



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Jan-Claire Wisdom

Councillor Nathan Daniell
Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Pauline Gill
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 25 March 2025
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

A handwritten signature in black ink, appearing to read 'GG', is positioned above the name of the Chief Executive Officer.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 25 March 2025
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

2.1. *Acknowledgement of Country*

Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2. Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology
Apologies were received from

3.2. Leave of Absence
Cr Leith Mudge – 5 March 2025 to 7 April 2025
Mayor Jan-Claire Wisdom – 11 March 2025 to 10 September 2025

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 11 March 2025

That the minutes of the ordinary meeting held on 11 March 2025 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

- 7.1. Questions Adjourned
Nil
- 7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
Nil
- 8.2. Deputations
Woodforde Residents Association
- 8.3. Public Forum

9. PRESENTATIONS (by exception)

Nil

10. QUESTIONS ON NOTICE

Nil

11. MOTIONS ON NOTICE

- 11.1. Elector Representation Review (Ward Names) – Cr Adrian Cheater
1. *Council notes resolution 96/25 from the 11 March 2025 Council Meeting relating to the Elector representation Review, namely:*

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

96/25

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, Ward Two – Central and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

Carried

2. *Council revokes part 3 of resolution 96/25 and replaces it with the following:*

The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:

- a) The principal member of Council continues to be a Mayor, elected by the electors for the area.*
- b) The Council elected body comprise a Mayor and twelve councillors.*
- c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).*
- d) The proposed wards be identified as Rivers (for the Ward identified as Ward 1 in the Representation Review Report), Valleys (for the Ward identified as Ward 2 in the Representation Review Report)) and Ranges (for the Ward identified as Ward 3 in the Representation Review Report), with each Ward being represented by four Councillors.*

11.2. Woodforde Infrastructure and Maintenance – Cr Louise Pascale

- 1. Council confirms its commitment to the organic mulching of reserve garden beds, backfilling sand and granite pathways and verge program for residents of Hamilton Hill as per draft residents correspondence of 11 March 2025.*
- 2. That Council review the installation of a new BBQ and shelter installation and connection of tree up lights throughout the lower reserve in Hamilton Hill through stakeholder engagement which includes but not limited to Woodforde Residents Association, residents of Kelso Apartments and Lewis Walk.*
- 3. The CEO prepare a report for Council by Monday 7 April 2025 which details the costs of maintaining Hamilton Hill which includes grounds and infrastructure maintenance (including but not limited to, the installation of a storage shed for garden maintenance equipment, a curved path between McIntyre Crescent and Kintyre Road), management of traffic and parking controls (including but not limited to yellow line marking on Glen Stuart Road outside Womma Oval, extending yellow lines on Kintyre Rd outside Rostrevor primary on the south side near the intersection, extending yellow lines on Heather Ave on the west side from Kintyre Rd), installation of additional car parks in replacement of agreed verges in Hamilton Hill, and Rangers for parking controls, with a commitment to their delivery in 2025/26 Financial Year.*
- 4. The CEO prepare a community and stakeholder consultation plan for Woodforde including but not limited to consulting on ongoing works and maintenance in Hamilton Hill, to be presented to Council by the Ordinary Council meeting of 22 April, 2025.*

5. *The CEO write to Kite Development advocating on behalf of Woodforde Residents Association the removal of the outdoor gym equipment in Hamilton Hill and that Kite Development replace it with a playground that is designed in consultation with the residents of Hamilton Hill and Adelaide Hills Council, to be delivered to Australian Safety Standards.*
- 11.3. Amenity Survey for the Adelaide Hills Council community– Cr Kirsty Parkin
1. *Council develop and distribute an Amenity Survey to seek feedback and input from Adelaide Hills Council community on:
 - a) *Their vision for the look and feel of townships, localities, and suburbs, with a focus on the natural, rural and built environments*
 - b) *improving development outcomes, including retention of trees and preserving streetscapes and farmscapes*
 - c) *ways to enhance character and amenity**
 2. *The Amenity Survey should be designed and conducted to maximise and encourage participation and communicate how the data will be used.*
 3. *That the data collected from the survey be used to inform initiatives to nurture the unique character of the Adelaide Hills Council area, including:
 - a) *Identifying the potential initiation of Code Amendments to the Planning and Design Code*
 - b) *Town and precinct planning projects*
 - c) *Recommendations for new initiatives to enhance the built environment, such as verge and planting guides**
 4. *Council recognise the importance of the feedback and commit to reporting back to the community on the findings of the survey and the actions Council will take as a result.*

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Audit Committee Terms of Reference Review
1. *To receive and note the report titled Audit Committee Terms of Reference Review*
 2. *With an effective date of 26 March 2025, to revoke the Audit Committee Terms of Reference dated 14 February 2023 and to adopt the draft Audit Committee Terms of Reference as per Appendix 1.*
 3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Audit Committee Terms of Reference as per Appendix 1.*
- 12.2. Behavioural Standards Panel Contact Officer
1. *That the report be received and noted.*
 2. *To appoint the CEO and the Executive Governance Officer, or their delegate, as the Behavioural Standards Panel Contact Officer and to amend the Behavioural Management Policy accordingly.*

3. *With an effective date of 26 March 2025, to revoke the current Behavioural Management Policy and to adopt the revised Behavioural Management Policy as per Appendix 1.*
 4. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Behavioural Management Policy.*
- 12.3. Merits of Retaining the Mayor's Opening Remarks as an Agenda item
1. *To receive and note the report.*
See options section of the report for further potential resolutions.

12.4. Acting Deputy Mayor Appointment

Decision 1 (required if one candidate indicates intention to nominate)

1. *That the report on the Acting Deputy Mayor Appointment be received and noted.*
2. *To appoint Cr _____ to the position of Acting Deputy Mayor to commence 26 March 2025 and conclude on 10 September 2025.*
3. *To note that the Deputy Mayor has a number of roles and functions under Council's policies.*
4. *That, for the avoidance of doubt:*
 - a. *the Acting Mayor, as the substantive Deputy Mayor, retains the roles and functions of the Deputy Mayor under Council's policies unless the Deputy Mayor is unavailable or unable to perform the roles and functions or delegates these roles and functions*
 - b. *the Acting Deputy Mayor only takes on the roles and functions of the Deputy Mayor under Council's policies if the Acting Mayor is unavailable or unable to perform the roles or functions or is delegated these roles and functions.*

Decision 2 (required if more than one candidate indicates intention to nominate)

1. *That the report on the Acting Deputy Mayor Appointment be received and noted.*
2. *To determine that the method of selecting the Acting Deputy Mayor be by an indicative vote to determine the preferred person utilising the process as set out within this report and in accordance with the advice contained within Appendix 1.*
3. *To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Acting Deputy Mayor role and for the meeting to resume once the results of the indicative voting has been declared.*

Decision 3 (required if meeting adjourned)

1. *To appoint Cr _____ to the position of Acting Deputy Mayor to commence 26 March 2025 and conclude on 10 September 2025 inclusive.*
2. *To note that the Deputy Mayor has a number of roles and functions under Council's policies.*

3. *That, for the avoidance of doubt:*

- a. *the Acting Mayor, as the substantive Deputy Mayor, retains the roles and functions of the Deputy Mayor under Council's policies unless the Deputy Mayor is unavailable or unable to perform the roles and functions or delegates these roles and functions*
- b. *the Acting Deputy Mayor only takes on the roles and functions of the Deputy Mayor under Council's policies if the Acting Mayor is unavailable or unable to perform the roles or functions or is delegated these roles and functions.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

13.1. Fabrik Business and Implementation Plan Update

1. *That the report and the Fabrik Business and Implementation Plan Update – March 2025 in Appendix 1 be received and noted.*

14. CORRESPONDENCE FOR NOTING

- 14.1. Correspondence from The Hon. Louise Miller-Frost MP regarding freight route
- 14.2. Correspondence to The Hon. Susan Close MP requesting improving availability of water for stock in the Adelaide Hills

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Function or Activity on the Business of Council
- 17.2. Reports of Members/Officers as Council Representatives on External Organisations
- 17.3. CEO Report

18. REPORTS OF COMMITTEES

- 18.1. Council Assessment Panel – 12 March 2025
That the minutes of the CAP meeting held on 12 March 2025 as supplied, be received and noted.
- 18.2. Audit Committee
Nil
- 18.3. CEO Performance Review Panel
Nil
- 18.4. Boundary Change Committee
Nil

19. CONFIDENTIAL ITEMS

Nil

20. NEXT MEETING

Tuesday 8 April 2025, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meeting & Workshops 2025

