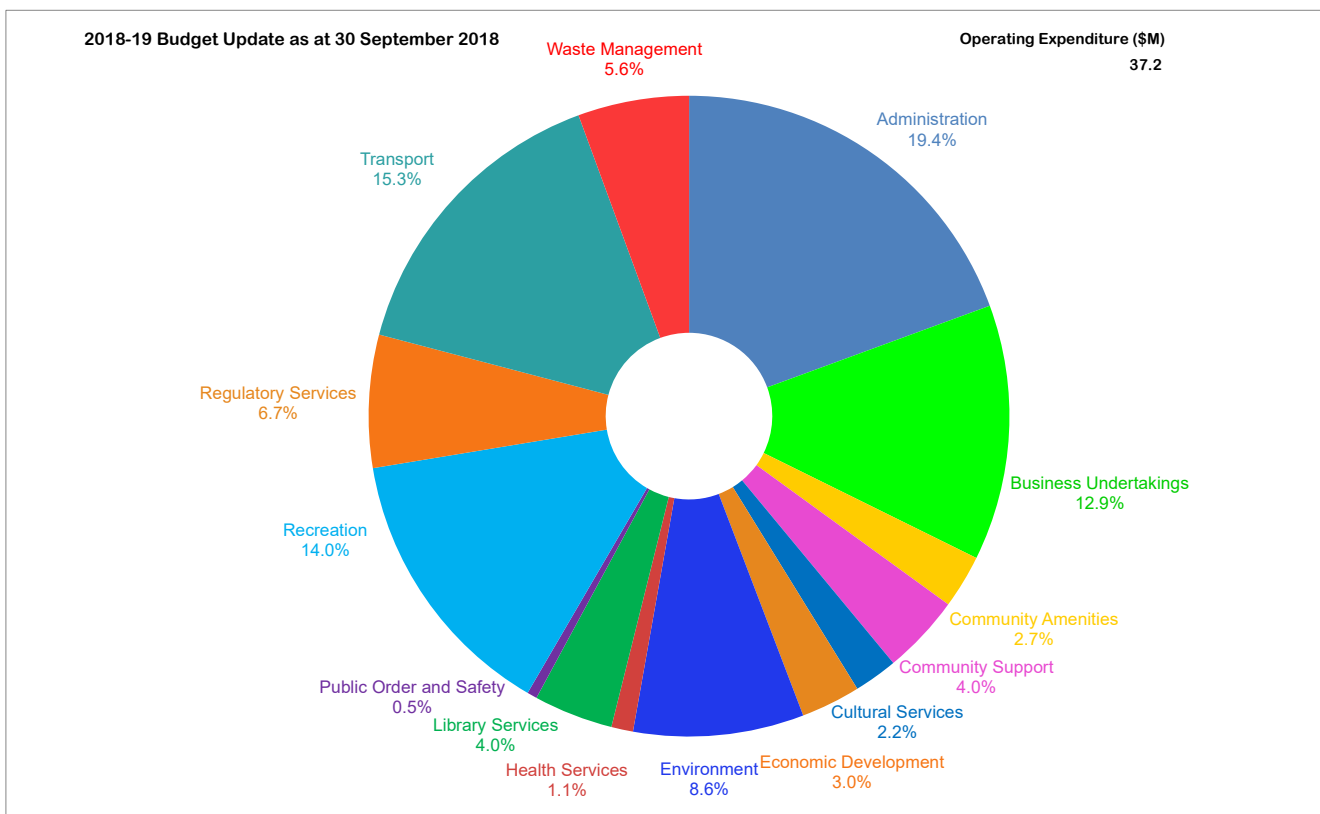
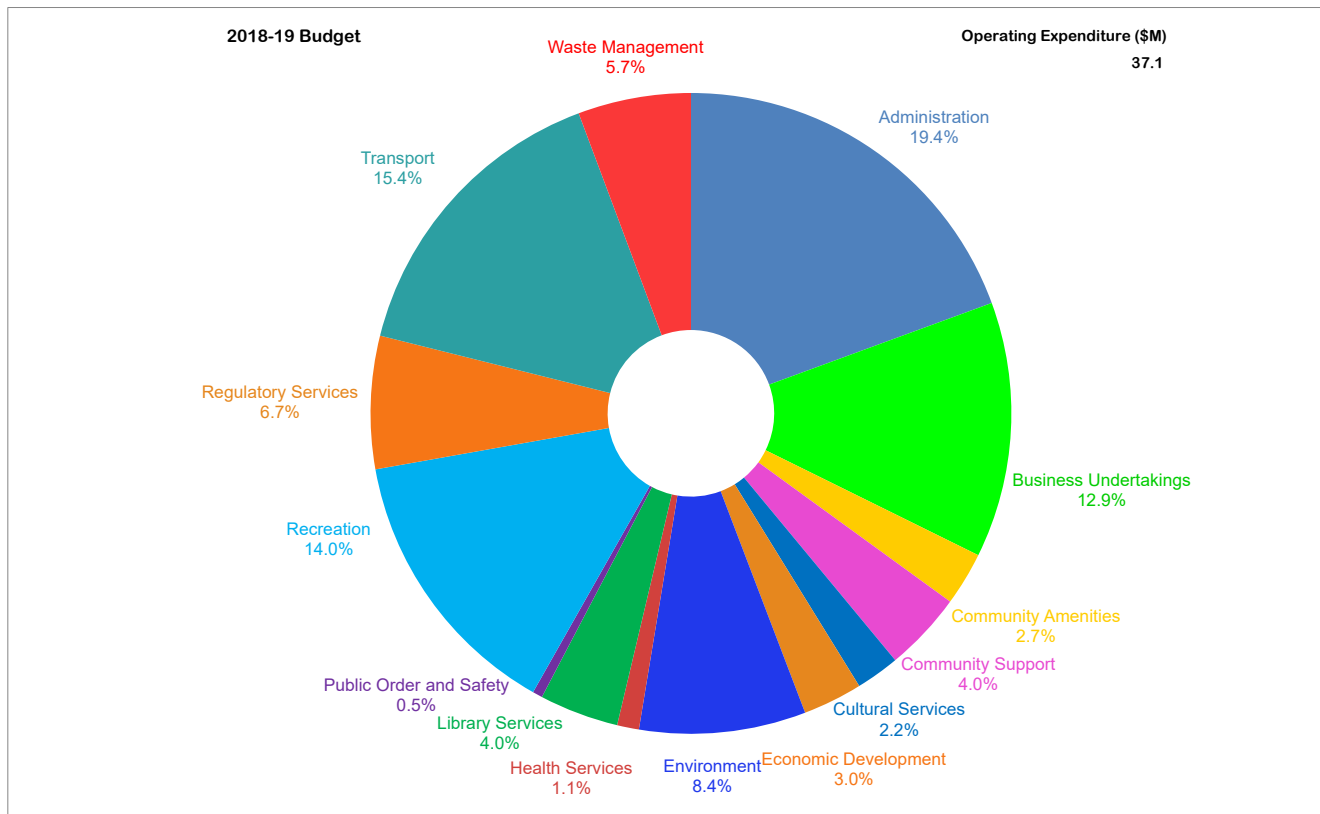
The projected 2018-19 Income Statement for the Authority is included within Council's financial statements, contained within this document.

Operations

	Original Full Year Budget	Actuals as at 30 Sep 2018	C/fwd from 2017/18	Budget adjustments quarter 1	Proposed Full Year Revised Budget (RB)
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Income	1,822	354	0	0	1,822
Expenditure	1,786	382	0	0	1,786
Capital Amounts	0	0	0	0	0
Net Surplus (Deficit)	36	(28)	0	0	36

Functional Reporting Operating Expenditure

The following graphs show Budget operating expenditure for the 2018/19 year by the following functions: Administration, Business Undertakings, Community Amenities, Community Support, Cultural Services, Economic Development, Environment, Health Services, Library Services, Public Order and Safety, Recreation, Regulatory Services, Transport, Waste Management.



Capital Program 2018/19					
Description	2018/19 Budget	Actuals as at 30 Sep 2018	C/fwd from 17/18	Budget Adjustments Quarter 1	Proposed Full Year Revised Budget (RB)
CORPORATE & COMMUNITY SERVICES	8,003,151	274,759	401,388	294,460	8,698,999
Community Services - Community Transport	52,000	0	0	0	52,000
Community Transport Vehicles	52,000	0	0	0	52,000
Library Services	68,830	1,849	0	0	68,830
Library Books	68,830	1,849	0	0	68,830
Barossa Regional Gallery	89,450	0	0	0	89,450
Barossa Regional Gallery Air Conditioning	89,450	0	0	0	89,450
Barossa Visitor Centre	14,091	0	0	0	14,091
Barossa Visitor Centre - Interpretative Display/Video Wall	14,091	0	0	0	14,091
Offices and Community Facilities	7,778,780	272,910	401,388	294,460	8,474,628
Hall Chairs Angaston	0	5,777	5,777	0	5,777
Angaston Railway Precinct - Entrance	27,231	2,810	0	0	27,231
Angaston Railway Precinct - Picnic and Market Area	429,400	9,622	8,666	820	438,886
Angaston Railway Precinct - Railway Station and Associated Works	652,494	16,370	81,127	0	733,621
Angaston Railway Precinct - Southern Bank Bike Track	97,460	4,810	0	820	98,280
Angaston Railway Precinct - Youth and Play Area	902,415	9,622	19,907	820	923,142
Building Renewal and Replacement	139,394	0	0	(11,193)	128,201
Curdnatta Recreation Park - Oval Irrigation Tank	0	10,175	0	11,193	11,193
Finance Budgeting Software	0	3,150	50,940	0	50,940
Lyndoch Recreation Park Interim Upgrade Oval Lights - (Funded from Developer Reserve)	20,000	0	0	0	20,000
Nuriootpa Office and Library Air Conditioning Renewal Program	70,000	16,122	46,473	0	116,473
Talunga Tennis Courts - Reseal/Drainage	40,000	0	0	0	40,000
Talunga Recreation Park Upgrade	0	(911)	0	0	0
Tanunda Recreation Park - Electrical Upgrade and Lighting	647,675	0	36,822	0	684,497
Tanunda Recreation Park - Oval Expansion	51,300	0	30,000	0	81,300
Tanunda Recreation Park - Show Hall Upgrade	561,745	0	34,855	0	596,600
The Big Project - Phase 1 Implementation - Buildings	1,946,266	172,623	0	(49,000)	1,897,266
The Big Project - Phase 1 Implementation - Recreation	2,000,000	0	0	0	2,000,000
The Big Project Implementation Costs	0	0	86,821	(2,000)	84,821
Lyndoch Recreation Park - The Big Project	0	0	0	35,000	35,000
Williamstown QVJP - The Big Project	0	0	0	45,000	45,000
Barossa Rugby Park - The Big Project	0	0	0	25,000	25,000
Talunga Park - The Big Project	0	0	0	49,000	49,000
Tanunda Recreation Park - The Big Project	0	0	0	35,000	35,000
Barossa Culture Hub - The Big Project	0	0	0	80,000	80,000
Angas Recreation Park - The Big Project	0	0	0	37,000	37,000
Nuriootpa Centennial Park - The Big Project	0	0	0	37,000	37,000
Williamstown Pool Replacement Sand Filters	80,000	0	0	0	80,000
Williamstown Queen Victoria Jubilee Park Retaining Wall behind Clubroom	90,000	350	0	0	90,000
Williamstown Soldiers Memorial Hall Air Conditioning	23,400	22,390	0	0	23,400
DEVELOPMENT & ENVIRONMENTAL SERVICES	22,569	0	0	0	22,569
Barossa Bushgardens	22,569	0	0	0	22,569
Access Paths	10,000	0	0	0	10,000
Nursery Shed	6,659	0	0	0	6,659
Quad Bike	5,910	0	0	0	5,910
NURIOOTPA CENTENNIAL PARK AUTHORITY	240,000	0	120,755	0	360,755
Coulthrd Reserve Irrigation Bore	0	0	1,145	0	1,145
Hoffman Oval Female Change Rooms	180,000	0	0	(22,882)	157,118
Internal Roadworks	25,000	0	0	0	25,000
Nuriootpa Oval Renovation	0	0	119,610	22,882	142,492
Replacement Cleaners Van	35,000	0	0	0	35,000
WORKS & ENGINEERING	11,183,544	1,228,376	2,737,158	1,337,479	15,258,181
Buildings	0	39,082	40,000	0	40,000
Depot Plant Shed Tanunda	0	39,082	40,000	0	40,000
Bridges	928,722	12,950	21,293	0	950,015
Melrose Street Footbridge Mount Pleasant	119,994	1,950	0	0	119,994
Williamstown Queen Victoria Jubilee Park Bridge	808,728	11,000	21,293	0	830,021
Community Wastewater Management System (CWMS)	916,725	7,541	93,000	0	1,009,725
CWMS Vehicle Replacement - Co-ordinator	36,000	4,812	0	0	36,000
CWMS Vehicle Replacement - Northern Operations	44,105	0	0	0	44,105
CWMS Control Systems	0	0	30,000	0	30,000
Mount Pleasant Gravity Mains Operation Construction of New Inspection Points (IP)	12,000	0	12,000	0	24,000
Mount Pleasant Gravity Mains Operation Emergency IP and Manhole Repairs/Replacement	11,320	0	0	0	11,320
Mount Pleasant Waste Water Treatment Plant	0	0	23,000	0	23,000
Nuriootpa Gravity Mains Operation Emergency Drain Repairs	20,000	0	20,000	0	40,000
Nuriootpa Gravity Mains Operation Emergency IP and Manhole Repairs/Replacement	11,320	0	0	0	11,320
Penrice Gravity Mains Operation Emergency IP and Manhole Repairs/Replacement	14,720	0	0	0	14,720
Springton Gravity Mains Operation Emergency IP and Manhole Repairs/Replacement	11,320	0	0	0	11,320
Tanunda Gravity Mains Operation Emergency Drain Repairs	20,000	0	8,000	0	28,000
Tanunda Gravity Mains Operation Emergency IP and Manhole Repairs/Replacement	11,320	0	0	0	11,320
Tanunda Waste Water Treatment Plant	724,620	479	0	0	724,620
Waste Water Treatment Plant Water Quality Upgrades	0	2,250	0	0	0