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2025			
Wednesday 15 January	CAP	Stirling	TBA
Tuesday 28 January	Ordinary Council	Stirling	Skye Ludzay
FEBRUARY 2025			
Monday 3 February	Workshop	Woodside	N/A
Tuesday 11 February	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 February	CAP	Stirling	TBA
Monday 17 February	Audit Committee	Stirling	Lauren Jak
Tuesday 18 February	Professional Development	Stirling	N/A
Tuesday 25 February	Ordinary Council	Stirling	Skye Ludzay
MARCH 2025			
Monday 3 March	Workshop	Woodside	N/A
Tuesday 11 March	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 March	CAP	Stirling	TBA
Tuesday 18 March	Professional Development	Stirling	N/A
Saturday 22 March	Workshop	Stirling	N/A
Tuesday 25 March	Ordinary Council	Stirling	Skye Ludzay
Wednesday 26 March	CEO PRP	Stirling	Zoë Gill
APRIL 2025			
Wednesday 2 April	CEO PRP	Stirling	Zoë Gill
Monday 7 April	Workshop	Woodside	N/A
Tuesday 8 April	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 April	CAP	Stirling	TBA
Monday 14 April	Audit Committee	Stirling	Lauren Jak
Tuesday 15 April	Professional Development	Stirling	N/A
Wednesday 16 April	CEO PRP	Stirling	Zoë Gill
Tuesday 22 April	Ordinary Council	Stirling	Skye Ludzay
MAY 2025			
Monday 5 May	Workshop	Woodside	N/A
Tuesday 13 May	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 14 May	CAP	Stirling	TBA
Monday 19 May	Audit Committee	Stirling	Lauren Jak
Tuesday 20 May	Professional Development	Stirling	N/A
Tuesday 27 May	Ordinary Council	Stirling	Skye Ludzay
JUNE 2025			
Monday 2 June	Workshop	Woodside	N/A
Tuesday 10 June	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 11 June	CAP	Stirling	TBA
Tuesday 17 June	Professional Development	Stirling	N/A
Tuesday 24 June	Ordinary Council	Stirling	Skye Ludzay
Wednesday 25 June	CEO PRP	Stirling	Zoë Gill
JULY 2025			
Monday 7 July	Workshop	Woodside	N/A
Tuesday 8 July	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 9 July	CAP	Stirling	TBA

DATE	TYPE	LOCATION	MINUTE TAKER
Tuesday 15 July	Professional Development	Stirling	N/A
Tuesday 22 July	Ordinary Council	Stirling	Skye Ludzay
AUGUST 2025			
Monday 4 August	Workshop	Woodside	N/A
Tuesday 12 August	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 13 August	CAP	Stirling	TBA
Monday 18 August	Audit Committee	Stirling	Lauren Jak
Tuesday 19 August	Professional Development	Stirling	N/A
Tuesday 26 August	Ordinary Council	Stirling	Skye Ludzay
SEPTEMBER 2025			
Monday 1 September	Workshop	Woodside	N/A
Tuesday 9 September	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 September	CAP	Stirling	TBA
Tuesday 16 September	Professional Development	Stirling	N/A
Tuesday 23 September	Ordinary Council	Stirling	Skye Ludzay
OCTOBER 2025			
Tuesday 7 October (Public Holiday)	Workshop	Woodside	N/A
Wednesday 8 October	CAP	Stirling	TBA
Tuesday 14 October	Ordinary Council	Stirling	Rebekah Lyons
Monday 20 October	Audit Committee	Stirling	Lauren Jak
Tuesday 21 October	Professional Development	Stirling	N/A
Tuesday 28 October	Ordinary Council	Stirling	Skye Ludzay
NOVEMBER 2025			
Monday 3 November	Workshop	Woodside	N/A
Tuesday 11 November	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 12 November	CAP	Stirling	TBA
Monday 17 November	Audit Committee	Stirling	Lauren Jak
Tuesday 18 November	Professional Development	Stirling	N/A
Tuesday 25 November	Ordinary Council	Stirling	Skye Ludzay
DECEMBER 2025			
Monday 1 December	Workshop	Woodside	N/A
Tuesday 9 December	Ordinary Council	Stirling	Rebekah Lyons
Wednesday 10 December	CAP	Stirling	TBA

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.

Community Forums 2025

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION

Council Member Attendance 2025

Information or Briefing Sessions

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
3 Feb 25 (WS)	F	AP	F	F	AP	F	AP	F	F	F	F	AP	F
18 Feb 25 (WS)	P	AP	F	F	F	P	AP	F	LOA	F	F	F	F
3 Mar 25 (WS)	F	F	F	F	F	F	F	AP	AP	F	F	AP	F
11 Mar 25 (WS)	LOA	F	F	F	LOA	A	F	F	AP	AP	P	F	F
18 Mar 25 (WS)	LOA	F	F	F	LOA	F	AP	F	P	F	F	F	F

Council Member Attendance 2025

Council Meetings (including Special Council Meetings)

Meeting Date	Mayor Jan-Claire Wisdom	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Leith Mudge	Cr Louise Pascale	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Pauline Gill	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Melanie Selwood
28 Jan 25	AP	F	AP	AP	F	LOA	F	AP	F	F	F	F	F
11 Feb 25	F	AP	LOA	F	F	F	F	F	AP	F	F	F	LOA
25 Feb 25	AP	F	F	F	F	F	F	F	LOA	F	F	LOA	F
11 Mar 25	LOA	F	F	F	LOA	F	F	F	AP	AP	F	F	F

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No

Item Name:

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL

MATERIAL

GENERAL

In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member's private interests might result in the Member acting in a manner that is contrary to their public duty.

MATERIAL

In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

I intend to deal with my conflict of interest in the following transparent and accountable way:

- I intend to **stay** in the meeting (please complete details below)
- I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the depute has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.

Minutes of Council

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Deputy Mayor Nathan Daniell

Members:

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Louise Pascale
Councillor Melanie Selwood

In Attendance:

Greg Georgopoulos	Chief Executive Officer
Gary Lewis	Director Corporate Services
Jess Charlton	Director Community and Development
Zoe Gill	Executive Governance Officer
Georgina McKeon	Policy Officer
Skye Ludzay	Minute Secretary
Tom Portas	Technical Support

1. COMMENCEMENT

The meeting commenced at 6:30pm.

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Mayor Jan-Claire Wisdom
Cr Chris Grant

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

Cr Pauline Gill

3.2 Leave of Absence

Cr Leith Mudge, 5 March 2025 to 7 April 2025, approved at Council 25 February 2025.

Under section 75C of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 3.2.

- Direct pecuniary benefit/detriment depending on decision due to being Deputy Mayor.

Cr Nathan Daniell advised the meeting that he would leave the meeting room and would not vote.

6:32pm Cr Nathan Daniell left the meeting room.

6:32pm in the absence of the Deputy Mayor, the CEO took the Chair and sought leave of the meeting for the purpose of determining that Cr Adrian Cheater would assume the Chair for item 3.2.

6:32pm Cr Adrian Cheater assumed the Chair.

Moved Cr Mark Osterstock

6:34pm Cr Louise Pascale left the meeting room and did not return.

S/- Cr Lucy Huxter

- 1 That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 11 March 2025 to 10 September 2025, and in doing so, Council requests that Mayor WISDOM, pursuant to the provisions of Section 76 (12) of the Local Government Act 1999, in the financial interests of the Adelaide Hills Community, [noting that Mayor WISDOM will not be performing any Mayoral duties whatsoever during this period] declines to accept payment of an allowance during this period of Leave of Absence.
- 2 That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by Deputy Mayor DANIELL during the period of Leave of Absence.
- 3 That the CEO writes to Mayor WISDOM, as soon as practicable, informing her of Councils decision and requests that Mayor WISDOM provides Council [and in doing so the Adelaide Hills Community] with written confirmation that she will be declining to accept an allowance during the Leave of Absence by 25 March 2025.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

VARIATION

Through the Presiding Member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

- 1 That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 11 March 2025 to 10 September 2025, and in doing so, Council requests that Mayor WISDOM, pursuant to the provisions of Section 76 (12) of the Local Government Act 1999, in the financial interests of the Adelaide Hills Community, [noting that Mayor WISDOM will not be performing any Mayoral duties whatsoever during this period] declines to accept payment of an allowance during this period of Leave of Absence.
- 2 That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by Deputy Mayor DANIELL during the period of Leave of Absence.
- 3 That the CEO writes to Mayor WISDOM, as soon as practicable, informing her of Councils decision and requests that Mayor WISDOM provides Council [and in doing so the Adelaide Hills Community] **with a written response as to whether she will be declining** to accept an allowance during the Leave of Absence by 25 March 2025.

MOTION AS VARIED

**Moved Cr Mark Osterstock
S/- Cr Lucy Huxter**

89/25

- 1 **That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 11 March 2025 to 10 September 2025, and in doing so, Council requests that Mayor WISDOM, pursuant to the provisions of Section 76 (12) of the Local Government Act 1999, in the financial interests of the Adelaide Hills Community, [noting that Mayor WISDOM will not be performing any Mayoral duties whatsoever during this period] declines to accept payment of an allowance during this period of Leave of Absence.**
- 2 **That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by Deputy Mayor DANIELL during the period of Leave of Absence.**
- 3 **That the CEO writes to Mayor WISDOM, as soon as practicable, informing her of Councils decision and requests that Mayor WISDOM provides Council [and in doing so the Adelaide Hills Community] with a written response as to whether she will be declining to accept an allowance during the Leave of Absence by 25 March 2025.**

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

Carried Unanimously

6:49pm Cr Adrian Cheater vacated the chair.

6:49pm Cr Nathan Daniell resumed the chair.

3.3 Absent

4. MINUTES OF PREVIOUS MEETINGS

4.1 Council Meeting – 25 February 2025

Moved Cr Malcolm Herrmann

S/- Cr Adrian Cheater

90/25

Council resolves that the minutes of the Ordinary Council meeting held on 25 February 2025, as supplied, be confirmed as an accurate record of the proceedings of that meeting.

Carried Unanimously

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

5.1 Material Conflict of Interest, Cr Nathan Daniell, Item 3.2

Under section 75C of the *Local Government Act 1999* Cr Nathan Daniell disclosed a Material (section 75) Conflict of Interest in Item 3.2.

5.2 General Conflict of Interest, Cr Adrian Cheater, Item 12.1.

Under section 75B of the *Local Government Act 1999* Cr Adrian Cheater disclosed a General (section 74) Conflict of Interest in Item 12.1.

5.3 General Conflict of Interest, Cr Malcolm Herrmann, Item 11.2.

Under section 75B of the *Local Government Act 1999* Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 11.2.