Capital 2018/19 (Continued)					
Description	2018/19 Budget	Actuals as at 30 Sep 2018	C/fwd from 17/18	Budget adjustments Quarter 1	Proposed Full Year Revised Budget (RB)
Footpaths	1,538,622	332,248	968,814	27,555	2,534,991
Alf Pellegrini Drive, Tanunda	0	0	0	39,555	39,555
Atze Parade Nuriootpa	17,650	0	0	0	17,650
Baird Street Nuriootpa	0	0	70,150	0	70,150
Barossa Street Nuriootpa	43,700	0	0	4,332	48,032
Basedow Road Tanunda	0	95,039	76,988	0	76,988
Bitter Crescent Lyndoch	0	0	20,078	0	20,078
Edward Street Springton	72,850	0	0	0	72,850
Elizabeth Street Tanunda	15,000	15,734	0	2,424	17,424
Gilbert Street Lyndoch	0	5,178	62,636	0	62,636
Greenock Road Nuriootpa	107,196	0	0	0	107,196
Jane Place Tanunda	0	84,604	163,527	0	163,527
Johnson Street Williamstown	0	0	15,447	0	15,447
Langmeil Road Tanunda	0	25,821	142,654	0	142,654
Lyndoch Valley Road Lyndoch	0	0	41,235	0	41,235
Maria Street Tanunda	0	94,256	99,540	0	99,540
Melrose Street Mount Pleasant	200,504	2,909	0	(12,000)	188,504
Murray Street Eden Valley	0	0	28,700	0	28,700
Murray Street Nuriootpa	58,200	0	0	0	58,200
Queen Street Williamstown	184,000	0	0	0	184,000
Robert Street Lyndoch	0	0	37,150	0	37,150
Tanunda to Gawler Bike Track Connection - Rail Corridor	253,750	0	97,720	0	351,470
Tolley Reserve Nuriootpa	0	0	60,640	(6,756)	53,884
Truro Road Moculta	177,822	0	0	0	177,822
Victoria Terrace Williamstown	326,000	3,107	0	0	326,000
Washington Street Angaston	81,950	0	0	0	81,950
Wild Street Williamstown	0	0	37,829	0	37,829
Footpath Renewal Budget	0	5,600	14,520	0	14,520
Motor Vehicles, Plant and Equipment	886,000	74,052	220,000	1,000	1,107,000
Depot - Combination Roller	75,000	0	0	0	75,000
Depot - Minor Plant	35,000	0	0	0	35,000
Depot - Road Sweeper	375,000	0	0	0	375,000
Depot - Truck	0	0	100,000	0	100,000
Depot - Bobcat Grader Blade Attachment	0	0	11,000	0	11,000
Depot - Utes	105,000	74,052	76,000	1,350	182,350
Motor Vehicles Renewal	296,000	0	33,000	(350)	328,650
Parks and Gardens	460,440	10,313	88,648	1,373,471	1,922,559
Angaston Oval Works	40,414	0	23,481	47,671	111,566
Lyndoch Oval Works	53,716	0	23,481	22,591	99,788
Playground Equipment Upgrade	100,000	313	13,497	0	113,497
Skate Parks	0	0	4,709	0	4,709
Stockwell Recreation Park Oval Works	15,000	0	0	0	15,000
Tanunda Recreation Park Oval Renewal Works	196,510	0	0	0	196,510
Tolley Reserve Nuriootpa Fencing	10,000	0	0	0	10,000
Williamstown Queen Victoria Jubilee Park Oval Works	44,800	0	23,480	38,285	106,565
Tanunda Land Adjacent Recreation Park Oval	0	10,000	0	720,000	720,000
Stategic Land Purchase	0	0	0	525,000	525,000
Williamstown Skate Park	0	0	0	19,924	19,924
Road Resheeting	1,262,346	48,357	41,655	0	1,304,001
Allendale Road Kalbeeba	43,523	11,847	0	0	43,523
Coppermine Road Springton	0	4,958	0	0	0
Craneford Road Eden Valley	249,592	0	0	0	249,592
Duck Ponds Road Moculta	126,315	8,919	0	0	126,315
Golf Course Road Mount Pleasant	0	1,339	0	0	0
Gruenberg Road Moculta	46,712	0	0	0	46,712
Hamiltons Road Springton	68,550	5,988	0	0	68,550
High Eden Road Eden Valley	21,318	0	0	0	21,318
Jutland Road Springton	129,719	0	0	0	129,719
Ken Hicks Road Mount Pleasant	20,841	7,321	0	0	20,841
Keyneton Road Moculta	119,159	3,145	0	0	119,159
Lucas Road Mount Pleasant	0	569	0	0	0
Old Mill Road Nuriootpa	20,424	0	0	0	20,424
Pipeline Road Nuriootpa	24,409	0	0	0	24,409
Rocky Valley Road Angaston	82,877	0	0	0	82,877
Wild Street Williamstown	0	4,271	0	0	0
Resheeting Budget	201,907	0	0	0	201,907
Road Shoulders Budget	107,000	0	41,655	0	148,655

Capital 2018/19 (Continued)					
Description	2018/19 Budget	Actuals as at 30 Sep 2018	C/fwd from 17/18	Budget adjustments Quarter 1	Proposed Full Year Revised Budget (RB)
Road Sealing	2,574,862	554,806	459,961	19,000	3,053,823
Charles Street Springton	0	26,440	57,727	0	57,727
Eckerts Street Springton	267,614	2,250	0	0	267,614
Edwards Street Springton	0	84,160	98,997	0	98,997
Gilbert Terrace Springton	290,522	166,336	0	0	290,522
Graetz Terrace Springton	413,381	5,104	0	0	413,381
Johannes Street Springton	149,280	0	0	0	149,280
Lucks Road Kalbeeba	311,930	1,991	7,117	0	319,047
MacDonnell Terrace Springton	0	144,772	132,925	0	132,925
Mildres Street Springton	0	122,853	163,195	0	163,195
Miller Street Springton	166,601	0	0	0	166,601
Rose Street Springton	150,221	0	0	0	150,221
William Street Springton	825,313	900	0	0	825,313
Talunga Recreation Park - Internal Roads	0	0	0	19,000	19,000
Road Resealing	1,282,623	19,419	0	(83,547)	1,199,076
Balmoral Road Cockatoo Valley	0	877	0	0	0
Kalimna Road Nuriootpa CWMS Trench Reconstruction	203,540	0	0	0	203,540
Light Pass Road Tanunda	240,000	0	0	0	240,000
Needles Road Williamstown	0	825	0	0	0
Para Wirra Road Williamstown	195,000	0	0	0	195,000
Stockwell Road Angaston	34,083	0	0	0	34,083
Stockwell Road/Carrara Hill Intersection	440,000	3,023	0	(108,547)	331,453
Tanunda to Gawler Bike Track Reseal	100,000	0	0	0	100,000
Nuriootpa Soldiers Memorial Hall Car Park Sealing	70,000	0	0	0	70,000
Valley Road Angaston	0	14,694	0	25,000	25,000
Stormwater	1,253,204	70,203	398,234	0	1,651,438
Car Parking/Drainage adjacent Williamstown Primary School	66,304	600	0	0	66,304
Drainage Inlet Capacity Upgrades	65,000	58,477	23,956	0	88,956
Floodwall Nuriootpa	0	2,143	52,455	0	52,455
James Sim Court Kalbeeba Drainage	0	2,875	10,785	0	10,785
Newcastle Street Angaston Drainage	738,900	0	0	0	738,900
Nuriootpa Township Stormwater Management Plan	0	0	60,000	0	60,000
Springton Drainage	0	1,252	27,000	0	27,000
Yettie Road Williamstown Drainage Upgrade	173,000	0	45,913	0	218,913
Calton Road to Hameister Court Drainage Kalbeeba	210,000	4,856	178,125	0	388,125
Streetscaping	80,000	59,405	405,553	0	485,553
Mount Pleasant Main Street	80,000	59,405	214,151	0	294,151
Murray Street Angaston	0	0	191,402	0	191,402
Budget Capital Total	19,449,264	1,503,135	3,259,301	1,631,939	24,340,504

Grants, Contributions and Asset Sales 2018/19					
Description	2018/19 Budget	Actuals as at 30 Sep 2018	C/fwd from 17/18	Budget Adjustments Quarter 1	Proposed Full Year Revised Budget (RB)
CORPORATE & COMMUNITY SERVICES	(4,894,787)	(1,216,728)	(204,700)	0	(5,099,487)
Land Sales	(388,900)	(114,778)	(105,000)	0	(493,900)
Vehicle and Equipment Trade-in Sales	(341,053)	0	(53,500)	0	(394,553)
Motor Vehicles/Plant \$324,553, Motor Vehicle \$16,500 (Carried Forward)					
Tanunda Recreation Park - Contribution to Lighting	(98,000)	0	0	0	(98,000)
Angaston Railway Precinct Open Space Project Grant Funding (Carried Forward)	(1,055,750)	(1,101,950)	(46,200)	0	(1,101,950)
The Big Project - Phase 1 Implementation Regional Growth Fund (RGF) Grant Funding (subject to funding approval)	(3,011,084)	0	0	0	(3,011,084)
NURIOOTPA CENTENNIAL PARK AUTHORITY	(5,000)	0	0	0	(5,000)
Vehicle Trade-in Sale	(5,000)	0	0	0	(5,000)
WORKS & ENGINEERING	(556,304)	(607,547)	(140,241)	(12,500)	(709,045)
Newcastle Street Drainage Contribution	(25,000)	0			(25,000)
SLGIP Grant Funding - Footpaths (Carried Forward)	(160,000)	(160,000)	0	0	(160,000)
SLGIP Grant Funding - Roads (Carried Forward)	(160,000)	(160,000)	0	0	(160,000)
Car Parking and Drainage adjacent Williamstown Primary School Grant Funding	(31,304)	(31,304)	0	0	(31,304)
CWMS Developer Contributions	(180,000)	(108,655)	0	0	(180,000)
Streetscaping Mount Pleasant Main Street/Murray Street Angaston	0	(90,241)	(90,241)	0	(90,241)
Tanunda to Gawler Bike Track Connection - Rail Corridor	0	(50,000)	(50,000)	0	(50,000)
Sealed Roads Developer Contributions	0	(7,347)	0	(12,500)	(12,500)
Grand Total	(5,456,091)	(1,824,275)	(344,941)	(12,500)	(5,813,532)

COUNCIL
CORPORATE AND COMMUNITY SERVICES

DIRECTOR'S REPORTS

26 NOVEMBER 2018

7.3.1 DEBATE AGENDA – DIRECTOR

7.3.1.1

ESTABLISHMENT OF COUNCIL COMMITTEES AND SUPPORTING TERMS OF REFERENCE
B3342

PURPOSE

To re-establish and elect Member representatives to relevant Section 41 Committees of Council.

REPORT

Introduction

Council committees and committee members undertake important functions on behalf of Council. Section 41 of the Local Government Act 1999 provides the formal legal framework for these committees to operate within. In order to provide a conduit between Council and committee, Elected Member representatives should be appointed to each of these committees for the term of the Council.

The objectives, membership, conduit, delegated powers and reporting requirements of each committee are reflected in their Terms of Reference which require Council approval.

Outside of this formal legal framework, Council also has groups which act only in an informal and advisory capacity and which have no delegated powers from Council. These groups and working parties require Council approval to continue.

Discussion

Committees established under Section 41 of the Local Government Act 1999

Community Assistance Scheme Committee

The Community Assistance Scheme Committee (CASC) was established on 21 June 2011 to manage Community Grants, Youth Grants and Heritage Grants in accordance with the Objectives set out in its Terms of Reference (*Attachment 1*) and the Community Assistance Scheme Policy and Guidelines (available on Council's website www.barossa.sa.gov.au).

Clause 3.1 of its Terms of Reference states that the Committee will consist of the Mayor, Deputy Mayor and a minimum of two Elected Members nominated by the Council.

Meetings are held quarterly and attended by Officers to provide advice and administrative support. Minutes and Agendas of previous meetings are available on Council's website.

The Terms of Reference was last updated in December 2016.

RECOMMENDATION

That Council:

- 1) appoint the Mayor, Deputy Mayor, Cr.....and Cr..... to the Community Assistance Scheme Committee for the life of this Council (or until further reviewed and changed);
- 2) adopt the existing Terms of Reference for the Community Assistance Scheme Committee.

Barossa Regional Gallery Committee

The Barossa Regional Gallery Committee was established on 18 February 2003 to manage the Barossa Regional Gallery and the Tanunda Soldiers' Memorial Hall facilities and also, since 21 December 2010, the Barossa Valley Sculpture Park interests, in accordance with the Objectives in its Terms of Reference (*Attachment 2*). The current Terms of Reference was approved on 21 December 2010 and adopted again by the 2014-18 Council on 16 December 2014.

Clause 3.1 of its Terms of Reference states that the Committee will consist of no less than six and no more than nine independent members appointed by the Council and one Elected Member nominated by Council.

Meetings are held bi-monthly or as determined by the Committee. Minutes of previous meetings are available on Council's website www.barossa.sa.gov.au

RECOMMENDATION

That Council:

- 1) appoint Cr..... to the Barossa Regional Gallery Committee (Committee) for the life of this Council (or until further reviewed and changed);
- 2) adopt the existing Terms of Reference for the Barossa Regional Gallery Committee.

Advisory Groups (former Section 41 Committees)

In 2015, the *Redefining Community Committees* strategic project was implemented to transfer many of the facilities and town centre management committees to a more streamlined governance and management structure. During 2015, Council formally dissolved the following Section 41 committees and approved their transition to advisory groups ("volunteer groups"):

Council Meeting	Committee
21 July 2015	Angas Recreation Park
21 July 2015	Angaston Town Hall
21 July 2015	Old Union Chapel
15 September 2015	Stockwell Recreation Park and Stockwell Hall
21 October 2015	Murray Recreation Park
21 October 2015	Williamstown Queen Victoria Jubilee Park

17 November 2015	Lyndoch Hall
17 November 2015	Rowland Flat Memorial Community Centre
17 November 2015	Williamstown Soldiers' Memorial Hall
17 November 2015	Moculta Recreation Park and Soldiers' Memorial Hall
17 November 2015	Tanunda Recreation Park
17 November 2015	Williamstown Community Council
15 December 2015	Curdnatta Recreation Park
15 December 2015	Lyndoch & Districts Community
15 December 2015	Talunga Recreation Park and Mount Pleasant Soldiers Memorial Hall and Main Street (now Mount Pleasant Progress Association Inc)

The advisory groups have no Terms of Reference or specific delegated powers; a Memorandum of Understanding was established for each Group and endorsed by Council. This information is provided for information purposes no action at this time is necessary.

Other former Section 41 committees:

Angaston Management Group	On 21 April 2015, Council approved the transition of the Angaston Management Group to an incorporated association (now Angaston Community and Business Alliance).
Tanunda Town Committee	On 19 August 2014, Council adopted the Redefining Community Committee's Business Case for Change which included the Tanunda Town Committee's decision not to become an independent incorporated group.

Current Advisory Groups/Working Parties

Community Transport and Home Assist Advisory Group

The Group acts in an advisory capacity to the Barossa Regional Community Transport and Home Assist Schemes. Membership includes at least one Elected Member. Meetings are held quarterly at times agreed by the Group. Its Terms of Reference was last adopted on 16 December 2014 (refer [*Attachment 3*](#)).

RECOMMENDATION

That Council:

- 1) appoint Cr..... to the Community Transport and Home Assist Advisory Group for the life of this Council (or until further reviewed and changed);
- 2) adopt the existing Terms of Reference for the Community Transport and Home Assist Advisory Group.

Volunteering Barossa and Light Advisory Committee

The Volunteering Barossa and Light Advisory Committee can now be formally disbanded as its objectives are now met through Council's Coordinator Volunteering Services. The Committee has not met for some years.

RECOMMENDATION

That Council disbands the Volunteering Barossa and Light Advisory Committee.