5.4 General Conflict of Interest, Cr Melanie Selwood, Item 16.1.

Under section 75B of the *Local Government Act 1999* Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 16.1.

6. PRESIDING MEMBER'S OPENING REMARKS

The Deputy Mayor commented on:

- The conduct of meetings such that debates result in good decisions for the community. He particularly invited Councillors to:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

- debate respectfully, and be respectful of the view of others
- be thoughtful in the way they communicate, especially during contentious items.
- Invited Councillors to draw attention to any concerns when something arises during a meeting, or at another time.
- Welcomed differences of opinion in debate
- Noted that both staff and elected members are here to serve the community.

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1 Questions Adjourned

Nil

7.2 Questions Lying on the Table

Nil

8. PETITIONS/DEPUTATIONS/PUBLIC FORUM

8.1 Petitions

Nil

8.2 Deputations

Nil

8.3 Public Forum

Nil

9. PRESENTATIONS

Nil

10. QUESTIONS ON NOTICE

10.1 CEO Annual Performance Review – Cr Mark Osterstock

As Council embarks on this year’s CEO performance review, in order for Council to be in an informed position, in terms of meaningfully assessing the CEO’s achievements and performance, can the CEO identify for Council 10 key achievements and provide details?

The CEO last undertook a review process as part of the CEO Probation Review Process. This process concluded on 12 December 2023 when the CEO’s employment was confirmed.

An annual CEO performance review process was developed and endorsed by Council on 24 September 2024. This process included a mid-point review which was conducted in December 2024 and a full review which is currently being undertaken. The first stage of the full review process began on the 3 March 2025 and is expected to be completed in April 2025.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

The following table outlines 10 key milestones achieved by Council under the leadership of the Chief Executive Officer since December 2023:

Key Achievement 1	Strategic Plan: Your Place Your Space	Developed contemporary strategic plan to set Council's vision for the future, including a focus on a green agenda.
Key Achievement 2	Junction Road Drainage	Secured \$380,000 of State Government funding to go along with \$380,000 of funding allocated from the Commonwealth Local Roads and Community Infrastructure Program to enable important flood mitigation work to proceed.
Key Achievement 3	Amy Gillett Bikeway	Secured State funding in a three-way funding agreement between the Council and the State and Federal Government. Commenced the construction of the \$5.7m 6km Mount Torrens to Birdwood extension. Works are proceeding within budget and are due to be completed in 2025.
Key Achievement 4	Cox Creek Biodiversity Program	Secured \$1.97m in Federal Government funding for the restoration of a 6km section of Cox Creek, Bridgewater. Works are underway.
Key Achievement 5	Transparent Finances	Provided a budget that represented a transparent and accurate reflection of Council's operating costs, establishing a foundation for supporting financial sustainability.
Key Achievement 6	CRM Upgrade	Successfully deployed a new Salesforce CRM (Customer Relationship Management) system to support best practice customer service.
Key Achievement 7	Fabrik Launch and Business Plan	Completed the Fabrik Arts and Heritage redevelopment with the new Hub officially opening on the 20 th September 2024. The redeveloped space features a gallery space, retail store and event space alongside artist studios and accommodation for artists in residence.
Key Achievement 8	Values Program	

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

		Introduced best practice organisational cultural initiatives characterised by the Values Program.
Key Achievement 9	Towards Community Led Resilience Program	Developed the state and federal award winning 'Towards Community Led Resilience Program'. The program supports communities to prepare for bushfires and other emergencies, taking learnings from bushfire events that have affected the Adelaide Hills district.
Key Achievement 10	Innovate Reconciliation Action Plan	Developed the 'Innovate Reconciliation Action Plan', cementing Adelaide Hills Council's commitment to reconciliation and achieving meaningful outcomes.

11. MOTIONS ON NOTICE

11.1 Legal Fees – Behavioural Standards Investigation (Mayor Wisdom) – Cr Mark Osterstock

Item withdrawn

11.2 Acknowledgement for Mr Don Herrmann – Cr Lucy Huxter

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 11.2.

- Donald Herrmann is my eldest brother.

Cr Malcolm Herrmann declared he would leave the meeting room.

6:53pm Cr Malcolm Herrmann left the meeting room.

Moved Cr Lucy Huxter

S/- Cr Adrian Cheater

91/25

- 1. The Council acknowledges the 30-year tenure of Mr Don Herrmann as Presiding Member of the Lobethal Centennial Hall Committee.**
- 2. The CEO writes to Mr Herrmann on behalf of the Adelaide Hills Council congratulating him on his achievements in this role, and thanking him for his dedication to ensuring that the iconic Lobethal Centennial Hall is cared for and preserved for many generations.**

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

3. The CEO writes to the new Presiding Member of the Lobethal Centennial Hall Committee providing details of the relevant contacts within the Council Administration that will be able to offer support and advice, including on the new draft Lease or Management Agreement that are to be confirmed.

Carried Unanimously

6:56pm Cr Malcolm Herrmann returned to the meeting room.

12. OFFICER REPORTS – DECISION ITEMS

12.1 Review of Volunteer Engagement Policy

Under section 75B of the Local Government Act 1999 Cr Adrian Cheater disclosed a General (section 74) Conflict of Interest in Item 12.1.

- I am a volunteer of the Adelaide Hills Council

Cr Adrian Cheater declared that he intends to stay in the meeting and vote when this item is discussed.

**Moved Cr Adrian Cheater
S/- Cr Melanie Selwood**

92/25

Council resolves:

1. That the report be received and noted
2. With an effective date of 11 March 2025 to revoke the Volunteer Engagement Policy 22 February 2022 and to adopt the Volunteer Engagement Policy 11 March 2025 (Appendix 1).
3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Volunteer Engagement Policy 11 March 2025.

Carried Unanimously

Cr Adrian Cheater voted in favour of the motion
--

12.2 Adelaide Hills Region Waste Management Authority Deputy Board Member Appointment

**Moved Cr Lucy Huxter
S/- Cr Melanie Selwood**

93/25

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

Council resolves:

1. That the report be received and noted.
2. That in relation to the Adelaide Hills Region Waste Management Authority Board:
 - a. To appoint John McArthur to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 28 January 2027 (inclusive)
3. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Adelaide Hills Region Waste Management Authority Board Membership.

Carried Unanimously

12.3 Eastern Waste Management Authority Deputy Board Member Appointment

Moved Cr Kirsty Parkin
S/- Cr Kirrilee Boyd

94/25

Council resolves:

1. That the report be received and noted.
2. That in relation to the Eastern Waste Management Authority Board:
 - a. To appoint John McArthur to the Deputy Board Member position for a term to commence from 11 March 2025 and conclude on 29 November 2025 (inclusive)
3. To authorise the Chief Executive Officer to lodge all required documentation to give effect to Council's resolutions regarding Eastern Waste Management Authority Board Membership.

Carried Unanimously

12.4 Status Report – Council Resolutions Update

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

95/25

Council resolves:

Acting Mayor _____ 25 March 2025

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

1. That the report be received and noted.
2. That the completed items in Appendix 1, with the addition of completed items 196/23, 195/24, 210/24, 292/24 and 415/25, be removed from the Action List.

Carried Unanimously

12.5 Representation Review (Community Consultation Outcomes)

Moved Cr Malcolm Herrmann
S/- Cr

Council resolves:

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as the Torrens, the Onkaparinga and the Cox Ward, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

Motion Lost for want of a seconder

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

Council resolves:

1. That the report be received and noted.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, Ward Two – Valleys and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

VARIATION

Through the Deputy Mayor, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion as follows:

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, **Ward Two – Central** and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

MOTION AS VARIED

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

96/25

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, Ward Two – Central and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

Carried

13. OFFICER REPORTS - INFORMATION ITEMS

13.1 LGRS Risk Profiling 2024 Results Report

Moved Cr Malcolm Herrmann
S/- Cr Lucy Huxter

97/25

Council resolves that the report be received and notes that the Audit Committee will monitor the LGRS Profiling actions as per its Work Plan.

Carried Unanimously

14. CORRESPONDENCE FOR INFORMATION

Nil

15. QUESTIONS WITHOUT NOTICE

Cr Malcolm Herrmann – Asked for a progress update on the Boundary Change Proposal.

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

Cr Mark Osterstock – Asked about the costs of the new Bus Shelter installed at Steamroller Park.

16. MOTIONS WITHOUT NOTICE

Having taken into account the Guiding Principles, the Deputy Mayor accepted the following Motion Without Notice.

16.1 Water for Stock

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 16.1.

- I may have to deal with this issue at my professional workplace.

Cr Selwood declared that she intended to stay in the meeting and vote when the item is discussed.

**Moved Cr Malcolm Herrmann
S/- Cr Adrian Cheater**

98/25

That the Deputy Mayor writes to the Minister for Climate, Environment and Water urging the Minister to review the decision to NOT provide water for stock during the Adelaide Hills drought period.

Carried Unanimously Cr Melanie Selwood voted in favour of the motion

17. REPORTS

17.1 Council Member Function or Activity on the Business of Council

Cr Chris Grant

- 2 March 2025, Discover, Play Pathway at the Amy Gillet Bikeway, Woodside
- 2 March 2025, Woodside Commerce Association meeting, Charleston
- 6 March 2025, Afternoon Tea farewelling David Waters, Stirling

Cr Melanie Selwood

- 8 March 2025, International Women's Day March

17.2 Reports of Members as Council/Committee Representatives on External Organisations

Nil

17.3 CEO Report

Greg Georgopoulos, CEO, provided Council with a verbal update, including:

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

- Recruitment for Director Environment and Infrastructure is currently being finalised
- CEO will be assuming Director Environment and Infrastructure duties in the interim and to direct queries to himself.

18. REPORTS OF COMMITTEES

18.1 Council Assessment Panel

Nil

18.2 Audit Committee

Nil

18.3 CEO Performance Review Panel

Nil

18.4 Boundary Change Committee

Nil

19. CONFIDENTIAL ITEMS

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

19.1 Technology Risk and Opportunities Review – Exclusion of the Public

Moved Cr Adrian Cheater

S/- Cr Kirsty Parkin

99/25

Council resolves:

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Policy Officer, Georgina Mckean
- Minute Secretary, Skye Ludzay

be excluded from attendance at the meeting for Agenda Item 19.1 (Technology Risk and Opportunities Review) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(b) of the *Local Government Act*, the information to be received, discussed or considered in relation to this Agenda Item is 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 (2) would, on balance, be contrary to the public interest;

Accordingly, on this basis the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

19.1.1 Technology Risk and Opportunities Review – Confidential Item

**ADELAIDE HILLS COUNCIL
MINUTES OF ORDINARY COUNCIL MEETING
TUESDAY 11 March 2025
63 MT BARKER ROAD STIRLING**

19.1.2 Technology Risk and Opportunities Review – Duration of Confidentiality

Moved Cr Melanie Selwood

S/- Cr Mark Osterstock

101/25

Council resolves:

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(b) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Duration of Confidentiality	
Item	NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	Until Further Order

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

20. NEXT ORDINARY MEETING

The next ordinary meeting of the Adelaide Hills Council will be held on Tuesday 25 March 2025 from 6.30pm at 63 Mt Barker Road, Stirling.

21. CLOSE MEETING

The meeting closed at 7:50pm

Motions on Notice

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 11.1 Motion on Notice

Originating from: Cr Adrian Cheater

Subject: Elector Representation Review (Ward Names)

1. MOTION

I move that:

1. Council notes resolution 96/25 from the 11 March 2025 Council Meeting relating to the Elector representation Review, namely:

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin

96/25

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, Ward Two – Central and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

Carried

2. Council revokes part 3 of resolution 96/25 and replaces it with the following:

The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:

- a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
- b) The Council elected body comprise a Mayor and twelve councillors.

- c) **The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).**
- d) **The proposed wards be identified as Rivers (for the Ward identified as Ward 1 in the Representation Review Report), Valleys (for the Ward identified as Ward 2 in the Representation Review Report) and Ranges (for the Ward identified as Ward 3 in the Representation Review Report), with each Ward being represented by four Councillors.**

2. BACKGROUND

The 2025 Adelaide Hills Council representation review presents an opportunity to select names for the proposed three-ward structure. In light of Resolution 96/25 from the March 11th meeting, it has been indicated that reconsidering the names before the Representation Review submission deadline would be beneficial to ensure that the proposed names accurately reflect the region and its communities.

3. OFFICER'S RESPONSE – Zoë Gill, Executive Governance Officer

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes.

Priority 02.1 Demonstrate accountable and transparent decision making.

➤ Legal Implications

Legislative requirements regarding an Elector Representation Review are laid out in Division 2 *Powers of councils and representation reviews*, section 12(3) of the Act and the *Local Government (General) Regulations 1999* (the Regulations).

➤ Risk Management Implications

Undertaking the Representation Review in accordance with the requirements of legislation and engaging in genuine consultation will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

Note that there are many other controls that assist in mitigating this risk.

➤ Financial and Resource Implications

Not Applicable.

➤ Customer Service and Community/Cultural Implications

Through the Representation Review process Council will consider whether the Adelaide Hills community may benefit from an alteration to its composition and/or ward structure.

➤ **Sustainability Implications**

Not Applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable.
Council Workshops: Not Applicable
Advisory Groups: Not Applicable.
External Agencies: C L Rowe and Associates Pty Ltd.
Community: Not Applicable

4. ANALYSIS

Council determined its final representation review position at the 11 March 2025 Council meeting:

Moved Cr Adrian Cheater
S/- Cr Kirsty Parkin 96/25

1. That the report be received and noted.
2. That the Elector Representation Review Community Consultation Outcomes Report at Appendix 1 containing 58 valid submissions and 2 petitions is received and noted.
3. The following proposal for the future composition and structure of the Adelaide Hills Council be carried into effect as follows:
 - a) The principal member of Council continues to be a Mayor, elected by the electors for the area.
 - b) The Council elected body comprise a Mayor and twelve councillors.
 - c) The Council area be divided into three wards (as per the structure presented in the Representation Review Report dated November 2024 at Appendix 2).
 - d) The proposed wards be identified as Ward One - Rivers, Ward Two – Central and Ward Three - Ranges, with each Ward being represented by four Councillors.
4. The Chief Executive Officer be authorised to prepare and forward the necessary final report and documents to the Electoral Commissioner, pursuant to the provisions of Section 12 of the *Local Government Act 1999*.

Carried

Part 4 of the resolution named Wards as:

Ward One: Rivers

Ward Two: Central

Ward Three: Ranges

This rescission motion complies with the *Code of Practice for Council Meeting Procedures* as it has been moved with notice.

Administration have sought advice from the consultant engaged to assist Council, C L Rowe and Associates, who are currently preparing the final report. C L Rowe and Associates have

advised that they will still be able to meet the lodgement deadline if Council chooses to endorse the rescission motion. The proposed motion will not change any other final report content.

While not making a final determination, the Electoral Commission have advised that a change of Ward Names would likely be considered to be a minor variation and would not trigger the need for additional public consultation.

5. APPENDICES

Nil

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 11.2 Motion on Notice

Originating from: Cr Louise Pascale

Subject: Woodforde Infrastructure and Maintenance

1. MOTION

I move that:

- 1. Council confirms its commitment to the organic mulching of reserve garden beds, backfilling sand and granite pathways and verge program for residents of Hamilton Hill as per draft residents correspondence of 11 March 2025.**
- 2. That Council review the installation of a new BBQ and shelter installation and connection of tree up lights throughout the lower reserve in Hamilton Hill through stakeholder engagement which includes but not limited to Woodforde Residents Association, residents of Kelso Apartments and Lewis Walk.**
- 3. The CEO prepare a report for Council by Monday 7 April 2025 which details the costs of maintaining Hamilton Hill which includes grounds and infrastructure maintenance (including but not limited to, the installation of a storage shed for garden maintenance equipment, a curved path between McIntyre Crescent and Kintyre Road), management of traffic and parking controls (including but not limited to yellow line marking on Glen Stuart Road outside Womma Oval, extending yellow lines on Kintyre Rd outside Rostrevor primary on the south side near the intersection, extending yellow lines on Heather Ave on the west side from Kintyre Rd), installation of additional car parks in replacement of agreed verges in Hamilton Hill, and Rangers for parking controls, with a commitment to their delivery in 2025/26 Financial Year.**
- 4. The CEO prepare a community and stakeholder consultation plan for Woodforde including but not limited to consulting on ongoing works and maintenance in Hamilton Hill, to be presented to Council by the Ordinary Council meeting of 22 April, 2025.**
- 5. The CEO write to Kite Development advocating on behalf of Woodforde Residents Association the removal of the outdoor gym equipment in Hamilton Hill and that Kite Development replace it with a playground that is designed in consultation with the residents of Hamilton Hill and Adelaide Hills Council, to be delivered to Australian Safety Standards.**

2. BACKGROUND

Motion Part 1

On the 6th March Woodforde Residents Association Committee Members Janet Spouse (President), Rick Mason (Secretary) and Georgina Deally met with Adelaide Hills Council staff Damian Brennan Acting Manager Open Spaces and Craig Marshall Acting Manager Civil Services. This meeting was held at Hamilton Hill where they walked through the area and discussed maintenance and infrastructure for the area Hamilton Hill. This meeting was called as a result of the initial contact Ms Deally had with AHC around verge management.

The meeting was held at the instigation of AHC and Woodforde Residents Association were presented with the following draft letter going out to residents of Hamilton Hill concerning verge and pathway maintenance, and mulching for garden beds. This motion sees an affirmed commitment by the Chamber and Council to these works over the following months.

Motion Part 2

At the Elected Members workshop of March 4 2024, we discovered Kite Development have not only amended initial plans to Hamilton Hill but added in elements without consulting Adelaide Hills Council. With that we discovered the installation of a BBQ and shelter on the top oval. This BBQ has no disability access (despite being a disability accessible BBQ) and was not until recently connected to gas for its operation. The community have been frustrated by this and while it was not in the original plans would like the access to an outdoor BBQ, however it needs to be built so that the community may enjoy it within our open spaces while maintaining serenity and privacy to their homes. The current site that has been decided by Council was not done with any community consultation, in particular with the residents nearest to it on Lewis Walk and in Kelso Apartments. This motion asked Council reconsider its decision and in doing so engage stakeholders directly impacted so that we may find a suitable location for the benefit of all the community.

Motion Part 3

During the meeting of 6th March Woodforde Residents Association were told of hopes of Council to instal a storage shed for garden maintenance equipment and creation of a curved path between McIntyre Crescent and Kintyre Road.

Maintaining Hamilton Hill is an ongoing task for Council however the residents of Hamilton Hill have also expressed a desire to be a part of any maintenance and gardening program. For this we need a storage shed for garden maintenance equipment which in due course would be used by residents to assist with and help establish a community garden should this occur.

The garden strip between McIntyre Crescent and Kintyre Road was reviewed with the current hibiscus trees growing well, however it was also acknowledged that this monoculture is not ideal and there is no walking path in this area to connect the established Woodforde with the new development of Hamilton Hill. This also means limited access to one of only 3 bus stops in Woodforde. A curved path was proposed to be installed which would not only create cohesion and connection, but access to public transport for new residents.