Youth Advisory Committee (YAC)

The Youth Advisory Committee provides a conduit between Barossa's youth and the Council and plans and delivers youth-oriented programs, community events and competitions with the assistance of the Coordinator Youth Projects. While historically no Elected Member has been a representative on this group, Council is required to reappoint the Group and its Terms of Reference (updated by YAC in November 2017) (Attachment 4).

RECOMMENDATION

That Council:

- 1) endorse the appointment of the Coordinator Youth Projects as a Council representative on the Youth Advisory Committee for the life of this Council (or until further reviewed and changed);
- 2) adopt the existing Terms of Reference for the Youth Advisory Council (dated 8 November 2017).

Disability Access and Inclusion Advisory Group

This Advisory Group was established when the former Section 41 Disability Action Review Committee was dissolved in October 2017. The Advisory Group was established to promote equitable participation in the Barossa region by people with a disability. While no Elected Member has been a representative on this Group, Council is required to reappoint the Group and its Terms of Reference (Attachment 5).

RECOMMENDATION

That Council:

- 1) endorse the appointment of the Collaborative Project Officer as a Council representative on the Disability Access and Inclusion Advisory Group for the life of this Council (or until further reviewed and changed);
- 2) adopt the existing Terms of Reference for the Disability Access and Inclusion Advisory Group.

Community and Economic Development Forum

The Community and Economic Development Forum (CEDF) was established as a central strategic communication forum on matters relating to hard and soft community assets and services as they relate to main streets, public spaces, halls, galleries, amenity landscaping, events and initiatives that contribute to the viability, vibrancy, liveability and sustainability of The Barossa Council area. The CEDF is no longer required as its objectives are served via The Big Project activities, normal operations and where necessary, the bringing together of stakeholder and community engagement groups as required. The Committee has not met for some years.

Sport, Recreation and Community Facilities Forum

The Sport, Recreation and Community Facilities Forum (SRCFF) was established as a central strategic communication forum on matters relating to recreation park based community assets including show halls, ovals, hard courts, toilets, amenity landscaping and other assets used by special interest groups and the general community within The Barossa Council. The SRCFF acts in an advisory capacity to Council and supported by Council Officers under the direction of the Director Works and Engineering. The SRCFF will continue to operate in an informal capacity. The Committee has not met for some years.

The Big Project – Working Groups

Council, at its meeting held on 20 September 2016, approved the establishment of “The Big Project” and a small informal Working Party as a guidance mechanism to the project. The Project Director calls meetings as required.

Subsequent working groups have been established for sub-projects as required. A separate report will be presented to the 18 December 2018 Council Meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Community Assistance Scheme Committee Terms of Reference
Attachment 2:	Barossa Regional Gallery Committee Terms of Reference
Attachment 3:	Community Transport and Home Assist Advisory Group Terms of Reference
Attachment 4:	Youth Advisory Committee Terms of Reference
Attachment 5:	Disability Access and Inclusion Advisory Group Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

TERMS OF REFERENCE OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE ESTABLISHED PURSUANT TO SECTION 41 OF THE LOCAL GOVERNMENT ACT 1999

I ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 21 June 2011 Minute Book Reference 2011/139 established the Community Assistance Scheme Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Committee is established to manage to manage Heritage Grants, Community Grants and Youth in accordance with the Objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

2 OBJECTIVES

The Committee is established to fulfil the following functions in accordance with its allocated budget:

2.1 To assess the:

- 2.1.1 Heritage Grants;
- 2.1.2 Community Grants

in accordance with the adopted Community Assistance Scheme Guidelines together with the internal assessment and information provided for each application by Council Officers.

2.1.3 Youth Grants

CASC Administration is delegated to approved Youth Grants (ensuring criteria are met and documentation submitted) with a summary report presented to CASC at the following meeting to endorse the decision.

- 2.2 To grant or decline Community Assistance Scheme funding payments based on the information provided in the applications together with the assessments of the applications provided from the Council Officers, and endorse Youth Grants decisions as approved by CASC Administration.
- 2.3 To review the acquittal statement/feedback forms received from organisations/individuals receiving grants to ensure that funds were used in the way specified in the original application.
- 2.4 To prepare an annual budget submission to Council for the allocation of funds towards Community Assistance Scheme.
- 2.5 To annually review the Heritage Grants, Community Grants and Youth Grants guidelines and application forms.

3 MEMBERSHIP

3.1 The Committee will consist of:

- (i) The Mayor;
- (ii) The Deputy Mayor; and
- (iii) A minimum of 2 Elected Members nominated by the Council.

3.2 The Committee will at the first meeting following every periodic Local Government election (and further annually at its determination and as recorded in its Minutes), appoint at a minimum the Chairperson of the Committee who shall be either the Mayor or Deputy Mayor.

3.3 Administrative support – The Council Officers assigned the responsibility will attend meetings to ensure that reports, agendas, notice of meetings and minutes of the Committee are recorded and managed in accordance with legislative compliance requirements. Any staff attending will have no voting rights and will not be considered as part of the Committee membership

3.4 Subject to clause 1.3, membership of the Committees for the current term of the Council *unless* a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.

3.5 Subject to clause 1.3, Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.

3.6 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.

3.7 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, procedural fairness will be observed in that:

- (i) the Committee member will be informed of Council's intention to remove him/her from office;
- (ii) the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
- (iii) the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.

3.8 Subject to clause 1.3, if a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.

4 TRAINING AND SUPPORT

4.1 Committee members will be encouraged to attend training related to the management of Local Government committees as sessions become available through the Local Government Association.

- 4.2 Committee members will be entitled to reimbursement of approved expenditure in accordance with Council policies and processes.

5 POWER OF THE COMMITTEE

- 5.1 In order for the Committee to perform its functions consistent with these Terms of Reference, the Council delegates to the Committee in accordance with section 37 of the Act the power to expend Council's approved budgeted funds up to \$5000 excluding GST for any one order subject to the Committee's budget allocation and Council's policies.

6 CHAIRPERSON

- 6.1 The Chairperson will:

- (i) be the contact point between Council and the Committee;
- (ii) be responsible for the proper observance of these Terms of Reference;
- (iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and *the Local Government (Procedures at Meetings) Regulations 2013* ('the Regulations') Parts 1, 3 and 4 (noting that Part 2 does not apply);
- (iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner and
- (v) where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

7 GOVERNANCE

- 7.1 No Committee member will be personally liable in respect of any transaction' act or omission of the Committee entered into, done or made in good faith.
- 7.2 Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- 7.3 Subject to clause 1.3, a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members.
- 7.4 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
- (i) Act;
 - (ii) Regulations;
 - (iii) *Code of Conduct for Elected Members*; and
 - (iv) Council's policies and processes which are relevant to the operations of the Committee.
- 7.5 All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate,

to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.

8 MEETINGS

- 8.1 The meetings of the Committee will be held in accordance with Parts 1, 3 and 4 of the Regulations. Part 2 of the Regulations does not apply to this Committee.
- 8.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes
- 8.3 Ordinary meetings of the Committee will be held quarterly or as determined by the Committee. The day, time and place for such meetings will be determined each year at the first ordinary meeting.

8.4 Quorum

- 8.4.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 8.4.2 A quorum for a meeting of the Committee is half of the current membership, ignoring any fraction resulting from the division and adding 1.
- 8.5 If the Chairperson of the Committee is absent from a meeting, the Deputy Chairperson (if such position exists) will preside at that meeting in accordance with clause 61, If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee. Then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, as appropriate) is present.
- 8.6 All decisions of the Committee will be made based on the majority of the members present. All Committee members must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

8.7 Conflict of Interest

- 8.7.1 No Committee member will vote or take part in debate that has a conflict of interest in any matters before the Committee that would contravene sections 73, 74 and 75 of the Act.
- 8.7.2 If a Committee member has a conflict of interest in the particular matter to be voted upon or debated, he or she will declare a conflict of interest and then leave the meeting place until the matter is concluded. The declaration of a conflict and the time the member left the meeting and returned to the meeting will be recorded in the minutes.

8.8 Minutes

- 8.8.1 Minutes of each meeting must include:

- (i) names of members present;
- (ii) each motion moved, and
- (iii) any disclosure of interest made by a member.

8.8.2 The Committee's administrative support will:

- (i) keep minutes of each meeting;
- (ii) within five days of the meeting register into Council's Electronic Document Record Management System (TRIM) a copy of the draft minutes;
- (iii) upload the draft minutes to Council's website as soon as reasonable practicable;
- (iv) submit for confirmation the draft minutes at the next Committee meeting; and
- (v) submit the minutes to Council's Debate Agenda at the next available Council meeting.

Signed..........Date.....20/12/16.....
 Mayor Robert Sloane

**TERMS OF REFERENCE OF THE BAROSSA REGIONAL GALLERY COMMITTEE
ESTABLISHED PURSUANT TO SECTION 41 OF THE LOCAL GOVERNMENT ACT 1999**

1 ESTABLISHMENT OF COMMITTEE

- 1.1 The Barossa Council (hereinafter referred to as "The Council") at a meeting held on 18th February 2003 Minute Book Ref 2003/53 established the Barossa Regional Gallery Committee pursuant to Section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Barossa Regional Gallery Committee is established to manage the Barossa Regional Gallery and the Tanunda Soldiers' Memorial Hall facilities ("the Facilities") being the whole of the land and buildings on Certificate of Title Volume 5870 Folio 751 in accordance with the objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Barossa Valley Sculpture Park Committee
 - 1.3.1 The Council at a meeting held on 19th September 2000 Minute Book Ref 2000/713 placed the management of the Barossa Valley Sculpture Park ("the Park") property being the whole of the land and sculptures on Certificate of Title 5553 Folio 440 in the hands of a committee known as the Barossa Valley Sculpture Park Management Committee ("SPark Committee").
 - 1.3.2 The Council at a meeting held on 21st December 2010 wound up the SPark Committee with the intent that its members would continue their service in a sub-committee of the Barossa Regional Gallery Committee.
- 1.4 The interests of the Park are now managed by the Barossa Regional Gallery Committee in accordance with the objectives set out under clause 2 of these Terms of Reference.
- 1.5 It is acknowledged that as at 30th June 2010 the SPark Committee may have a Reserve Fund account. Upon Barossa Regional Gallery Committee resolution, Council will maintain separate reserve accounts for use on the Facilities and the Park.
- 1.6 The Barossa Regional Gallery Committee ("the Committee") may be wound up at any time by resolution of the Council.
- 1.7 This Terms of Reference was adopted by Council on 21st December 2010.

2 OBJECTIVES OF THE COMMITTEE

The Committee is established to fulfill the following functions:

- 2.1 To manage and maintain the Facilities and the Park as defined in clauses 1.2 and 1.3.
- 2.2 To plan for the future development and upgrading of the Facilities and the Park for the benefit of all members of the community, including the

preparation of an annual maintenance plan to be adopted by the Council as part of the annual budget process.

- 2.3 To promote a community spirit in the district and to the public generally toward the Facilities and the Park.
- 2.4 Oversee the daily operations of the Facilities.
- 2.5 Maintain the Barossa Vintage Festival Collection ("the Collection").
- 2.6 Maintain the Hill and Son Grand Organ.
- 2.7 Provide the following to the general public:
 - Exhibitions of works from the Collection
 - Touring and General exhibitions
 - Artists talks, slide and video presentations
 - Artists workshops and guided tours
 - Other Cultural activities
- 2.8 To keep an annual booking diary detailing all bookings for the Facilities for the year.
- 2.9 To keep statistical information on the usage of the different aspects of the Facilities as required by Council.
- 2.10 To generate funds to fulfill the above objectives.
- 2.11 To do anything necessary, expedient or incidental to performing or discharging the functions of the Committee as listed herein or to achieving its objectives.
- 2.12 To read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to the above objectives.

3 MEMBERSHIP OF THE COMMITTEE

- 3.1 The Committee shall consist of:
 - 3.1.1 No less than six (6) and no more than nine (9) independent members appointed by the Council; and
 - 3.1.2 One (1) Elected Member nominated by the Council.
- 3.2 The Committee shall, at its first meeting following the periodic election, appoint at a minimum:
 - 3.2.1 the Presiding Member (Chairperson) of the Committee (subject to clause 3.5); and
 - 3.2.2 two (2) members of the Committee who are authorised to sign official Council Purchase Orders and approve invoices relating to Committee expenditure.
- 3.3 Should there be more nominations than required then all voting shall be by secret ballot.

- 3.4 An Elected Member is not precluded from being elected to the Committee by virtue of being a member of Council.
- 3.5 The Elected Member(s) on the Committee may hold any executive position (Treasurer, Secretary etc) except for the position of Presiding Member (Chairperson). This position is to be held by an independent member.
- 3.6 Subject to clause 1.6 of these Terms of Reference, membership of the Committee is for the current term of the Council *unless* a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.7 Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.
- 3.8 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.9 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, the principles of natural justice will be observed in that:
- 3.9.1 the Committee member will be informed of Council's intention to remove him/her from office;
 - 3.9.2 the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
 - 3.9.3 the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.
- 3.10 If a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.
- 3.11 If any volunteer assists the Committee that person must be registered as a volunteer of the Council by completing The Barossa Council Volunteer Registration Form.
- 3.12 Training
- (i) Following their initial appointment to the Committee, all Committee members must undertake a formal induction session in accordance with Council's Induction Policy which welcomes them into their roles, highlights their responsibilities within the Committee and ensures compliance with relevant legislation, including Occupational Health and Safety and the Local Government Act, and financial responsibilities. These sessions will be held by Council on a six monthly basis.
 - (ii) Committee members are, from time to time, also expected to attend

training related to the management and governance of Local Government committees.

- 3.13 Committee members will be entitled to reimbursement of approved expenditure in accordance with Council policies and processes.
- 3.14 Council will assign a Council Officer to provide advice and act as a contact point between Council and the Committee.

4 CHAIRPERSON

- 4.1 In addition to appointing a Chairperson under clause 3.2.1, the Council authorises the Committee to determine if there will be a Deputy Chairperson (to be known as the Deputy Chairperson) of the Committee and, if so, authorises the Committee to make the appointment to that position for a term determined by the Committee.
- 4.2 If the Chairperson of the Committee is absent from a meeting the Deputy Chairperson (if such position exists) will preside at that meeting. If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, if relevant) is present.
- 4.3 The role of the Chairperson includes:
 - 4.3.1 overseeing and facilitating the conduct of meetings in accordance with the Act and *the Local Government (Procedures at Meetings) Regulations 2000* ("the Regulations");
 - 4.3.2 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner; and
 - 4.3.3 where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

5 POWERS OF THE COMMITTEE

- 5.1 The Council has delegated to the Committee all of the relevant powers and functions of the Council necessary for the Committee to perform its functions as set out in these Terms of Reference. A copy of the Council's delegations to the Committee is Attachment 1.
- 5.2 The Committee may establish a sub-committee to assist in the exercise of its powers, objectives and responsibilities, however, it may not delegate its powers outlined in 5.1 to that sub-committee.

6 CONDUCT OF MEETINGS

- 6.1 The meetings of the Committee shall be held in accordance with the Regulations excepting that Part 2 is not applicable.