The Association has also raised the ongoing issue of traffic and parking controls in the area. An issue that has not been comprehensively addressed in recent years with the suburb almost doubling in size. Previous Director David Waters and myself met with WRA representatives and Woodforde residents in February to discuss this. In that meeting it was decided yellow line marking would be installed at on Glen Stuart Road outside Womma Oval, extending yellow lines on Kintyre Rd outside Rostrevor primary on the south side near the intersection, extending yellow lines on Heather Ave on the west side from Kintyre Rd to assist with traffic controls.

Parking in Hamilton Hill and around Rostrevor College are also ongoing issues for the community. The discussion around sealing in verges to allow for parking in Hamilton Hill has been discussed since I began my term as Councillor. This report will determine for Council how this will finally happen and reassure the community our commitment to resolving this. Parking around Rostrevor College has been managed over the past 6 months by Council with additional patrols with our Rangers. This report will bring the Chamber and residents up to date on what actions have been taken and plans for it into 2025.

Motion Part 4

Elected Members would have recently received correspondence from a resident concerning the installation of a new BBQ in Hamilton Hill. This correspondence not only raised the issue of where the BBQ should be placed but was also a timely reminder that we need to consult with the community concerning developments in the area. With so much change and growth in the suburb of Woodforde it is important we keep the community consulted on how we are managing this. We have seen major disruption with construction that has been ongoing since 2017 and with this there is not only increased traffic, rubbish, pollution and disruption we as a Council have needed to be agile and responsive to the community's needs.

This part of the motion guarantees for the community that we will engage with them and clearly articulates how we will do that.

Motion Part 5

At Elected Members workshop of 4 March 2024 we were informed about many aspects of the development of Hamilton Hill that were proposed and later amended without any consultation with the community. While we are slowly addressing these as the area is handed over to us gradually there are some expensive infrastructure items we should not be left responsible for. At that workshop we discovered outdoor gym equipment was installed near the amphitheatre that was not agreed to by Council or residents. As new families and grandparents move in to Hamilton Hill they have raised on multiple occasions how this is not relevant to them and they would much rather have a playground installed instead. This part of the motion supports the Woodforde Residents Association letter to Kite Properties to replace the gym equipment with a playground that has been designed through community consultation and in conjunction with AHC as we will be the ones left to maintain it.

3. OFFICER'S RESPONSE – Greg Georgopoulos, Chief Executive Officer

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal Built Form and Economy

Objective BFE4 Improve the utilisation of Council and community facilities

Priority BFE4.2 Encourage greater utilisation and enhancement of community halls and facilities and foster multi-use spaces to maximise community benefit.

Strategic Plan 2024 – Your Place, Your Space

Goal Natural Environment

Objective NE5 Improve landscape character and amenity value on Council managed land

Priority NE5.3 Maintain parks and reserves to be fit for purpose and enhance liveability

➤ **Legal Implications**

There are no legal implications directly related to items contemplated in this motion. Any legal implications associated with the community engagement exercise and subsequent actions itself will be considered in relevant future reports.

➤ **Risk Management Implications**

There are no substantial risk management implications directly related to items contemplated in this motion. However, undertaking the current community engagement exercise does itself mitigate risks associated with making an uninformed and sustainable decision. Any risk management implications with the community engagement exercise and subsequent actions itself will be considered in relevant future reports.

Inherent Risk	Residual Risk	Target Risk
Low (2D)	Low (2D)	Low (2D)

➤ **Financial and Resource Implications**

The maintenance of Hamilton Hill and surrounding suburbs is funded through the Environment and Infrastructure operating budget.

➤ **Customer Service and Community/Cultural Implications**

The proposed motion calls for a community and stakeholder consultation plan for Woodforde including but not limited to consulting on ongoing works and maintenance in Hamilton Hill.

It is important to note that scope and budget for operational works are traditionally coordinated and implemented by Administration and are not generally an item for consultation. General maintenance is undertaken in line with Council’s asset management and maintenance work in individual townships, settlements or suburbs are not usually consulted on, except so far as providing notice of works. Council should consider whether this motion would set expectations or a precedence across the Council area, which would incur an unbudgeted cost.

The following communication and engagement activities have recently been undertaken or are currently being planned:

- Staff met with the Woodforde Residents Association in recent weeks and continue to maintain positive communication with the group.
- In a letter dated 11 March 2025, distributed to all residents, ratepayers and property owners (totalling 553) within the Hamilton Hill Estate boundary, Council outlined a series of works to be undertaken in the area in the near future. Recipients of the letter were also invited to provide feedback to Council via email regarding any issues they currently have. Customer Service staff are supporting this process. This letter can be found in **Appendix 1**.
- Council has a web page outlining upcoming works at the Hamilton Hill Estate due to the volume of current works in this new development area.

➤ **Sustainability Implications**

There are no sustainability implications directly related to producing this report. Any sustainability implications associated with the community engagement exercise and subsequent actions itself will be considered in relevant future reports.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not applicable
<i>Council Workshops:</i>	Not applicable
<i>Advisory Groups:</i>	Not applicable
<i>External Agencies:</i>	Not applicable
<i>Community:</i>	Not applicable

4. ANALYSIS

Maintenance works proposed in this motion are generally not consulted on as they are operational matters undertaken in line with Council's asset management planning. Typical maintenance activities undertaken in all of Council's townships, suburbs and settlements include verge management, footpath, park and recreational facility and irrigation maintenance, mulching and general amenity improvements. Detailed costings of maintenance work are generally not reporting on a locality basis as works are based on seasonal and cyclic drivers across the whole of the Adelaide Hills Council area.

The following activities are currently being undertaken or are planned:

- Mulching
- Footpath maintenance
- Line marking
- Verge maintenance
- Lighting upgrades

Council is also consulting with residents on the location of a new barbecue and shelter for the Lewis Yarluperka O'Brien Reserve.

5. APPENDICES

- (1) Woodforde Infrastructure and Maintenance - Adelaide Hills Council Works Notification Letter - 11 March 2025

Appendix 1

*Woodforde Infrastructure and Maintenance - Adelaide Hills
Council Works Notification Letter - 11 March 2025*

11 March 2025

NOTIFICATION OF UPCOMING WORKS - HAMILTON HILL ESTATE

Dear Resident,

Please be advised that Adelaide Hills Council and contractors working on behalf of Council will be delivering various work multiple upcoming works over the next couple of months throughout the Hamilton Hill estate.

Please take note of the dates and parking restrictions that will be in place during these works.

Works: Organic mulching of reserve garden beds. Due to the volume of mulch required, application of the mulch will be pumped into reserve area's utilising large spray hoses.

Date of works: Monday 24th March 2025 – Friday 28th March 2025

Location: Mulch will be applied to the highlighted sections on the map below



Vehicle restrictions: Due to the size of the truck required to deliver the much to site, additional space is required through the adjoining road network to access the reserves.

'No parking' vehicle controls will be installed within the following highlighted roadways as indicated below. These vehicle controls are essential to enable the works to be completed. Please ensure that you obey the no parking signage as per the map & dates listed below:



Parking restrictions will be implemented between 7am – 4pm in the following locations and dates:

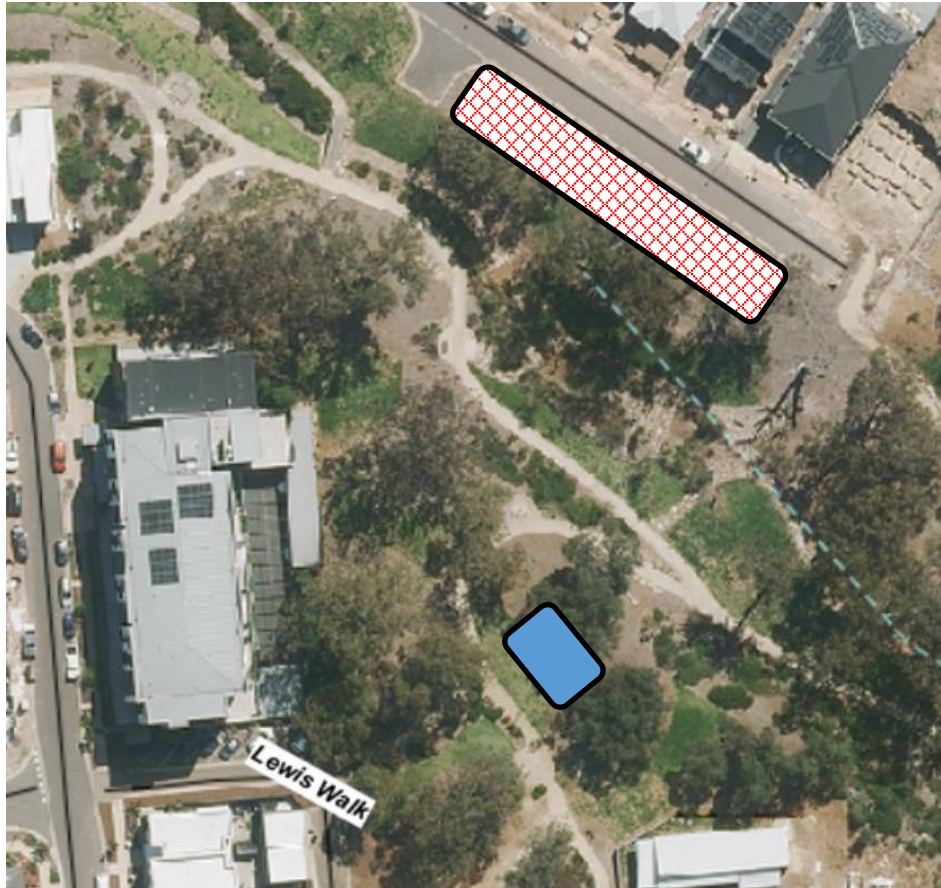
- MacIntosh Crescent** – Monday 24th & Tuesday 25th March 2025
- Grant Street/Buchanan Drive** – Monday 24th – Friday 28th March 2025
- Lewis Walk** – Wednesday 26th – Friday 28th March 2025
- Macintyre Brae** - Thursday 27th – Friday 28th March 2025

What the works mean for you: Residents of properties in the affected area will still be able to access their properties but are advised that delays may occur. To avoid disruption, we ask for impacted residents within the affected area to review the location of the worksite and select the appropriate street access point.

Works: New BBQ and shelter installation and connection of tree up lights throughout the lower reserve.

Date of works: April – June 2025

Location: New BBQ and shelter installation marked blue and location of power box to be within red/white checkered area as per the map below.



Vehicle restrictions: There may be some minor parking restrictions required at Lewis Walk and MacIntosh Crescent whilst works are undertaken. Please ensure that access to the maintenance gate off Lewis Walk is kept clear at all times.

What the works mean for you: A new larger sized BBQ and public shelter will be installed to provide residents with increased opportunities to congregate and utilise the reserve areas. Please note, the current BBQ (situated to the upper eastern side of the reserve area) will be removed and replaced with an electrical power outlet point. The existing shelter will be retained. Contractors working on behalf of Council are in the process of connecting various existing tree spotlights located underneath certain feature trees. Activation of this infrastructure will assist with lighting throughout the reserve space.

Works: Footpath maintenance works

Date of works: April – June 2025

Location: Paths throughout the reserve area, as per map below:



Vehicle restrictions: There may be some minor parking restrictions required at Lewis Walk and MacIntosh Crescent whilst works are undertaken. Please ensure that access to the maintenance gate off Lewis Walk is kept clear at all times.

Verge Maintenance - Community Consultation

A verge (or nature strip) is the area between the property boundary and the kerb (or edge of the roadway) and includes the footpath.

Verge maintenance is considered a joint responsibility between Council and residents. Council undertakes an annual verge maintenance program to provide for road safety and fire mitigation requirements, however Council is unable to maintain all road verges in the district. In urban areas of our district, property owners often maintain the verge in front of their property to achieve their desired level of appearance.

The developer and Council did maintain verges whilst the development was being completed. Many of these garden beds now require renewal or significant modifications to ensure they can be maintained in a sustainable manner. To ensure the verge standards within the Hamilton Hill area align with the level of service throughout the remainder of our Council district, we would like to offer residents the following options:

- (a) The property owner/resident elects to maintain the verge area. Please fill out the required S221 application form below and email to mail@ahc.sa.gov.au <https://www.ahc.sa.gov.au/assets/downloads/development/application-forms/Authorisation-to-Alter-a-Public-Road-Application-Form-2024.pdf> or;
- (b) Council will maintain the verge. The verge will then be topped up with mulch or replaced with compacted rubble. Irrigation and declining landscape plants may be removed, or;
- (c) Convert the verge area adjacent to your property to parallel vehicle parking. In some situations, this would require modifications to the kerbing and sealing with asphalt.

Please note in all options above, the verge area's will be considered non-irrigated spaces and irrigation will be decommissioned. We ask residents or property owners to please advise Council of your preference by emailing mail@ahc.sa.gov.au by 30th April 2025.

If Council does not receive a response, we will assume that you will not be maintaining your verge, and it will be added to the list for option B.

For further information regarding the responsibilities of verge maintenance within the Adelaide Hills Council region, please see the information is located on Council's website: <https://www.ahc.sa.gov.au/environment/roadside-vegetation>

We apologise for any inconvenience and thank you for your cooperation in this matter. Should you require any special assistance during the works, please call contact Council on 08 8408 0400.

Updates about the works will be made available via our Community Engagement Hub Webpage engage.ahc.sa.gov.au

Yours sincerely,

Open Spaces Department
Adelaide Hills Council

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 February 2025
AGENDA BUSINESS ITEM**

Item: 11.3 Motion on Notice

Originating from: Cr Kirsty Parkin

Subject: Amenity Survey for the Adelaide Hills Council community

1. MOTION

I move that:

- 1. Council develop and distribute an Amenity Survey to seek feedback and input from Adelaide Hills Council community on:
 - a) Their vision for the look and feel of townships, localities, and suburbs, with a focus on the natural, rural and built environments**
 - b) improving development outcomes, including retention of trees and preserving streetscapes and farmscapes**
 - c) ways to enhance character and amenity****
- 2. The Amenity Survey should be designed and conducted to maximise and encourage participation and communicate how the data will be used.**
- 3. That the data collected from the survey be used to inform initiatives to nurture the unique character of the Adelaide Hills Council area, including:
 - a) Identifying the potential initiation of Code Amendments to the Planning and Design Code**
 - b) Town and precinct planning projects**
 - c) Recommendations for new initiatives to enhance the built environment, such as verge and planting guides****
- 4. Council recognise the importance of the feedback and commit to reporting back to the community on the findings of the survey and the actions Council will take as a result.**

2. BACKGROUND

In recent years, residents across the Adelaide Hills Council district have expressed significant concerns regarding changes to local character, streetscapes, and the broader environment. To ensure that future development aligns with the values and expectations of our community, it is vital that the Council proactively seeks community input to guide future initiatives to enhance the unique character and amenity of the Adelaide Hills.

What is “Amenity?”: The term “Amenity” refers to the qualities and characteristics of an area that contribute to the community’s enjoyment, comfort, and overall satisfaction with their surroundings. This includes, but is not limited to, elements such as:

- Retention and maintenance of street trees and green spaces;
- Streetscapes and architectural harmony;
- Accessibility, walkability, and traffic management;
- Noise, air quality, and visual appeal.

Examples of Australian Councils with Amenity Overlays:

1. **City of Unley, SA:** Has a number of Historic Area Overlays in the Planning and Design Code aimed at maintaining the character of established streetscapes through development of Historic Area Statements.
2. **Mornington Peninsula Shire, VIC:** Implements "Green Wedge Zone" overlays, ensuring developments respect the natural and cultural heritage of the area.
3. **City of Yarra, VIC:** Utilises overlays to protect urban character and ensure new developments respect the existing amenity of heritage precincts.

Rationale: This motion responds to resident concerns about the character and amenity of local towns, suburbs and rural areas. By actively involving residents in shaping the future of their communities, the Council can ensure that future initiatives and projects align with community expectations and values, fostering a shared vision for the Adelaide Hills district. Community feedback from the survey can feed into a number of strategic priorities in Council’s *Strategic Plan 2024 – Your Place, Your Space* including a strategic framework for town and precinct planning (BFE2.2) and continuing to strengthen the planning framework (BFE 2.4).

3. OFFICER’S RESPONSE – Jess Charlton, Director Community and Development

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 2 Built Form and Economy

Objective BFE1 Guide development that fosters vibrant and resilient communities, promotes appropriate design and enhances liveability

Priority BFE1.1 Develop and implement a housing strategy that responds to the community’s needs and balances expectations regarding character, growth, affordability and the natural environment.

Goal 2 Built Form and Economy

Objective BFE2	Nurture a distinctive sense of place, support activation activities and recognise and celebrate our rich heritage
Priority BFE2.2	Develop a strategic framework to town and precinct planning, with prioritisation guidelines to ensure equitable investment in public spaces.
Priority BFE2.4	Continue to strengthen Council’s planning framework to preserve and enhance the unique heritage and character of the Hills.

Community feedback and data received through the proposed Amenity Survey could be used to inform a number of strategic priorities including the development of a housing strategy, strategic framework for town and precinct planning and continued strengthening of the planning framework.

➤ **Legal Implications**

There are no implications in undertaking the survey. There may be legal implications for the findings of the survey or any resulting initiatives and these can be explored in future Council reports.

➤ **Risk Management Implications**

Undertaking a survey to seek on a range of matters related to amenity and character will assist in mitigating the risk of:

Failure to seek and understand the views of the community leading to policy positions that do not reflect the views of the community.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Medium (3C)	Low

➤ **Financial and Resource Implications**

Should the Council resolve as proposed, the Administration suggests that the Amenity Survey be conducted in conjunction with the biennial Community Perception Survey which is scheduled to be undertaken in the 2024-25 year. There is existing budget of \$11,000 allocated for this initiative. This would involve incorporating a themed group of questions about amenity into the existing community perception survey. There may be modest ancillary costs in the realm of \$2500 to seek expertise in the design of the questions and this can be accommodated within the existing strategic policy budget due to the vacancy in that area.

If the Council considered that the Amenity Survey should be a standalone community engagement exercise, then budget would need to be allocated in the realm of \$10,000-\$15,000.

➤ **Customer Service and Community/Cultural Implications**

The community has a reasonable expectation that Council will regularly seek their views regarding the character and amenity of towns, suburbs and localities.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

External Agencies: Not applicable

Community: Not applicable

4. ANALYSIS

Should the Council resolve to undertake an Amenity Survey, the feedback and data received from the community could inform a number of strategic initiatives. As highlighted above, it is proposed that the survey be included as a distinct section in the biennial Community Perception Survey.

5. APPENDICES

Nil

Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 12.1

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the Chief Executive

Subject: Audit Committee Terms of Reference Review

For: Decision

SUMMARY

Under the Audit Committee's work plan and schedule the Audit Committee acknowledges the prudence of periodically reviewing the Committee's Terms of Reference (Terms of Reference).