- 6.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process.
- 6.3 Ordinary meetings of the Committee shall be held monthly or as determined by the Committee. The day, time and place for such meetings shall be determined each year at the first ordinary meeting.
- 6.4 Quorum
- 6.4.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 6.4.2 A quorum for a meeting of the Committee is half of the current membership, rounding any fraction up to the nearest whole number, and adding one (1).
- 6.4.3 *Lack of Quorum*
- (i) If, prior to the commencement of the meeting, the number of apologies received by the Chairperson (or their delegate as the case may be) indicates that a quorum will not be present at that meeting,
- or
- (ii) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present,
- the Chairperson (or their delegate as the case may be) may adjourn the meeting to a specified day and time or continue the meeting without any motions being formally resolved.
- (iii) If the meeting is adjourned for a want of quorum, the Chairperson (or their delegate as the case may be) will record in the minutes the reason for the adjournment, the names of any members present (in the case of (ii)) and the date and time to which the meeting is adjourned.
- 6.5 All decisions of the Committee shall be made on the basis of the majority of the members present. All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 6.6 No Committee member shall vote or take part in debate who has an interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Act (Conflict of Interest Provisions).
- 6.7 The Committee shall keep minutes of all meetings, which shall comply with Regulation 25 and shall include a record of the names of members present at each meeting and shall within five (5) days forward a copy of the minutes to the Committee's assigned Council Officer.
- 6.8 For the purposes of section 41(8) of the Act, the Council's reporting and other accountability requirements are satisfied by its posting of the minutes of each

meeting of the Committee on the Elected Members' intranet and also on Council's website.

- 6.9 The Committee shall furnish to Council such information concerning the Committee's proceedings and activities as may be required.

7 GOVERNANCE

- 7.1 The Chairperson shall be responsible to the Council for the proper observance of these Terms of Reference. However, no Committee member shall be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.
- 7.2 Committee Members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- 7.3 A recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members.
- 7.4 Notwithstanding this Terms of Reference, all Committee Members shall observe the relevant requirements under the:
- 7.4.1 the *Local Government Act 1999*;
- 7.4.2 the *Local Government (Procedures at Meetings) Regulations 2000*;
- and
- 7.4.3 The Barossa Council's Code of Conduct for Elected Members.
- 7.5 Members of the Committee who are not Elected Council Members are not required to complete a Register of Interest Return pursuant to Section 64 of the Act.

8 ATTACHMENTS

Attachment 1 - A copy of the Council's delegations to the Barossa Regional Gallery Committee is attached.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Attachment 2	
32A.2	to achieve and maintain standards that reflect good administrative practices.
33	Sources of Funds
The power pursuant to Section 133 of the Act to obtain funds as permitted under this or another Act and as may otherwise be appropriate in order to carry out the Council's functions under this or another Act, by –	
33.1	Left Blank Deliberately – Delegation does not Apply
33.2	by leasing or hiring out property;
33.3	by obtaining grants or other allocations of money other than by borrowing;
33.4	by carrying out commercial activities;
33.5	by recovering fees, charges, penalties or other money payable to the Council.
34.	Expenditure of Funds
The power to expend Council's approved budgeted funds, subject to the Council's policies, under the Local Government Act 1999 and any other Act, in the exercise performance or discharge of the Council's powers, functions or duties under the Local Government Act 1999 or any other Act, pursuant to Section 137 of the Act.	
35.	Investment
35.1	The power pursuant to Section 139(1) of the Act to invest money under the Council's control.
35.2	The duty pursuant to Section 139(2) of the Act in exercising the power of investment, to:
35.2.1	exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
35.2.2	avoid investments that are speculative or hazardous in nature.

SCHEDULE OF CONDITIONS
CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
34	Up to \$20,000 for any one order subject to departmental budget allocation.
	Unlimited authority subject to Corp & Community Services and Executive Services departmental budget allocation.
	Unlimited authority subject to Works and Engineering Services departmental budget allocation.
	Up to \$10,000 for any one order subject to departmental budget allocation - Administrative and Customer Services and Executive Services function.
	Up to \$5,000 for any one order subject to departmental budget allocation - Financial Services and Executive Services function.
	Up to \$5,000 for any one order subject to departmental budget allocation - Financial Services and Executive Services function.
	Up to \$5,000 for any one order subject to departmental budget allocation - Information Technology function.
	Up to \$5,000 for any one order subject to departmental budget allocation - Barossa Visitor Information Centre Budget
	Up to \$5,000 for any one order subject to departmental budget allocation - Community Transport/Home Assist

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT ACT 1999

Attachment 2	Up to \$500 for any one order subject to departmental budget allocation – Community Transport/Home Assist
	Up to \$5,000 for any one order subject to departmental budget allocation – Leisure Options function
	Up to \$500 for any one order subject to departmental budget allocation – Leisure Options function
	Up to \$5,000 for any one order subject to departmental budget allocation – Youth Services Budget
	Up to \$5,000 for any one order subject to departmental budget allocation – Library Services function
	Up to \$10,000 for any one order subject to departmental budget allocation – Planning Control function
	Up to \$5,000 for any one order subject to departmental budget allocation – Building and Health services function
	Up to \$50,000 for any one order subject to departmental Capital Works budget allocation
	Up to \$5,000 for any one order subject to departmental budget allocation – Works operation function
	Up to \$5,000 for any one order subject to departmental budget allocation- Individual Section 41 Committees function
	Up to \$2,000 for any one order subject to Organisational Development function
	Up to \$10,000 for any one order subject to departmental budget allocation – Operations function
	Up to \$2,000 for any one order subject to departmental budget allocation – Cemetery & Public Conveniences recurrent operations function
	Up to \$5,000 per month for any Purchasing Card purchases subject to the Executive Services function
	Up to \$2,000 for any one order subject to Uniform Administration function

TERMS OF REFERENCE

COMMUNITY TRANSPORT AND HOME ASSIST ADVISORY GROUP

PURPOSE OF COMMUNITY TRANSPORT SCHEME

To address the transport needs of the communities within the Region, particularly the transport disadvantaged, by providing a transport information service and transport of last resort where no other appropriate services exist.

PURPOSE OF HOME ASSISTANCE SCHEME

To provide services to enable people to remain living safely in their own home, maintain independence and enhance their quality of life.

PURPOSE OF THE GROUP

The Group will act in an advisory capacity to the Barossa Regional Community Transport and Home Assist Schemes by:

- raising issues
- identifying gaps
- suggesting opportunities
- making recommendations
- acting as ambassadors by raising awareness of and promoting the schemes.

MEMBERSHIP OF THE GROUP

As far as practicable the Group shall comprise representation from the following people / groups:

- Barossa Regional Community Transport and Home Assist Coordinator
- The Barossa Council
- Light Regional Council
- Mid Murray Council
- Service users
- Volunteer drivers
- Community members
- Relevant Community groups

The Group shall consist of not less than 8 members and no more than 16 members including at least one Barossa Council Elected Member. People wishing to attend as guests or observers are welcome.

Terms of the Group and elections / re-elections will run in line with Barossa Council terms and elections. Should there be more nominations than required, voting shall be by secret ballot.

New members can be suggested by existing members or by direct request and acceptance will be agreed by the Group.

Decisions made by the Group will be done so by common consensus. There will be no formal voting and therefore a quorum is not required.

A member may be removed from the Group by agreement on the grounds that he or she has been absent without leave (i.e. without apology) from three or more consecutive meetings or if their behaviour is deemed inappropriate.

POWERS OF THE GROUP

The Group will act in an advisory capacity only.

CONDUCT OF MEETINGS

Meetings shall be held quarterly at times agreed by the Group.

The Group shall keep minutes of all meetings, and shall within five working days forward a copy of the minutes to the Group members.

Members can discuss and make recommendations; agreed recommendations can be submitted to Council Officers and / or Elected Members as appropriate for further consideration.

GENERAL

Group members, who are not Barossa Council staff or Elected Members or undertaking membership of the group as part of their paid work, must be registered as a volunteer of The Barossa Council.

The Barossa Regional Community Transport and Home Assist Coordinator will produce a Coordinator's report for each meeting including agreed statistics and finance reports.

The Group may be wound up at any time by resolution of the Council.

In the event of there being a dispute, which cannot be resolved by the Group, the matter in question may be referred to The Barossa Council for discussion / resolution.

Members are required to:

- act honestly and within the law at all times
- act in good faith and not for improper or ulterior motives
- act in a reasonable, just and non-discriminatory manner
- undertake their role with reasonable care and diligence
- use information in a careful and prudent manner

Signed.....
Mayor Robert Sloane

Dated.....16/12/14.....



Youth Advisory Committee – The Barossa Council

Terms of Reference

Aim

YAC Barossa's aim is to help, advocate and provide aid, activities and events to Youth in the Barossa.

Mission Statement

- To provide a voice for Youth.
- To provide direct links to Youth related services.
- To provide Youth development opportunities.

Member Goals

- Creating a more youth friendly Community with more opportunities and services
- Developing new skills and meeting people
- Have an active voice in the:
 - The Community
 - Council
 - Schools
 - Services
- Conduct a YAC Planning Day prior to Term 1 and the beginning of each financial year with the purpose to identify priorities and objectives for the forthcoming year.

Membership

- Minimum of 3 and maximum of 15 members.
- Demographic:
 - Coordinator, Youth Projects – Barossa Council
 - All members must live, work/study or be connected to the Barossa Region
 - 12 years of age until 25 years of age
- Membership for YAC shall be for a period of 12 months with re-election (if interested) each year.
- New members may join at any time, but are required to come to a meeting first before registering as an official YAC member.
- YAC members shall read, sign and abide by the Barossa Council's Volunteer Policy.
- All members will undergo appropriate induction.

Re-election

- An existing YAC member can nominate to continue their membership at the end of the 12 month period by re-signing the Terms of Reference.
- Re-election for the position of Chair will take place at the first meeting at the beginning of each financial year.
- The voting shall be conducted anonymously by YAC members.

Removal of a Member

The following will be grounds for loss of membership:

- If a member misses four meetings (including informal workshops) within a six month period, a member may be asked to resign from the committee unless negotiated with the Coordinator.
- Misconduct that is deemed to be in conflict with the vision and values of YAC Barossa and the Volunteer Code of Conduct.
 - Misconduct would include:
 - Threat or use of violence
 - Severe discrimination
 - Continued breach of YAC membership rules

Members in breach of the Terms of Reference will be notified in writing and their continued membership of the committee will be at the discretion of the YAC Coordinator and other YAC members (group vote).

A Grievance procedure must be applied at all relevant times as per the Barossa Council Grievance procedure policy.

Voting

- For decisions that require majority vote, there will be one vote per member.
- A quorum is needed to cast a vote and make recommendations.
- The YAC's quorum shall include half the members plus one.
- If the vote is even, the YAC Coordinator can make final decision.

Rules of YAC Members

- To respect each other and differences within the group
- To listen to each other
- To value other people's opinions
- To be presentable and act responsibly when representing YAC in public & at youth consultations
- To use YAC money only for YAC business
- To do what you nominate to do
- To try and attend each meeting
- To actively engage in YAC discussions and forums (Inc. social media)
- To contact YAC Coordinator (Facebook or mobile) if you are running late or can't attend a meeting
- To be open to others and non-judgmental
- To do your best to represent your committee or school and bring their views and ideas to YAC meetings

Student and Community Membership

- To attend every meeting; if unable to attend ensure any relevant information is passed on through another member, via email, Facebook message or a phone call to the Coordinator, Youth Services by an appropriate time before the scheduled meeting.
- Be a safe, diplomatic individual and sensitive to each other's safety
- Contribute constructively to discussion and offer ideas
- Make further enquires outside of the group to research for group discussions
- Design and implement surveys and other consultation methods to collect youth views
- Bring input and ideas from students and the youth community to the group
- Listen to friends and peers
- Listen to older people in the community
- Promote YAC events within various Committees (within schools and the wider community)
- Develop youth projects & programs
- Actively engage in training and skill development opportunities
- Prepare timely reports for the Council on YAC activities and recommendations.
- Report to YAC about outside committees, or vice versa (if necessary)
- Undertake minute taking or any other duties in a timely manner
- Give out community news and events and information

The YAC shall facilitate 'youth voice opportunities' including but not limited to:

- School and Public events and youth Forums
- Feedback Surveys
- Print and Radio Media (as per Social Media Policy)
- Consultations
- Social Media

The YAC may be involved in joint projects with other related committees and groups.

Meetings

- YAC shall formally meet monthly and involve the participation of the YAC Coordinator and members.
- YAC can informally meet when needed (when preparing for workshops etc.)
- Minutes shall be kept for all formal meetings. This role shall be rotated amongst members as agreed upon before meetings.
- Minutes shall be provided to YAC members via email or Facebook no later than a week after meeting, and on attendance at the next meeting.
- Members of the public, service providers etc. may be invited to present or attend as a guest at a YAC meeting, with approval from the Coordinator.
- The YAC may establish sub-committees to assist in a matter or to run projects. Subcommittee meetings and workshops shall generally be held when required and involve the participation of elected members, external service provider's and YAC Coordinator.

Reporting

- As a minimum, a quarterly report will be provided by the YAC Coordinator and nominated YAC members to the Manager of Community and Arts at the Barossa Council.
- A written report will be supplied to the Elected Members at a Council meeting once a year (as a minimum). (Suggestion: the written report is to be supplied to the Elected Members after each planning meeting)
- A report including any recommendations may be submitted at any time by the YAC Coordinator as appropriate, to YAC members.

Social Media

The YAC Barossa Facebook page forms part of the Communications and Marketing Strategy for improved engagement with our community

- The YAC Barossa Facebook page is to be controlled by 3 page Admins (including Coordinator Youth Projects and 2 other YAC volunteers) and 1 page editor
- The 3 page admins and the 1 page editor are to receive and acknowledge The Barossa Council Social Media Policy and Process
- All those with page roles must complete the Social Media Policy and Process Awareness Training for Authorised Council Employees
- Authorisation of page role will only occur once training has been completed

I _____ hereby agree to the Terms of Reference laid out above, and will abide by all terms in my role as a Member of the Youth Advisory Committee of the Barossa Council.

Signature

Date

Terms of Reference approved by consensus at the YAC Barossa Committee Meeting on Tuesday 29th August, 2017. Members at meeting – Anastasia Sleep, Elijah Cornish, Kate Taylor, Tia Atze, Eric Marschall

TERMS OF REFERENCE
THE BAROSSA COUNCIL
DISABILITY ACCESS AND INCLUSION ADVISORY GROUP

1 ESTABLISHMENT

- 1.1 The Disability Access and Inclusion Advisory Group ("the Advisory Group") was established at its first meeting held on 1st November 2017 following a resolution by The Barossa Council ("The Council") on 17 October 2017.
- 1.2 The Advisory Group is established to promote equitable participation in the Barossa region by people with disability.
- 1.3 For the purpose of the Advisory Group, the following definitions shall apply:
 - Access: the ability for a person with disability to approach, enter and use a public facility without physical, sensory or intellectual barriers.
 - Disability: from the UN Convention on Rights of Persons with Disabilities : Those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
 - Inclusion: a universal human right that values all individuals, provides equal access and opportunity to all and removes discrimination and other barriers to involvement.