The purpose of this report is to provide Council with the proposed new Audit Committee Terms of Reference as a result of the annual review in 2024 (**Appendix 1**).

In 2021 the *Local Government Act 1999* went through significant legislative reform. In November 2023 changes to the Act in relation to the functions of Audit Committees came into effect. These have been incorporated into the proposed new Terms of Reference.

The key changes proposed to the Terms of Reference include:

- Name change to Audit and Risk Committee
- Internal and external audits
- Terms of membership
- The presiding member's role

RECOMMENDATION

That Council resolves:

- 1. To receive and note the report titled Audit Committee Terms of Reference Review**
 - 2. With an effective date of 26 March 2025, to revoke the *Audit Committee Terms of Reference* dated 14 February 2023 and to adopt the draft Audit Committee Terms of Reference as per Appendix 1.**
 - 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the Audit Committee Terms of Reference as per Appendix 1.**
-

1. BACKGROUND

Terms of reference

At the 14 November 2023 Council Meeting, Council resolved to adopt the current terms of reference for the audit committee:

12.1 Audit Committee – Council Member and Presiding Member Appointments

Moved Cr Nathan Daniell
S/- Cr Chris Grant

283/23

Council resolves:

1. That the report be received and noted.
2. To retain the Audit Committee Terms of Reference as previously adopted by Council on 14 February 2023 and as contained in Appendix 1.
3. To determine that the method of selecting the Audit Committee Members to be by an indicative vote to determine the preferred persons for the two Council Member positions utilising the process set out in this Agenda report.
4. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Audit Committee Member roles and for the meeting to resume once the results of the indicative vote have been declared.

Carried Unanimously

As per the Audit Committee Workplan an annual review of the Audit Committee Terms of Reference is conducted.

The review was completed by council staff and external consultant, Skopion, during November 2024 and the draft Terms of Reference with tracked changes is available in **Appendix 2**.

At the 18 November 2024 Audit Committee meeting, the Audit Committee considered these draft terms of reference and resolved to recommend them to Council, without making a recommendation in relation to clauses 4, 5, 7, 8 and 9 of Appendix 1. The Committee did not make recommendations in relation to clauses 4, 5, 7, 8 and 9 due to conflicts of interests of the members. The clauses relate to the membership of the audit committee. The full resolution of the committee was:

Moved Pamela Lee
S/- Sarah Beesley

AC50/24

The Audit Committee resolves:

- 1. To receive and note the report titled Audit Committee Terms of Reference Review (Item 8.3, 18 November 2024 Audit Committee meeting)**
- 2. To recommend the draft Audit and Risk Committee Terms of Reference, excluding clauses 4, 5, 7, 8 and 9 at Appendix 1 (Item 8.3, 18 November 2024 Audit Committee meeting) to Council for adoption, with the addition of the words “as required” at the end of 14.2.**
- 3. To refer clauses 4, 5, 7, 8 and 9 of the draft Audit and Risk Committee Terms of Reference at Appendix 1 (Item 8.3, 18 November 2024 Audit Committee meeting) to Council for consideration, noting Audit Committee does not make recommendations on these clauses due to conflicts of interests of the members.**

Carried Unanimously

Membership

At the 11 April 2024 Council Meeting, Council appointed Ms Pamela Lee, Mr David Moffatt, and Ms Sarah Beesley as Independent Members of the Audit Committee:

Moved Cr Melanie Selwood
S/- Cr Malcolm Herrmann

86/23

Decision 2:

- 1. To appoint Pamela Lee to the position of Audit Committee Independent Member for a term to commence from 01 May 2023 until 30 April 2027 (inclusive).**
- 2. To appoint David Moffatt and Sarah Beesley to the positions of Audit Committee Independent Member for a term to commence from 01 December 2023 until 30 November 2027 (inclusive).**

Carried Unanimously

At the 14 November 2023 Council Meeting, Council appointed Cr Herrmann and Cr Selwood as the Council Member appointments to the Audit Committee:

Moved Cr Mark Osterstock
S/- Cr Chris Grant

284/23

Council resolves:

- 1. To appoint Cr Malcolm Herrmann and Cr Melanie Selwood as members of the Audit Committee for a 24 month term to commence 30 November 2023 and conclude on 30 November 2025 (inclusive).**
- 2. To determine that the method of selecting the Audit Committee Presiding Member to be by an indicative vote to determine the preferred person utilising the process set out in this Agenda report.**
- 3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred person for the Audit Committee Presiding Member role and for the meeting to resume once the results of the indicative vote have been declared.**

Carried Unanimously

2. ANALYSIS

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective O2 Operate with integrity using best practice governance processes.

Priority O2.1 Demonstrate accountable and transparent decision making.

Priority O2.2 Support decision making through the use of timely data-driven analysis and reporting.

Priority O2.3 Enhance governance structures and systems to be agile and support our legislative obligations.

➤ **Legal Implications**

Section 126 of the *Local Government Act 1999* requires councils to have an audit and risk committee and outlines the purpose, functions and membership requirements of the committee.

The above legislative obligations are further expanded by Part 5 of the *Local Government (Financial Management) Regulations 2011* which provide additional guidance on the number of members, the requirement for at least one independent member and the prohibition of a council's external auditor being a member.

The *Local Government (Procedures at Meetings) Regulations 2013* provide guidance on the meeting procedures that must apply to s41 committees (such as Audit Committees).

➤ **Risk Management Implications**

Structuring the terms of reference for the Audit and Risk Committee in a manner that is legislatively compliant and reflects good practice will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

If Council adopts the draft Terms of Reference there may be minor financial implications regarding the fees paid to the independent presiding member. Currently, under the Remuneration Tribunal SA's Determination of the Allowances for Members of Local Government Council's (no.2 of 2022) the annual allowance for the presiding member of a s41 committee is equal to one and a quarter (1.25) times the annual allowance for councillors of that council. This equates to an additional \$429.70 monthly. This equates to \$5,156 annually.

At its 28 August 2021 meeting Council resolved the sitting fees for Audit Committee Independent Members as follows:

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

184/21

Council resolves:

1. That the report be received and noted.
2. That in relation to the Audit Committee and the Chief Executive Officer Performance Review Panel:
 - a. To determine the sitting fees for Members, effective 1 December 2021, as follows:
 - i. Independent Presiding Member - \$575 (excl GST) per attended meeting.
 - ii. Independent Ordinary Member - \$450 (excl GST) per attended meeting.
 - iii. Authorised Training - \$75 (excl GST) per hour of training attended excluding travel time but with a travel allowance being paid at the standard Council rate.
 - b. That in the event that an Independent Ordinary Member is required to preside at a meeting in the absence of the Presiding Member, then that Member receives the \$575 (excl GST) sitting fee for that meeting.

Carried Unanimously

Independent members are paid a \$450 sitting fee per meeting. An Independent Presiding Member would be paid \$575 per meeting. Audit committee generally meets 6 times a year. This equates to \$3,450 annually.

➤ **Customer Service and Community/Cultural Implications**

There is a high expectation that Council has appropriate governance arrangements in place such as a well-structured and functioning Audit Committee.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows

Council Committees: Audit Committee members

Council Workshops: Not Applicable

Advisory Groups: Not Applicable

External Agencies: Skorpion

Community: Not Applicable

➤ **Additional Analysis**

On 17 June 2021, the *Statutes Amendment Act Local Government Review Act (Amendment Act) 2021* received the Governor's assent. The Amendment Act reforms were premised on ideas considered within the Reform Program in 2019, and have since been introduced in stages. Further information about the reform program can be found at the Office of Local Government website [Statutes Amendment \(Local Government Review\) Act 2021 - Department for Infrastructure and Transport - South Australia](#).

As of the 30th November 2023, the proclaimed reforms were introduced having a direct impact on the Audit Committee and its Terms of Reference, now requiring its consideration and action.

The reforms proposed in the Terms of Reference and summarised below are, in the main, statutory in nature. However other reforms have also been adopted by the Local Government sector in South Australia as being considered 'best practice', complimenting these statutory reforms.

In summary the statutory changes include:

- Changing the name of the audit committee to the audit and risk committee;
- Extending the purpose of the committee "to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters";
- Requiring a majority of independent audit and risk committee members;
- Requiring a minimum of meeting once every quarter;
- Requiring the Chief Executive Officer (CEO) to report annually to the committee on internal audit processes and to consult the committee before appointing a person to be primarily responsible for the internal audit function; and
- The person primarily responsible for the internal audit function to report directly to the audit and risk committee.

In practice Council was already meeting a number of these requirements. The remainder have been incorporated into the draft Terms of Reference.

In relation to appointing a person primarily responsible (PPR) for the internal audit function, Council adopted the Internal Audit Policy in May 2022. This policy states the PPR role is aligned with the (now termed) Executive Governance Officer role along with their responsibilities:

'The Executive Manager Governance & Performance (EMGP) is responsible for the management of the internal audit function within Council. Internal audits are to be

conducted by suitably qualified and experienced personnel and may be insourced, cosourced or outsourced.'

'The EMGP is responsible, on a day to day basis, for the internal audit function of Council. In achieving operational independence of the internal audit function the CEO has ensured that the EMGP has dual reporting lines.'

The Local Government Association of South Australia (LGASA) has assisted Councils to implement these reforms, specifically with the provision of updated Financial Sustainability Information Papers (FSIP). The LGASA has recently updated its *FSIP No.3 – Audit & Risk Committees* (February 2024), which provides guidance to Councils in regards to their Audit and Risk Committees, including the provision of a draft Terms of Reference template accompanied by Drafting Notes (see **Appendix 2**).

The template and Notes outline the substantive changes to Section 126 – Audit and Risk Committees to the Act as well as other impacted sections of the Act, and the implications for Council's embarking on implementing the reforms.