2 OBJECTIVES

The Advisory Group is established to:

- 2.1 Provide information advice, and suggestions to Council on disability issues based on lived experience.
- 2.2 Review disability access facilities provided to Council buildings and public places within the area.
- 2.3 Assist Council with the development and implementation of the Barossa, Light and Lower North Disability Access and Inclusion Plan ("the Regional DAIP"), and The Barossa Council Disability Access and Inclusion Action Plan ("TBC DAIP Action Plan").

- 2.4 Act as an advisory role in respect of issues relating to the provision of facilities for persons with disability relative to the application of the *Disability Discrimination Act 1992* and the *Planning, Development and Infrastructure Act 2016*.
- 2.5 Actively seek feedback from the community about access and inclusion issues and refer them to Council or other appropriate organisation.
- 2.5 Offer advice to the owners of non-Council owned facilities regarding improving access and inclusion for people with disability.

3 MEMBERSHIP

- 3.1 The Advisory Group will consist of:
 - (i) interested community members who have lived experience with disability;
 - (ii) two Council staff both who act in an advisory capacity and one of whom also acts in an administrative support capacity;
 - (iii) a Council staff representative;
 - (iv) service providers who provide services for people with disability, and carers of people with disability in the Barossa region.
- 3.2 The Advisory Group will at the first meeting of the calendar year appoint at a minimum a Chairperson.
- 3.3 In addition to appointing a Chairperson the Advisory Group may determine if there will be a Deputy Chairperson and, if so, will make the appointment.
- 3.4 Should there be more nominations than required then all voting will be by secret ballot.
- 3.5 A Council staff person may not hold the position of Chairperson or Deputy Chairperson.
- 3.6 Community members of the Advisory Group and any volunteer assisting Advisory Group members for a particular project or event must be registered as a volunteer of Council by completing Council's *Volunteer Registration Form*.

4 TRAINING AND SUPPORT

- 4.1 Council staff members on the Advisory Group will provide advice and act as a contact point between Council and Advisory Group.
- 4.2 Training opportunities for Advisory Group will be offered as they arise

5 CHAIRPERSON

- 5.1 The Chairperson will:
- (i) be responsible for the proper observance of these Terms of Reference;
 - (ii) oversee and facilitate the conduct of the Advisory Group meetings; and
 - (iii) ensure all Advisory Group members have the opportunity to participate in an open, respectful and encouraging manner.

6 MEETINGS

- 6.1 Meetings will be held monthly or as determined by the Advisory Group. The day, time, and place for such meetings will be determined meeting by meeting.
- 6.2 The Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Advisory Group, so the Advisory Group may determine its own process. In that, the Advisory Committee will document that process within the minutes.
- 6.3 No quorum is required.
- 6.4 If the Chairperson of the Advisory Group is absent from the meeting, the Deputy Chairperson (if such a position exists) will preside over the meeting in accordance with 5.1. If there is no position of Deputy Chairperson, then a member of the Advisory Group chosen from those present will preside over the meeting until the Chairperson is present.
- 6.5 Minutes
- 6.5.1 Minutes of each meeting must include:
- (i) names of members present;
 - (ii) date, time and venue of the meeting, and
 - (iii) points to be actioned.
- 6.5.2 Council's staff member on the Advisory Group will:
- (i) keep minutes of each meeting;
 - (ii) within ten business days of the meeting, forward a copy of the minutes to each Advisory Group member; and
 - (iii) submit the minutes for confirmation at the next Advisory Group meeting.

Approved: 1 August 2018

Review Date: 1 August 2019

COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR'S REPORT

29 NOVEMBER 2018

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1

DISBANDMENT OF THE STRATEGIC ASSET MANAGEMENT ADVISORY COMMITTEE

B3621 18/78724

PURPOSE

Disbandment of the Strategic Asset Management Advisory Committee.

RECOMMENDATION 1

That Council endorses the disbandment of the Strategic Asset Management Advisory Committee.

REPORT

Background

The Strategic Asset Management Advisory Committee, 'Committee' was established on 21 July 2015 together with the endorsement of the Terms of Reference of the Committee – see attached.

The Committee met at regular intervals from August 2015 to July 2016 with a key focus on the development and review of the updated Infrastructure Asset Management Plans (IAMPS). Once the IAMP's were adopted by Council, the Committee met infrequently with a single meeting held on 10 November 2017 to debate the 2017-18 and 2018-19 Footpath program of works. The committee has been inactive since this time.

Discussion

Council is obligated, under section 123 of the Local Government Act to undertake a comprehensive review of its strategic management plans within 2 years after each general election.

It is proposed that all Elected Members have the opportunity to develop and review the IAMPS and other strategic asset management matters such as defined levels of service, grant opportunities, disposal of assets etc. through the existing monthly Council workshops and then debate and make decisions at the monthly Council meetings.

This is largely the approach that has been taken during the course of the last 2 years making the need for regular committee meetings unnecessary. Under item 1.3 of the Terms of Reference of the Committee, the Committee, '*...may be wound up at any time by resolution of Council*'.

Council can re-establish the Committee and the corresponding Terms of Reference at any time and considering the mechanisms in place, it is recommended to disband the committee.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Terms of Reference – Strategic Asset Management Advisory Committee.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Legislative Requirements

S41 Local Government Act – Committees of Council

S122(1a) local Government Act – Strategic Management Plans – Infrastructure and Asset Management Plans

Policy

Asset Management Policy

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Regardless of the debate outcome, supporting the role of the committee falls within the scope of existing resources devoted to asset management planning and strategy.

COMMUNITY CONSULTATION

No community consultation is required by legislation or under the principals of the Public Consultation Policy.

**TERMS OF REFERENCE OF THE
STRATEGIC ASSET MANAGEMENT ADVISORY COMMITTEE**

ESTABLISHED PURSUANT TO SECTION 41 OF THE LOCAL GOVERNMENT ACT 1999

1 ESTABLISHMENT

- 1.1 The Barossa Council (referred to as "the Council") at a meeting held on 21 July 2015 established the Strategic Asset Management Advisory Committee (hereinafter referred to as "the Committee") pursuant to Section 41 of the Local Government Act 1999 ("the Act").
- 1.2 The Committee is established to contribute to Council's financial sustainability through its development of a robust Strategic Asset Management framework as outlined in Clause 3 below.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

2 POWERS OF THE COMMITTEE

- 2.1 The Committee will act solely in an advisory capacity to Council on Strategic Asset Management of Council's fixed assets that provide direct services to the community.

Strategic Asset Management solely relates to:

- (i) Land holdings of Council;
- (ii) Road and Transport Infrastructure;
- (iii) Buildings and Land Improvements including recreation assets;
- (iv) Community Wastewater Management Systems; and
- (v) Stormwater and Associated Infrastructure.

- 2.2 The following assets are not within the advisory scope of the Committee:

- (i) Operational Assets;
- (ii) Inventory;
- (iii) Knowledge Management and Information Technology software and hardware; and
- (iv) Cash or Investments.

- 2.3 The Committee has no delegated powers. All decisions as regards the strategic objectives and deliverables outlined in Clause 3 below will be made by Council.
- 2.4 All asset management at an operational level will continue to be undertaken by Council staff in accordance with their sub-delegated powers and Council policies.

3 OBJECTIVES

The Committee will advise Council on the following matters:

- 3.1 the development, review and reporting against Council's Asset Management Strategy and Policy and relevant Asset Management Plans which in turn inform Council's Long-Term Financial Plan;
- 3.2 the regular evaluation of the Asset Management Strategy;
- 3.3 the development of defined service levels while having regard to community expectations and Council's financial capacity;
- 3.4 appropriate strategies in relation to Council's strategic property holdings;
- 3.5 the review, as required, of relevant legislation affecting Local Government asset management and recommending appropriate action;
- 3.6 after receiving deputations and/or representations from interested parties which may aid Council in determining its objectives, strategies and priorities as they relate to Strategic Asset Management;
- 3.7 best options to improve Council's strategic management of assets including disposal of assets no longer required or are obsolete; and
- 3.8 possible grant funding opportunities to support the above objectives.

4 MEMBERSHIP

- 4.1 The Committee will consist of 5 Elected Members as appointed by Council.
- 4.2 The Committee will receive specialist advice as required at each meeting from the:
 - (i) Director, Corporate and Community Services
 - (ii) Director, Works and Engineering Services
 - (iii) Manager, Assets and Infrastructure
 - (iv) Manager, Engineering Services
- 4.3 The Committee will receive administrative support from the Manager, Assets and Infrastructure and the Executive Assistant to the Director, Works and Engineering Services.
- 4.4 Subject to Clause 1.3, Committee membership is for the current term of the Council *unless* a Member resigns or is otherwise incapable of continuing as a Member or is removed from office by the Council.
- 4.5 Subject to Clause 1.3, Members are eligible for re-appointment to the Committee at the expiration of their term of office.
- 4.6 The Committee may by a vote supported by a majority of Members make a recommendation to the Council to remove a Member from office where that

person has failed (without the leave of the Committee) to attend three consecutive Committee meetings.

4.7 The Council may at its discretion remove from membership any Member and appoint another in their place. Where Council determines to remove a Member from office under this clause, the procedural fairness will be observed in that:

- (i) the Member will be informed of Council's intention to remove him/her from the Committee;
- (ii) the Member will be provided with an opportunity to comment upon his/her proposed removal from the Committee; and
- (iii) the Council will have regard to any submissions received from the Member before determining to remove him/her from the Committee.

4.8 Should a Committee vacancy arise, the Committee will make a recommendation to the Council with respect to the appointment of a new Member to fill the vacancy.

5 CHAIRPERSON AND DEPUTY CHAIRPERSON

5.1 The Chairperson will be appointed by the Council for a term determined by the Council.

5.2 The Chairperson will be responsible for the proper observance of these Terms of Reference.

5.3 An Acting Chairperson will be elected by the Members in the absence of the Chairperson.

6 CONDUCT OF MEETINGS

6.1 The meetings of the Committee will be held in accordance with the Parts 1, 3 and 4 of the Local Government (Procedures at Meetings) Regulations 2013 ("the Regulations"), noting that the more onerous Part 2 obligations of the Regulations do not apply.

6.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document its own process within its Minutes.

6.3 Ordinary meetings of the Committee will be held quarterly or as determined by the Committee.

6.4 A quorum for a meeting of the Committee is half the current membership, ignoring any fraction resulting from the division and adding 1.

- 6.5 All Members must, subject to a provision of the Act or Regulations to the contrary, vote on any matter arising for decision at a meeting of the Committee.
- 6.6 All decisions of the Committee will be made on the basis of the majority of the Members present.
- 6.7 The Chairperson has a deliberative vote, but does not, in the event of an equality of votes, have a casting vote. In the event of an equality of votes, the matter must be referred to Council for a decision.
- 6.8 No Member will vote or take part in debate who has an interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Act as regards a conflict of interest. If a Member has a conflict of interest in the particular matter to be voted upon or debated, he or she will declare a conflict of interest which shall be minuted and then remove themselves from the meeting place until the matter is concluded.
- 6.9 No Member will be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.
- 6.10 Notwithstanding this Terms of Reference, all Members must observe the relevant requirements under the:
- (i) Act;
 - (ii) Regulations;
 - (iii) Code of Conduct for Elected Members or Code of Conduct for Employee, as appropriate and
 - (iv) Council's policies and processes which are relevant to the operations of the Committee.

7 REPORTING

- 7.1 The Committee is responsible to and reports directly to Council. This is by way of report and recommendations documented as minutes of the meeting which will be provided in Council's Debate Agenda.
- 7.2 Within 5 days of the meeting, the Executive Assistant to the Director Works and Engineering Services will:
- (i) forward the unconfirmed minutes to each Member;
 - (ii) register a copy into Council's Electronic Document Record Management System (TRIM); and
 - (iii) upload the minutes to Council's website, subject to any confidentiality considerations.

Signed


Mayor Bob Sloane

Dated

31/7/2015

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES

26 NOVEMBER 2018

7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1

RE-ESTABLISHMENT OF THE STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE

Author – Director, Development and Environmental Services

PURPOSE

This report relates to re-establishment of the Strategic Planning and Development Policy Committee.

RECOMMENDATION

That Council:

- (1) re-establish the Strategic Planning and Development Policy Committee pursuant to Section 101A of the *Development Act 1993*.
- (2) adopts the updated Terms of Reference for the Strategic Planning and Development Policy Committee.

REPORT

Background

The Strategic Planning and Development Policy Committee (the Committee) was initially established in 2012. The Committee fulfils a requirement under Section 101A of the *Development Act 1993* but operates as a Committee as if it were established under *Local Government Act 1999* – i.e. as if it was a Section 41 Committee.

Features and procedures of the Committee:

- Membership comprises the Mayor and all elected members.
- The Mayor is the Presiding Member.
- The Committee to meet at least quarterly in March, June, September and December.
- A quorum at meetings is one half of the membership plus one.
- The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 apply to meetings.
- The Committee reports to Council on its activities at least quarterly via minutes of its meetings, and is required to prepare an annual report of its activities to the Council.

- The Committee has various delegations relating to Development Plan Amendments and other development policy related functions and responsibilities.

Discussion

Committee functions and responsibilities

The functions of the Committee as set down in the Development Act are:

- “(a) To provide advice to Council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy.*
- (b) To assist Council in undertaking strategic planning and monitoring directed at achieving—*
 - (i) orderly and efficient development within the area of the council.*
 - (ii) high levels of integration of transport and land-use planning.*
 - (iii) relevant targets set out in the Planning Strategy within the council area.*
 - (iiia) implementation of affordable housing policies set out in the Planning Strategy.*
- (c) To provide advice to Council (or to act as its delegate) in relation to strategic planning and development policy issues when the Council is preparing—*
 - (i) a Strategic Directions Report, or*
 - (ii) a Development Plan Amendment.*
- (d) Other functions (other than functions relating to development assessment or compliance) assigned to the Committee by the Council.”*

In respect to (d) above, Council did not previously assign any other functions to the Committee; however additional functions and responsibilities which Council may consider in future include:

- Assist with strategic management plan, corporate plan, community plan
- Infrastructure, open space planning
- Overall social, economic, physical and environmental directions (focus of strategic management plan)
- Planning related and other policies (eg liquor licensing, use of roads for business purposes, outdoor dining)
- Major projects

Meeting times

The Committee itself previously set its meeting times, deciding to hold Ordinary meetings on the third Tuesday in March, June, September and December commencing at 9.30am. This is the same day as Ordinary Council meetings and invariably requires adjournment of the Council meeting to enable the Committee meeting to take place. The Committee may choose to review this aspect at a future Committee meeting.

Delegation/authority

In relation to item (c) and as indicated above, Council has previously delegated various authority to the Committee in relation to a Strategic Directions Report or a Development Plan Amendment, including the power to initiate Development Plan Amendments, authorise Statements of Intent, conduct a public meeting, respond to agency comments and public submissions, and endorse a final amendment for submission to the Minister for Planning for approval. There is no identified need to amend existing delegations.

Formalities

The Terms of Reference address all decisions associated with the establishment of the Committee as required under the *Local Government 1999*, *Local Government (Procedures at Meetings) Regulations 2013*, *Development Act 1993* and *Development Regulations 2008*. These matters are summarised below:

- Membership.
- Appointment of Presiding Member.
- Determine the reporting and other accountability requirements for the committee.
- Determine meeting procedures.
- Quorum for meetings.
- Delegations under the Development Act and Regulations in relation to Development Plan Amendments.
- Terms of Reference.
- Frequency of meetings.

The attached Terms of Reference have been updated into the new format and minor edits have been made to reflect current titles/references.

Under the *Planning, Development and Infrastructure Act 2016* there is no requirement to have the Committee. However until such time that Section 101A is revoked Council still required to have the Committee.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.

- 1.6 Apply development policies to protect places of environmental value and significance.

Legislative Requirements

Development Act 1993

Local Government Act 1999

Local Government (Procedure at Meeting) Regulations 2000

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil


COMMUNITY CONSULTATION

Nil

THE BAROSSA COUNCIL

TERMS OF REFERENCE OF THE STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE



Community Plan Link:	 Natural Environment and Built Heritage		
Document Owner:	Director Development and Environmental Services	Previous Approval Date(s):	16/12/2014
Document Control Officer:	Director Development and Environmental Services	Current Approval Date:	26/11/2018
HPE Content Manager Ref:	18/80875	Next Review Date:	30/06/2020

1. ESTABLISHMENT

- 1.1 The Strategic Planning and Development Policy Committee (the Committee) is established to fulfil the requirements of Section 101A of the *Development Act 1993*.

2. ROLE

- 2.1 The role of the Committee is to develop strategic planning and development policy and initiate projects for the orderly and sustainable development for all areas of Council and take due regard of regional differences and community expectations and consider matters referred to it by Council, The Barossa Assessment Panel, and the Chief Executive Officer and perform the functions delegated to it by Council.

3. FUNCTION

- 3.1 Formulate the planning strategy for the Council area by initiating and reviewing strategic planning and monitoring directed at achieving –
- a) orderly and efficient development within the area of the Council; and
 - b) high levels of integration of transport and land-use planning; and
 - c) relevant targets set out in the Planning Strategy within the area of the Council; and
 - d) the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council; and
 - e) other outcomes of a prescribed kind (if any).

- 3.2 Initiate and contribute to the preparation of master plans, research studies and strategies on strategic and land use planning and development that contribute to the planning strategy and sustainable development of the Council area.
- 3.3 Oversee the process of determining the extent to which the Council's strategic planning and development policies accord with the Planning Strategy.
- 3.4 Oversee the process of initiating and reviewing strategic planning and development policies in the preparation of –
 - a) a Strategic Directions Report
 - b) a Development Plan Amendment.
- 3.5 Initiate Development Plan Amendments, endorse Statements of Intent, conduct public meetings, respond to submissions and agency comments received on Development Plan Amendments, and adopt final documents for authorisation by the Minister for Planning.
- 3.6 Consider and make submissions to the Minister for Planning on Ministerial and Agency Development Plan Amendments, Reviews, Bulletins, Advisory Notes and Guidelines.
- 3.7 Consider and make submissions on Development Plan Amendments and planning policy initiated by adjoining Councils that would affect the Council area.
- 3.8 Overview the progress of planning policy work and review priorities and comment on and make recommendations to Council on resource allocation for planning policy work generally.
- 3.9 Continually seek to improve procedures that simplify all planning and related matters for ratepayers.
- 3.10 Ensure that broad community feedback is sought on all new development policy initiatives.

4. MEMBERSHIP

- 4.1 The Committee shall comprise the Mayor and all elected members.
- 4.2 The Presiding Member shall be the Mayor.
- 4.3 The Committee shall appoint a Deputy Presiding Member to act as Presiding Member at any time the Presiding Member is absent from the meeting for whatever reason.
- 4.4 The term of office for Committee members shall align with the duration of the Council unless determined otherwise by Council.

5. DELEGATION

- 5.1 Powers and functions delegated to the Committee are listed in Council's Delegations Register. *Note: Refer to the Delegations Register for confirmation of valid delegated powers and functions.*

6. MEETING PROCEDURES

- 6.1 The Committee shall meet at least quarterly in March, June, September and December.
- 6.2 The Committee shall meet at the Council Chamber, Nuriootpa or as otherwise determined by the Committee.
- 6.3 Meetings at other times or other places shall be determined following discussion with the Presiding Member, or in the Presiding Member's absence, the Deputy Presiding Member.
- 6.4 In accordance with Regulation 26(2)(a) of the Local Government (Procedures at Meetings) Regulations 2013 a quorum shall be one half of the members ignoring any fraction resulting from the division and adding 1.
- 6.5 All meetings of the Committee will be conducted in accordance with these Meeting Procedures. Where not specified in these Procedures, the Procedures to be used at a meeting shall be those set out in Parts, 1, 2 and 4 of the Local Government (Procedures at Meeting) Regulations 2013. A reference in the Regulations to Council or Committee shall be taken to include the Committee.
- 6.6 Notice of an Ordinary Meeting and an Agenda shall be given at least three business days prior to the scheduled meeting; however notice and an Agenda of a Special Meeting shall be given at least four hours prior to the commencement of the Special Meeting.
- 6.7 The Committee may also meet at other places to facilitate site inspections, familiarisation on planning policy issues or facilitate discussions with individuals, groups or the public.
- 6.8 Minutes of meetings shall be distributed within three days of the meeting.
- 6.9 Any member of Council may raise topics for consideration of the Committee by forwarding such topics to the Chief Executive Officer not less than seven business days prior to the meeting.
- 6.10 The minutes of the Committee meeting shall be forwarded to the next available Council meeting for noting.
- 6.11 The Committee shall provide an Annual Report of its activities to the Council.

7. GENERAL

- 7.1 The Presiding Member shall be appointed as an ex-officio member of all strategic planning and development policy related reference groups or sub-committees.

Signed
Mayor Michael Lange

Dated:

Terms of Reference of the Strategic Planning and Development Policy Committee
approved on 26 November 2018 **Page 3 of 3**

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COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

26 NOVEMBER 2018

7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.2

BAROSSA ASSESSMENT PANEL

B6746

Author: Manager, Development Services (Council Assessment Manager)

PURPOSE

To seek Council resolution to appoint the Council Member and Council Deputy Member of the Barossa Assessment Panel pursuant to the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (General) Regulations 2017*, and note details of the proposed Accredited Professionals Scheme.

RECOMMENDATION

That Council:

- (1) Appoint the following Councillors to the Barossa Assessment Panel pursuant to the *Planning Development and Infrastructure Act 2016* and *Planning Development and Infrastructure (General) Regulations 2017* for the life of this Council (unless intervening legislation regarding accreditation of members affects the term of appointment or until further reviewed and changed):

Council Member: Cr

Council Deputy Member: Cr

- (2) delegate authority to the Director Development and Environmental Services to commence an Expression of Interest process in the lead up to the expiry of the current term (30 June 2019) for the Independent Panel Members, taking into account any requirements associated with the proposed Accredited Professionals Scheme.

REPORT

Background

Council Assessment Panels form part of the development consent process in the South Australian Planning System. Decisions regarding certain applications involving public representation or non-delegated assessment are decided by the Panel.

Council must appoint the Members of the Assessment Panel in accordance with the provisions of the *Planning, Development and Infrastructure Act 2016* (the PDI Act).

In July 2018, Council resolved to appoint the Presiding Member (Bruce Ballantyne) and Independent Members (Deirdre Reiman, Grant Hewitt, Rob Veitch) for the period 1 July 2018 – 30 June 2019, and appoint Council Member (Cr Richard Miller), Council Deputy Member (Cr Mark Grossman) for the period 1 July 2018 for the term of the current Council.

Introduction

Assessment Panels may comprise up to five Members, one of which may be an Elected Member of Council.

Membership for the current Councillor of the Barossa Assessment Panel concluded following the election of a new Council in November 2018.

Discussion

Legislation permits a Member (or former Member) of Council as part of the Constitution for the council's Assessment Panel. In doing so, however Council can also appoint a Deputy Elected Member as a proxy.

In doing so, Council must be satisfied that the person is appropriately qualified to act as a Member of the Assessment Panel on account of the person's experience in Local Government

It is also necessary to note an Accreditation Scheme for Assessment Panels is being developed which seeks to achieve certain qualifications and / or levels of experience for Panel Members. This Accreditation would be applied on a State-wide basis.

While it has been intimated the Accreditation Scheme may be finalised by the end of this year with implementation due by the middle of next year; no confirmation of this timeline is available.

When the requirements of the Accreditation Scheme are fully known it may be necessary to review Elected membership (as well as Independent membership) of the council's Assessment Panel membership. At this stage, it is understood that a Council Member or former Council Member(s) will not need to be accredited under the Scheme.

All councils will be seeking to renew membership of their Panels in the lead up to the Scheme being operational. It is proposed that a call for Expressions of Interest should commence sometime in the new year, allowing sufficient time to assess potential candidates and making a formal recommendation to the Council by June 2019.

Summary and Conclusion

The recommendation for Elected membership of Council Assessment Panel is based on current statutory requirements while acknowledging the need for review once details of the State Government's Accreditation Scheme for Panel Members are known.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment : Information about role and function of council Assessment Panels.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

Development Act 1993

Development Regulations 2008

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Council is responsible for the costs and other liabilities associated with the activities of the Assessment Panel. The Assessment Panel will operate in accordance with the existing budget allocation, which may be reviewed as necessary dependent on vacancy and subsequent Member appointment requirements.

Risk Management

If Council does not resolve to appoint its own Assessment Panel the Minister for Planning can establish a Local Assessment Panel which will make decisions on the Council's behalf, at the Council's cost.

In addition, if the Minister has reason to believe that the Assessment Panel appointed by Council has consistently failed to comply with a requirement under the PDI Act, the Minister may request the State Planning Commission to conduct an inquiry under the PDI Act.

COMMUNITY CONSULTATION

Not required.

Assessment Panel Members – Code of Conduct

Introduction

Under Schedule 3 of the *Planning, Development and Infrastructure Act 2016* (PDI Act) the Minister may adopt a code of conduct to be observed by members of an assessment panel established under the PDI Act. This code of conduct sets out standards of conduct and professionalism that are to be observed by all members of assessment panels under the PDI Act. This code of conduct must be read in conjunction with the Act.

For the purposes of the PDI Act, a key requirement is that all members of assessment panels must carry out, and be seen to carry out, their functions with the highest ethical standards so as to maintain public confidence in the integrity of development assessment under the Act.

The code is the key tool to ensure that all members of assessment panels act honestly and ethically with a high degree of accountability. If a member of an assessment panel has any doubt in regard to any function they may perform under the Act they should seek the advice of the panel's assessment manager or some other appropriate person.

While some members of an assessment panel may also be bound by other codes of conduct or professional standards issued by their respective professional associations, they have no legal status under the Act. If there is a conflict between a requirement in this code of conduct and any other professional code or standard, this code prevails for the purposes of the Act.

Legislative framework

Under section 15 of the PDI Act, all members of assessment panels are subject to a statutory duty as described in the section as follows:

- (1) *It is expected that a person or body that—*
- (a) *seeks to obtain an authorisation under this Act; or*
 - (b) *performs, exercises or discharges a function, power or duty under this Act; or*
 - (c) *takes the benefit of this Act or is otherwise involved in a process provided by this Act, will—*
 - (d) *act in a cooperative and constructive way; and*
 - (e) *be honest and open in interacting with other entities under this Act; and*
 - (f) *be prepared to find reasonable solutions to issues that affect other interested parties or third parties.*

- (2) *Without limiting subsection (1), a person or body performing, exercising or discharging a function, power or duty under this Act must-*
 - (a) *exercise professional care and diligence; and*
 - (b) *act honestly and in an impartial manner; and*
 - (c) *be responsible and accountable in its conduct; and*
 - (d) *comply with any code of conduct, service benchmark or other requirement that applies in relation to the person or body.*
- (3) *The Minister may, after taking into account the advice of the Commission, establish and maintain service benchmarks for the purposes of this section.*
- (4) *The principles and benchmarks under this section— (a) do not give rise to substantive rights or liabilities; but (b) may lead to action being taken on account of a breach of a code of conduct or professional standard that applies in relation to a relevant person or body.*

Code of conduct requirements

In acting as a member of an assessment panel, a member must comply with the following requirements.

General duties

1. A member of an assessment panel must in performing, exercising or discharging a function, power or duty under the PDI Act, act in accordance with the general duties as set out in section 15 of the PDI Act.

Act in the public interest

2. A member of an assessment panel must act in a manner that promotes or protects the public interest.

Procedures

3. A member of an assessment panel must ensure that the procedures specified in the Act or prescribed in the *Planning Development and Infrastructure (General) Regulations 2017* are complied with.
4. A member of an assessment panel must comply with the panel procedures in relation to public comments and communication with the media

Regard for honesty

5. A member of an assessment panel must act with integrity, good faith and equity and must not discriminate toward any person in performing their duties.
6. A member of an assessment panel must advise the assessment manger and the Commission immediately if the member:
 - a. is the subject of a formal investigation into, or have been found to have, breached any other code of conduct, ethical standards or similar, either in another State or through a professional body of which they are a member; or
 - b. has been found guilty of a breach of any Act related to planning, building or a development related matter.

Conflict of interest

7. A member of an assessment panel who has a direct or indirect personal or pecuniary interest in a matter before the council development assessment panel (other than an indirect interest that exists in common with a substantial class of persons)—
 - a. must, as soon as he or she becomes aware of his or her interest, disclose the nature and extent of the interest to the panel; and
 - b. must not take part in any hearings conducted by the panel, or in any deliberations or decision of the panel, on the matter and must be absent from the meeting when any deliberations are taking place or decision is being made.
8. A member of an assessment panel will be taken to have an interest in a matter for the purposes of item 7 if an associate of the member (within the meaning of section 3 (7) of the PDI Act) has an interest in the matter.
9. If an interest has been declared by a member of an assessment panel the nature of the interest must be recorded in the minutes of the meeting.

Making decisions and taking action

10. A member of an assessment panel must take all reasonable steps to obtain all relevant facts and information when making a decision on a matter before the panel.
11. A member of an assessment panel must ensure that the member's decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all relevant facts obtained, and supported by adequate documentation.
12. A member of an assessment panel must not approach or discuss with an applicant or representor any application which is either before the panel or will come before the panel at some future time expect during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the panel.
13. Except where required as part of the assessment of a particular decision such as a formal panel viewing of a site of a proposed development, you should not enter the site even if invited by the land owner or a neighbouring property owner or any other person.
14. A member of an assessment panel must not:
 - a. engage in consultation outside of the panel process with any party on a proposed development application that is likely to be heard by the panel;
 - b. give advice to an applicant or other third party on a development application after it has been lodged outside of a panel meeting;
 - c. speak at a public meeting for or against a proposal where the purpose of the meeting is to discuss either a proposed development or a development application unless required by the Act;
 - d. express an opinion on a development application or a proposed development outside of a panel meeting; and
 - e. engage in any other act or omission which may give rise to a reasonable presumption that you have prejudged a development proposal or application.

Public comment

15. Only the presiding member or another person determined by the panel is permitted to speak publicly to the media and address the public on behalf of the panel. No other panel member may make comment to the media or the public in relation to any matter before the panel or any decision of the panel.

Protection and use of information

16. A member of an assessment panel must maintain the integrity and security of confidential information in their possession and must not use confidential information gained by virtue of the member's official position for the purpose of securing a private benefit for the member or any other person.
17. A member of an assessment panel must not disclose information acquired in the course of their professional work other than if consent of the relevant person has been granted or where there is a legal or professional duty to disclose such information.

Proper exercise of power

18. A member of an assessment panel must not take advantage of the member's position, power or duties for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for the member or any other person.

Gifts and benefits

19. A member of an assessment panel must not seek or accept a gift or benefit that is intended to, is likely to or could be perceived as likely to, cause them to act in an unfair or biased manner in the course of the member's duties.
20. A member of an assessment panel must take all reasonable steps to ensure that a person related to the member does not receive gifts or benefits that could appear to be an attempt to influence or secure or have the effect of influencing or securing a favour from the member of an assessment panel. A person is related to a member of an assessment panel for the purpose of this provision if the person is spouse, de facto partner, sibling, parent or child of the member of the assessment panel.

Bias

21. A member of an assessment panel should always have regard to any affiliation, disposition or any material, pecuniary or other interest that would lead to a reasonable apprehension that they may be biased in carrying out any aspect of their role under the Act.



Assessment Managers

1. A Code of Conduct has been released for Assessment Panels. Is there a Code of Conduct for the Assessment Manager?

The Code of Conduct only relates to members of an Assessment Panel. It is anticipated that the Minister will in due course adopt separate Codes of Conduct to be observed by others performing statutory functions under the PDI Act.

It should be noted that on the designated date, 1 October 2017, the Assessment Manager will not be able to act as a relevant authority in their own right as no forms of developments have been assigned to them in the PDI Act or Regulations at this stage.

Also an Assessment Manager will also be an accredited professional (not required at this stage) and will be covered by the Accredited Professional Code of Conduct (will be sent out for consultation shortly, as part of the Accredited Professional Scheme).

2. Can a member of the Council Assessment Panel be appointed as the Assessment Manager?

No, the Assessment Manager is not able to be a member of the Council Assessment Panel.

3. Can a Council Assessment Panel have more than one Assessment Manager?

No, the Council Assessment Panel can only have an Assessment Manager, being only 1 (section 87(a) of the DPI Act). The Assessment Manager is able to sub delegate to others within the Council.

4. Can the CEO issue direction to the Assessment Manager in relation to matters such as budget expenditure and allocation of staffing resources?

Subject to section 87(d) of the PDI Act, the Assessment Manager is responsible to the CEO who made the appointment and would need to be agreed to as part of any appointment by the individual council. In addition (Section 87(f)) says '*designated authority that appoints as assessment panel will be responsible for the costs and other liabilities associated with the activities of the assessment manager*'.

Assessment Managers cont.

5. How will the Assessment Manager be assigned staff, are these the current staff being assigned dual roles and how does this affect the CEO's ability to direct local government employees?

As per the above advice, this would need to be part of the discussion, agreements and/or procedures for each individual Council, Panel and Manager.

6. Does the Assessment Manager have the power to sub-delegate to staff?

Yes, it is possible for the powers of the Assessment Manager (when acting as a relevant authority in their own right) to be sub delegated to a council staff member (Section 100). The Act does not prescribe that the delegate must be an accredited professional.

On 1 October 2017 the Assessment Manager will not be able to act as a relevant authority , unless delegated by a Council Assessment Panel, as the PDI Act and Regulations do not assign them any assessment responsibilities at this stage. Regulations are likley to be introduced as the new assessment procedures are introduced.

7. Can a senior staff member, without a planning qualification, be appointed as the Assessment Manager in the interim until the accreditation requirements are clarified?

Yes, that is possible. Until the accreditation scheme is operational there are no requirements on qualifications for Assessment Managers (either an accredited professional or prescribed in the regulations). An outline paper on the accredited professional scheme is to be released for consultation shortly. This is an opportune time for councils to review and align with potential requirements/qualifications for Assessment Managers.

Further Information

For further information on the Assessment Panels and the Code of Conduct and Assessment Managers refer to [www.saplanningportal.sa.gov.au/our new system/development assessment](http://www.saplanningportal.sa.gov.au/our_new_system/development_assessment).



Council Assessment Panels

1. The Regulations details the process for recording Minutes but is silent on the Agenda process; could these requirements be clarified?

Beyond what has been set out in the regulations, the designated authority will otherwise be at liberty to adopt its own additional procedures. The LGA has prepared Terms of Reference and Meeting Procedure templates which have been distributed to councils to assist.

2. May the Elected Member be appointed by Council as the Presiding Member of the Council Assessment Panel?

The PDI Act does not exclude the one member of council being the Presiding Member. Council would be advised to ensure whoever they select as Presiding Member is appropriately qualified and experienced to act in this position.

3. What is the role of “deputy members” on Assessment Panels? (Section 83(1)(b)(v) PDI Act)

Whilst the Act does not describe the role of a deputy member, the purpose of the deputy member is to act as a member of the assessment panel in the absence of an ordinary member.

4. May a member of the Council Assessment Panel be appointed as the Assessment Manager?

No, the Assessment Manager can not be a member of the Council Assessment Panel.

5. How will remuneration for the Council Assessment Panel members be determined i.e. will this be determined by the Remuneration Tribunal or by Council?

Council will have the discretion to decide on what remuneration would be appropriate for their panel (as councils may have different requirements or expectations of their members). Also, section 83(1)(b)(iv) of the PDI Act, details that the designated authority, being the Council, must determine *'conditions of appointment of members, or the method by which those conditions will be determined, (including as to their remuneration) and the grounds on which, and the procedures by which, a member may be removed from office'*.



Council Assessment Panels cont.

6. Does the Act Prescribe how long decisions should be kept?

Beyond what has been set out in the regulations, the designated authority will otherwise be at liberty to adopt its own additional procedures.

7. What is the role of an additional member (Section 85 – appointment of additional member)? When will the practice direction or further information be provided on this aspect?

Under section 85, a Panel may appoint one or two members to act as additional members to assist in the assessment of a development application. These members must have the qualification or experiences as set out in a practice direction. This provision however, will not come into affect until such time as the assessment provisions under the new Act are in operation and a practice direction has been prepared.

Further Information

For further information on the Assessment Panels and the Code of Conduct and Assessment Managers refer to www.saplanningportal.sa.gov.au/our_new_system/development_assessment.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES

26 NOVEMBER 2018

7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1

APPOINTMENT OF ELECTED MEMBER ON BAROSSA BUSHGARDENS COMMITTEE

PURPOSE

To reaffirm the establishment of the Barossa Bushgardens S41 Committee and appoint the Council representative on the Committee.

RECOMMENDATION

That Council:

- (1) endorses the appointment of Cr..... as Council representative on the Barossa Bushgardens Committee for the life of this Council (or until further reviewed and changed);
- (2) adopts the updated Terms of Reference for the Barossa Bushgardens Committee.

REPORT

The Committee was established on 6 March 2001 to develop and manage the Bushgardens property.

The Committee meets on a bi-monthly basis during the day.

Its current Terms of Reference was approved on 16 December 2014 and it is proposed that pending further discussions with the Committee, it continues without change, but has been updated to the current template format.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.8 Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.
- 2.2 Collect, maintain and make accessible our Aboriginal heritage, and the history and heritage of our community.
- 2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
- 2.11 Advocate for and support initiatives designed to improve education infrastructure.
- 3.2 Ensure Council's parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.
- 5.8 Advocate for investment and support of local business through local transportation, training and employment initiatives.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil






COMMUNITY CONSULTATION

Nil

THE BAROSSA COUNCIL

TERMS OF REFERENCE OF THE BAROSSA BUSHGARDENS SECTION 41 COMMITTEE



Community Plan Link:		Natural Environment and Built Heritage	
		Community and Culture	
		Infrastructure	
		Health and Wellbeing	
		Business and Employment	
Document Owner:	Director Development and Environmental Services	Previous Approval Date(s):	16/12/2014
Document Control Officer:	Director Development and Environmental Services	Current Approval Date:	26/11/2018
HPE Content Manager Ref:	18/80615	Next Review Date:	DD/MM/YYYY

1. ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 6 March 2001 Minute Book Reference 2001/94 established the Barossa Bushgardens Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Committee is established to manage the Barossa Bushgardens property ("the Bushgardens") [being a Crown Reserve for which Council has care and control, at Lot 100 Penrice Road, Part Section of Coulthard Reserve, Nuriootpa, and which is contained in Crown Record Volume 5660 Folio 149, H 160600, east of the watercourse] in accordance with the Objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

2. OBJECTIVE

The Committee is established to fulfil the following functions in accordance with its allocated budget:

- 2.1 To develop and maintain the Bushgardens as:
 - 2.1.1 a model natural heritage resource for the Barossa region and South Australia;
 - 2.1.2 a vital human resource where people are valued for their contribution, knowledge and skills;
 - 2.1.3 a place of learning, where knowledge is shared and practical skills are enhanced;
 - 2.1.4 a model of sustainability through proactive seed collection, native plant propagation and garden development; and
 - 2.1.5 a Natural Resource Centre in conjunction with the Adelaide and Mt Lofty Ranges Natural Resources Management (AMLR NRM) Board.
- 2.2 To work in partnership with the Council, the community and the AMLR NRM Board in all aspects of the development outlined in clause 2.1.
- 2.3 To liaise with the Friends of Barossa Bushgardens for the specific purpose of supporting the objectives outlined in clause 2.1.
- 2.4 To keep statistical information as required by Council and the AMLR NRM Board.
- 2.5 To contribute to the future development of Bushgardens' facilities for the benefit of the community in accordance with relevant legislation including the Crown Land Management Act 2009. Council and committee will come to agreement in developing an annual maintenance plan in respect of facilities as part of the budget process.
- 2.6 To promote a community spirit towards the Bushgardens.
- 2.7 To generate funds to fulfil the above objectives.

3. MEMBERSHIP

- 3.1 The Committee will consist of:
 - (i) No less than 5 and no more than 11 Independent (community) members appointed by the Council; and
 - (ii) 1 Elected Member nominated by the Council.
- 3.2 The Committee will at the first meeting following every periodic Local Government election (and further annually at its determination and as recorded in its Minutes), appoint at a minimum:
 - (i) the Chairperson of the Committee (subject to clause 3.5).
- 3.3 In addition to appointing a Chairperson, the Committee may determine if there will be a Deputy Chairperson and, if so, will make the appointment. No other positions are to be formally appointed, although the Committee should determine which member or members will be responsible for recording and submitting to the Chairperson the minutes of each meeting.

- 3.4 Should there be more nominations than required then all voting will be by secret ballot.
- 3.5 Except for the Mayor or Deputy Mayor of Council, an Elected Member may not hold the position of Chairperson nor Deputy Chairperson on the Committee.
- 3.6 Subject to clause 3.2, membership of the Committee is for the current term of the Council unless a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.
- 3.7 Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.
- 3.8 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.9 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, procedural fairness will be observed in that:
- (i) the Committee member will be informed of Council's intention to remove him/her from office;
 - (ii) the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
 - (iii) the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.
- 3.10 If a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.
- 3.11 Independent members of the Committee and any volunteer assisting Committee members for a particular project or event must be registered as a volunteer of Council by completing Council's Volunteer Registration Form.

4. DELEGATED POWERS

- 4.1 In order for the Committee to perform its functions consistent with these Terms of Reference, the Council delegates to the Committee in accordance with section 137 of the Act the power to expend Council's approved budgeted funds up to \$2000 excluding GST for any one order subject to the Committee's budget allocation and Council's policies.
- 4.2 The Committee may establish a sub-committee to assist in the exercise of its power, objectives and responsibilities.
- 4.2.1 The sub-committee will not have any delegated power for the expenditure of approved budgeted funds.
- 4.2.2 The establishment, term, objectives and membership of any sub-committee must be minuted by the Committee and ratified by Council.

4.3 The Committee may raise funds through approved fees or charges to contribute to the Objectives outlined in clause 2, however, will first liaise with its assigned Council officer to ensure that the subject of the fundraising aligns with Council's overall Strategic Plan.

4.3.1 All funds raised pursuant to this clause must be deposited Council for receipting to the Committee's income account. The Committee cannot hold shares or establish a bank account in its own right nor in the names of its members held on trust for the Committee.

5. GOVERNANCE

5.1 No Committee member will be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.

5.2 Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.

5.3 Subject to clause 1.3, a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members.

5.4 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:

- (i) Act;
- (ii) Regulations;
- (iii) Code of Conduct for Elected Members (for Elected Member Committee members) or Council's Volunteer Management Policy (for Independent members); and
- (iv) Council's policies and processes which are relevant to the operations of the Committee.

5.5 Independent members of the Committee are not required to register their interests and complete a Register of Interest return pursuant to section 64 of the Act.

5.6 All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.

6. CHAIRPERSON

6.1 The Chairperson will:

- (i) be the contact point between Council and the Committee;
- (ii) be responsible for the proper observance of these Terms of Reference;
- (iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 ("the Regulations") Parts 1, 3 and 4 (noting that Part 2 does not apply);

- (iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner; and
- (v) where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

7. MEETINGS

- 7.1 The meetings of the Committee will be held in accordance with Parts 1, 3 and 4 of the Regulations. Part 2 of the Regulations does not apply to this Committee.
- 7.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes.
- 7.3 Ordinary meetings of the Committee will be held bi-monthly or as determined by the Committee. The day, time and place for such meetings will be determined each year at the first ordinary meeting.
- 7.4 Quorum
 - 7.4.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
 - 7.4.2 A quorum for a meeting of the Committee is half of the current membership, ignoring any fraction resulting from the division and adding 1.
 - 7.4.3 *Lack of Quorum*
 - (i) If, prior to the commencement of the meeting, the number of apologies received by the Chairperson (or their delegate as the case may be) indicates that a quorum will not be present at that meeting, or

if at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present,

the Chairperson (or their delegate as the case may be) may adjourn the meeting to a specified day and time or continue the meeting without any motions being formally resolved.
 - (ii) If the meeting is adjourned for a want of quorum, the Chairperson (or their delegate as the case may be) will record in the minutes the reason for the adjournment, the names of any members present and the date and time to which the meeting is adjourned.
- 7.5 If the Chairperson of the Committee is absent from a meeting, the Deputy Chairperson (if such position exists) will preside at that meeting in accordance with clause 6.1. If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, as appropriate) is present.

7.6 All decisions of the Committee will be made on the basis of the majority of the members present. All Committee members must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

7.7 Conflict of Interest

7.7.1 No Committee member will vote or take part in debate who has a conflict of interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Act.

7.7.2 If a Committee member has a conflict of interest in the particular matter to be voted upon or debated, he or she will declare a conflict of interest and then leave the meeting place until the matter is concluded. The declaration of a conflict and the time the member left the meeting and returned to the meeting will be recorded in the minutes.

7.8 Minutes

7.8.1 Minutes of each meeting must include:

- (i) names of members present;
- (ii) each motion carried; and
- (iii) any disclosure of interest made by a member.

7.8.2 The Committee will:

- (i) keep minutes of each meeting; and
- (ii) within five days of the meeting, forward a copy of the draft minutes to the Committee and Committee's contact officer at Council, and
- (iii) submit for confirmation the draft minutes at the next Committee meeting.

7.8.3 The Council contact officer will:

- (i) register into Council's Electronic Document Record Management System a copy of the draft minutes upon receipt;
- (ii) upload the draft minutes to Council's website as soon as reasonable practicable; and
- (iii) submit the minutes to Council's Debate Agenda at the next available Council meeting.

8. TRAINING

8.1 Following his/her appointment to the Committee, an Independent Committee member will undertake a formal induction with Council officers in accordance with Council's Volunteer Management Policy which will:

- (i) highlight member responsibilities within the Committee, including financial duties where appropriate;
 - (ii) outline relevant Council policies and processes; and
 - (iii) aid compliance with relevant legislation.
- 8.2 Committee members will be encouraged to attend training related to the management of Local Government committees as sessions become available through the Local Government Association.
- 8.3 Committee members will be entitled to reimbursement of approved expenditure in accordance with Council policies and processes.
- 8.4 Council will assign a Council Officer to provide advice and act as a contact point between Council and the Committee.

Signed
Mayor Michael Lange

Dated:

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES

26 NOVEMBER 2018

7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.2

**APPOINTMENT OF ELECTED MEMBER ON GAWLER RIVER FLOODPLAIN MANAGEMENT
AUTHORITY (GRFMA) AUDIT COMMITTEE**

Author: Director, Development and Environmental Services

PURPOSE

Council as a constituent member of the GRFMA has been invited to provide an Elected Member Expression of Interest for nomination for appointment to the GRFMA Audit Committee.

RECOMMENDATION A

That Cr.....be nominated for consideration for appointment to the GRFMA Audit Committee.

OR

RECOMMENDATION B

That Council receives this report, notes its contents and does not provide a nomination on this occasion.

REPORT

Registrations of Interest from Constituent Council Elected Members for nomination for appointment to the GRFMA Audit Committee,

A vacancy now exists following the retirement of a previously appointed GRFMA Audit Committee member who was the Constituent Councils Elected Member representative.

Nominations are sought from members (who may be a GRFMA Board Member or a member of a Constituent Council who have financial experience relevant to the functions of the GRFMA Audit Committee.

Section 13 of Schedule 2 Part 1 of the *Local Government Act 1999* requires that the functions of an Audit Committee (for a regional subsidiary) include –

- Reviewing annual financial statements to ensure that they provide a timely and fair view of the state of affairs of the subsidiary, and;
- Liaising with external auditors; and;
- Reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

The Committee meets not less than four times per year.

Nominations (using the attached Registration of Interest Form) must be received by the GRFMA by COB on 7 December 2018.

Following nomination and GRFMA Board endorsement the Constituent Councils must then approve the appointment of members of a regional subsidiary Audit Committee.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Gawler River Floodplain Management Authority Audit Committee Nomination Form and Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

- 1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.
- 3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
- 4.15 Plan for and where appropriate support response to extreme weather events or disasters in the region.
- 5.9 Contribute to informed decision making and the promotion of Council and community interests in relation to economic growth, planning and development through participation in peak bodies, industry boards and working parties.
- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The appointment and operation of the GRFMA Audit Committee will serve to address potential financial risk management considerations on behalf of Constituent Councils.

COMMUNITY CONSULTATION

Not required

Gawler River Floodplain Management Committee Audit Committee Registrations of Interest

Registrations of Interest are sought from Constituent Council elected members (who may be a GRFMA Board Member or a member of a constituent Council) who have financial experience relevant to the functions of the audit committee. Following nomination and GRFMA Board endorsement the Constituent Councils must then approve the appointment of members of a regional subsidiary audit committee. It is expected that the committee will meet not less than four times per year. Section 13 of Schedule 2 Part 1 of the Local Government Act requires that the functions of an audit committee (for a regional subsidiary) include—

(a) Reviewing annual financial statements to ensure that they provide a timely and fair view of the state of affairs of the subsidiary; and (b) Liaising with external auditors; and (c) Reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

See attached for the GRFMA Audit Committee Terms of Reference.

Please complete electronically

Full Name	
Residential address	
Telephone	
Email	
Council Role/Experience	
Financial experience relevant to the functions of an audit committee	
Skills that you would bring to the committee	
Any other comments you would like considered	

To be considered for this position, please complete electronically and return to davehitchcock@bigpond.com by 5pm on 7 December 2018

Inquiries to David Hitchcock Executive Officer GRFMA, mob 0407717368 email davehithcock@bigpond.com

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

AUDIT COMMITTEE- TERMS OF REFERENCE

Strategic Reference	
File reference	GRFMA, Audit Committee Terms of Refence
Responsibility	Executive Officer
Revision Number	2
Effective date	10 December 2018
Last revised date	21 April 2011
Minutes reference	
Next review date	December 2019
Applicable Legislation	Local Government Act 1999 Section 30 Schedule 2, Part 2,
Related Policies	
Related Procedures	

1. Introduction and Context

The GRFMA Audit Committee will provide an important role between the Authority, its management and its constituent Councils. One of the primary roles of the committee is to provide suggestions and recommendations to the GRFMA Board about actions to be taken to enhance financial and operational governance, considered to be in the best interests of the subsidiary and its constituent Councils.

2. Terms of Reference

The principle functions and extent of authority for the GRFMA Audit Committee are consistent with the minimum statutory functions as set out in Section 30 Schedule 2, Part 2, of the Local Government Act 1999. The committee has key responsibilities in overseeing and monitoring the GRFMA's financial reporting process, the approaches to business risks, corporate and financial governance responsibilities and legal compliance. Specifically, the committee shall take a lead role in:

2.1 Financial reporting

- 2.1.1 The committee shall monitor the integrity of the financial statements of the GRFMA, including its annual report, reviewing significant financial reporting issues and judgments which they contain.
- 2.1.2 The committee shall review and challenge where necessary:
 - 2.1.2.1 The consistency of, and /or any changes to, accounting policies;
 - 2.1.2.2 The methods used to account for significant or unusual transactions where different approaches are possible;
 - 2.1.2.3 Whether the GRFMA has followed appropriate accounting standards and made appropriate estimates and judgments, taking into account the views of the external auditor;
 - 2.1.2.4 The clarity of disclosure in the GRFMA's financial reports and the context in which statements are made; and
 - 2.1.2.5 All material information presented with the financial statements, such as the operating and financial review and any corporate governance statements (insofar as it relates to the audit and risk management).

2.2 Internal controls and risk management systems

The committee shall:

- 2.2.1 Keep under review the effectiveness of the GRFMA's internal controls and risk management systems; and
- 2.2.2 Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management. management plans to manage and mitigate this business risk.

2.3 Whistle blowing

- 2.3.1 The committee shall review the GRFMA's arrangements for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other matters. The committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.

2.4 External audit

The committee shall:

- 2.4.1 Develop and implement a policy on the supply of non-audit services by the external auditor, taking into account any relevant ethical guidance on the matter;
- 2.4.2 Consider and make recommendations to the GRFMA, in relation to the appointment, re-appointment and removal of the GRFMA's external auditor. The committee shall oversee the selection process for new auditors and if an auditor resigns the committee shall investigate the issues leading to this and decide whether any action is required;
- 2.4.3 Oversee the GRFMA's relationship with the external auditor including, but not limited to:
 - 2.4.3.1 Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - 2.4.3.2 Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - 2.4.3.3 Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of GRFMA's relationship with the auditor, including the provision of any non-audit services;
 - 2.4.3.4 Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the GRFMA (other than in the ordinary course of business);
 - 2.4.3.5 Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - 2.4.3.6 Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures);
- 2.4.4 Meet as needed with the external auditor. The committee shall meet the external auditor at least once a year, without the Executive Officer being present; to discuss the external auditor's report and any issues arising from the audit;
- 2.4.5 Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following:
 - 2.4.5.1 A discussion of any major issues which arose during the external audit;
 - 2.4.5.2 Any accounting and audit judgments; and
 - 2.4.5.3 Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.
- 2.4.6 Review any representation letter(s) requested by the external auditor before they are signed by management; (Note that these representation letters are a standard practice of any audit and provide the auditor confirmation from management, in particular the Chief Financial Officer) that, amongst other matters, accounting standards have been consistently applied, that all matters

that need to be disclosed have been so disclosed and that the valuation of assets has been consistently applied.

- 2.4.7 Review the management letter and management's response to the external auditor's findings and recommendations.

The GRFMA Board may also refer to the committee issues of a strategic nature, or other issues as deemed relevant, from time to time.

3. Membership

In accordance with part 4A(3) of the Local Government (Financial Management) regulations, a regional audit committee: must have between 3 and 5 members (inclusive); must include at least 1 person who is not a member of the board of management of the regional subsidiary and who is determined by the constituent councils to have financial experience relevant to the functions of the audit committee; may include members who are members of a constituent council and must not include, as a member, the auditor of the subsidiary under Part 5 of the Local Government Act 1999.

Accordingly, membership to the GRFMA Audit Committee shall comprise:

1. Membership of three persons
2. One person who is an independent person, and who is determined by the constituent councils to have financial experience relevant to the functions of the audit committee. This person shall also be the Committee Chair.
3. Two persons who may be a GRFMA Board Member or a member of a constituent Council or an officer of a constituent council and have experience relevant to the functions of the audit committee.

4. Appointment to Committee

The process for appointment of Officers to the committee and filling of casual vacancies will be through a call for written nominations from suitable individuals with skills, interest and experience relevant to the committee.

The Board will assess all nominations against the membership criteria.

The Board will recommend persons who meet the membership criteria for approval to form, and fill casual vacancies, to membership of the Committee.

The Board will submit recommendations to the constituent councils for approval pursuant to Section 30(3) Section 2 Part 2 of the Local Government Act 1999.

The Board may remove a member from the Committee on the grounds that he or she has been absent without leave from three or more consecutive meetings, or is not performing duties as required within the purpose of this Committee.

5. Term of Office

Members shall be appointed for a two-year term and may be reappointed.

6. Committee Support

The GRFMA Executive Officer shall provide executive support to the committee.

The committee may seek representation or advice from other specialists on an adhoc basis as required.

7. Meeting Conduct and Procedures

In accordance with the principles of open, transparent and informed decision making, committee meetings shall be conducted in a place open to the public. The agenda and minutes of the committee meetings, subject to any items that are discussed in confidence under the Local Government Act 1999 and subsequently retained as confidential under the Act, are also required to be made available to the public.

- 7.1 The meetings of the Committee shall be held in accordance with the Local Government (Procedures at Meetings) Regulations 2000.
- 7.2 Meetings shall be held at least four (4) times per year, or at other times as determined by the Committee. Meetings should be held a minimum of two weeks prior to a GRFMA Board meeting. All minutes and recommendations of the committee shall be presented to the next available meeting of the GRFMA Board.
- 7.3 The GRFMA's external auditors may be invited to attend meetings of the Committee (but not as voting members)
- 7.4 Ordinary meetings of the Committee shall be held at the discretion of the GRFMA Board, or subject to a decision of the GRFMA Board, or the Committee. A special meeting of the committee may be called in accordance with the Act.
- 7.5 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the committee and observers, no later than 3 clear days before the date of the meeting. Supporting papers shall be sent to committee members (and to other attendees as appropriate) at the same time.
- 7.6 No Committee Member shall vote or take part in debate who has an interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Local Government Act, 1999.
- 7.7 The Committee shall keep or cause to be kept minutes of all meetings, which shall include a record of the names of members present at each meeting. Minutes of meetings shall be circulated within five (5) days after a meeting to all members of the committee. Draft (or confirmed) minutes will be placed on the subsequent GRFMA Board agenda for information of both GRFMA Board Members and public.
- 7.8 The Minute Book of the Committee shall be produced for inspection to the GRFMA Board.
- 7.9 The Committee shall furnish to the GRFMA Board such information concerning the Committee's proceedings and activities as may be required.
- 7.10 Only members of the committee are entitled to vote in committee meetings.
- 7.11 The quorum necessary for the transaction of business shall be 50% of the number of members of the committee plus one.

8. General

- 8.1 The activities of the Committee shall be regulated by such directions as may be made from time to time by the Constituent Councils and by such Terms of Reference as may be made by the Committee, and ratified by the GRFMA Board.
- 8.2 The Committee will have no delegated authority, acting in an advisory capacity only under direction from the GRFMA Board.
- 8.3 The Presiding Member shall be responsible to the GRFMA Board for the proper observance of these Terms of Reference. However, no member shall be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made

in good faith. However, Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.

- 8.4 The GRFMA Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions
- 8.5 In the event of there being any dispute, which cannot be resolved by the Committee, the matter in question is to be referred to the GRFMA Board for resolution.
- 8.6 The Terms of Reference may be amended by the GRFMA Board.
- 8.7 Notwithstanding anything in these Terms of Reference, all rights under the Local Government Act 1999, shall be observed.
- 8.8 Members of the committee who are not elected Council members are not required to complete a Register of Interest Return pursuant to Section 64 of the Local Government Act 1999.
- 8.9 Members are expected to:
 - act honestly and within the law at all times;
 - act in good faith and not for improper or ulterior motives;
 - act in a reasonable, just and non discriminatory manner;
 - undertake their role with reasonable care and diligence;
 - conduct their ongoing relationship with fellow GRFMA Board Members, GRFMA contractors and or employees, Council Members, Council employees and the public with respect, courtesy and sensitivity;
 - use information in a careful and prudent manner.

References:

LGA Information Paper 3 - Audit Committees

LGA Information Paper 14 – Model Work Program For Council Audit Committees

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
REGULATORY SERVICES REPORT
26 NOVEMBER 2018

7.5.4 DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.1

DRY AREA WORKING GROUP
B1475

Author: Manager, Regulatory Services

PURPOSE

To seek Council's support to disband the Dry Area Working Group.

RECOMMENDATION

That Council disband the Dry Area Working Group.

REPORT

Introduction

Council, at its meeting held 17 March 2009, approved the establishment of a Dry Area Working Group as per the condition of approval of the regulation prohibiting the possession and consumption of liquor in designated parts of the Barossa Municipality.

Discussion

At the September 2017 meeting of The Barossa Council, Elected Members endorsed a report which recommended that an application be submitted to the Liquor and Gambling Commissioner to extend the existing eight alcohol dry areas beyond 22 January 2018.

Approval has now been granted for an indefinite period to reduce the administrative burden on councils in applying for regular extensions.

Conclusion

The Dry Area Working Group can now be formally disbanded due to the completion of its assigned objectives.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



Health and Wellbeing

- 4.16 Support and where appropriate provide advocacy for emergency services, crime prevention and law enforcement.



Community and Culture

- 2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.

Community Plan



Community and Culture

- 2.12 Contribute to a safer community.



Business and Employment

- 5.13 Support economic development through events.

Legislation

Liquor Licencing Act 1997

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk Management

Nil.

Resource Considerations

Nil.

Financial Considerations

Nil.

COMMUNITY CONSULTATION

Consultation is not required under Policy or Legislative requirements.