New Requirements for Audit and Risk Committees

In addition to the changes outlined above, the statutory reforms specific to Committee responsibilities include:

- Extending the work of council audit committees to audit and risk committees that provide independent assurance and advice to councils on accounting, financial management, internal controls, risk management and governance matters (section 126(1)(a)).
- requiring audit and risk committees to consist of a majority of independent members (section 126(2)(a)).
- requiring that the members of the committee have (as whole) the skills, knowledge, and experience relevant to the functions of the committee – including financial management, risk management, and governance (section 126(2)(b)).
- providing that membership of the committee may not include an employee, but may include members of another council's audit and risk committee or a regional audit and risk committee (section 126(2)(c)).
- providing that the functions of the audit and risk committee include (section 126(4)):
 - Reviewing financial statements;
 - Reviewing strategic management plans;
 - Monitoring responsiveness to improvement recommendations arising from prior audits and risk assessments, including external audit;
 - Proposing and reviewing the exercise of powers under section 130A – Other Investigations;
 - Liaising with the auditor as required by the financial management regulations (regulation 17B).
 - Reviewing the adequacy of the accounting, internal control, reporting, and other financial management systems and practices of the council on a regular basis.
- If council has an internal audit function (section 126(g)(i)):
 - Providing oversight of planning and scoping of the internal audit work plan; and
 - Reviewing reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis.
- reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management, and review of strategic, financial and operational risk on a regular basis (section 126(4)(h)).

- Reviewing any report obtained by the council under section 48(1) – Prudential issues report (section 126(4)(h)).

Other Audit and Risk Committee reforms codified within the Act also state;

- There must be at least one (1) meeting of the audit and risk committee in each quarter at (section 126(5)).
- That the Audit and Risk committee meeting procedures comply with those prescribed by the *Local Government (Procedure at Meetings) Regulations 2013*, or insofar as the procedure is not prescribed by regulation—as determined by the committee (section 126(6)).
- That the Audit and Risk committee must provide a report to the council after each meeting summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting (section 126(8)).
- That the Audit and Risk committee provide an annual report to the council on the work of the committee during the period to which the report relates (section 129(9)).

Other requirements pertinent to the Committee operations relating to the implementation of section 125(A) – Internal Audit Functions, also have administrative impacts on Councils and their chief executive officers, such as;

- New requirements for Councils and their chief executive officers to ensure that effective policies, systems, and procedures relating to risk management are established and maintained (section 99(1)(ia));
- New requirements for chief executive officers of council to report annually to the audit and risk committee on council’s internal audit processes (section 99(1)(ib));
- New requirements for chief executive officers of a council that have an internal audit function to consult with the relevant audit and risk committee before appointing a person to be primarily responsible for the internal audit function (section 125A(1));
- The person primarily responsible for the internal audit function must provide their reports regarding the internal audit function directly to the audit and risk committee and may report any matter relating to internal audit function directly to the audit and risk committee (125A(a)(b)).

In addition, the Auditor General’s Department (SA) wrote to Council outlining the important role of audit and risk committees in overseeing Council’s financial practices, and identified that best practice included having an independent presiding member (see **Appendix 4**).

Adoption of LGASA FSIP No.3 Audit & Risk Committees – Default Template

Given the congruency in Council requiring the review of the current Audit Committee Terms of Reference, overlaid with the LGASA providing a draft Terms of Reference template incorporating the reform changes, with accompanying Drafting Notes, it is appropriate to now adopt this template as the foundation for constructing new Terms of Reference.

To assist the Committee to identify where there has been changes to the current Terms of Reference, with tracked changes, is provided at (**Appendix 2**).

In drafting new Terms of Reference the review has also surveyed other SA Council’s equivalent Audit and Risk Committee Terms of Reference, in particular noting those that have based their Terms of Reference on the FSIP template.

The default principle in drafting new Terms of Reference was to adopt the provisions outlined within the FSIP template for each relevant section.

By and large, this is not significantly different from some provisions of the current Audit Committee Terms of Reference. However there are some significant changes to the Committee functions, internal audit, external audit and membership sections. A brief outline of the inclusions within the proposed new Terms of Reference are summarised below;

Internal Audit

The Council CEO must appoint a 'person primarily responsible' (PPR) for reporting directly to the Committee as to the internal audit work plan and other internal audit activities (Section 125A).

Prior to the appointment of the PPR, the Council CEO must consult with the Committee as to the appointment (Section 125A).

The CEO must provide an annual report to the Committee as to the internal audit activities undertaken for the previous year (section 99(1)).

If the Council has an internal audit function, the Committee is responsible for providing oversight of planning and scoping of the internal audit workplan, and reviewing reports provided to it by the PPR on at least a quarterly basis (section 126(4)).

External Audit

An Audit and Risk Committee is required to liaise with an auditor at least once a year on a confidential basis, without the presence of Council employees or Councillor's, except for those appointed to the Committee (Regulation 17B);

Membership

An Audit and Risk Committee must comprise of between 3 and 5 members (inclusive) and cannot comprise the Council's external auditor (Regulation 17A);

The majority of the members of the Committee must be persons who are not members of any council (section 126(2)).

It is now deemed best practice that the member appointed by Council as the Presiding Member of the Audit and Risk Committee, is selected from the Independent Members of the Committee. This has also been reinforced within advice provided by the Auditor-General's Department of SA, as part of a formal response to Council's internal controls and risk management systems.

Under regulation 14 of the *Local Government (Transitional Provisions) Regulations 2021* any legislative changes to membership do not have to occur until the current terms of appointment expire:

14—Council audit and risk committees—membership

On and after the commencement of section 84(5) of the Amendment Act and despite paragraphs (a) and (b) of section 126(2) of the Act (as in force after that commencement)—

- (a) a member of a council audit and risk committee holding office immediately before the commencement of section 84(5) of the Amendment Act will continue to hold office for the remainder of their term of office; and
- (b) paragraphs (a) and (b) of section 126(2) of the Act do not apply to the membership of the committee for any period during which the continuation in office of a member of the council audit and risk committee under paragraph (a) results in the membership of the committee not being in accordance with those paragraphs.

The terms of appointment for the current members of the committee are as follows:

Member	Role	Term Commenced	Term to Conclude
Cr Malcolm Herrmann	Presiding Member	30 November 2023	30 November 2025
Cr Melanie Selwood	Committee Member	30 November 2023	30 November 2025
Ms Pamela Lee	Independent Member	1 May 2023	30 April 2027
Ms Sarah Beesley	Independent Member	1 December 2023	30 November 2027
Mr David Moffatt	Independent Member	1 December 2023	30 November 2027

Meetings Frequency

It is a statutory requirement for the Committee to meet at least once per quarter (section 126(5)). Currently the Audit Committee meets 6 times a year.

Reporting & Responsibilities

The Committee provide an annual report to the council on the work of the committee during the period to which the report relates (section 126(8)).

As indicated, many of these requirements were already being met by Council but have now been explicitly incorporated into the terms of reference.

A copy of the proposed new Audit and Risk Committee Terms of Reference, incorporating the reform statutory requirements as well as best practice guidance, is provided at **Appendix 1**.

1. OPTIONS

Council has the following options:

- I. To approve the draft Audit Committee’s Terms of Reference as contained in Appendix 1.
- II. To propose alternative changes to the Terms of Reference
- III. To propose a timeframe for any changes to Committee membership

2. APPENDICES

- (1) Audit Committee current Terms of Reference – clean version
- (2) Audit Committee current Terms of Reference with tracked changes
- (3) Local Government Association SA, *FSIP No.3 – Audit & Risk Committees* (February 2024)
- (4) Letter from Auditor-General dated 10 September 2024

Appendix 1

*Audit Committee current Terms of Reference – clean
version*

ADELAIDE HILLS COUNCIL
Audit Committee



TERMS OF REFERENCE

Adopted 'Date'

1. ESTABLISHMENT AND PURPOSE

~~1.1 The Audit and Risk Committee (the Committee) of Council is has been established under in accordance with Sections 41 and 126 respectively of the Local Government Act 1999 (the Act), for the purposes of Section 126 of the Act and in compliance with regulation 17 of the Local Government (Financial Management) Regulations 2011.~~

~~1.2 1.2 — The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is therefore independent from management. The purpose of the Committee is to provide independent assurance and advice to Council on accounting, financial management, internal controls, risk management, and governance matters.~~

~~1.3 The Committee is independent from Council management.~~

~~1.4 The Committee reports to Council and provides appropriate advice and recommendations on matters relevant to these Terms of Reference and statutory functions, to facilitate informed decision making in relation to the discharge of Council's responsibilities.~~

2. DEFINITIONS

Unless the context indicates otherwise, the following terms have the following meanings in these Terms of Reference:

Act means the *Local Government Act 1999* (SA).

Presiding Member means the Presiding Member of the Committee, appointed in accordance with clause 8 of these Terms of Reference.

Committee means the Audit and Risk Committee established by resolution of the Council, to be governed by these Terms of Reference.

Council means the Adelaide Hills Council.

Member means a member of the Committee.

Procedures at Meetings Code of Practice means the Council's Code of Practice – Meeting Procedures or any replacement Code of Practice adopted by the Council for the purpose of the *Local Government (Procedures at Meetings) Regulation 2013*.

Regulations includes the *Local Government (Financial Management) Regulations 2011* and *Local Government (Procedures at Meetings) Regulations 2013*.

Terms of Reference means these terms of reference.

Commented [LJ1]: New section

3. ~~ROLE~~FUNCTIONS OF THE COMMITTEE

~~2.1~~ — The overall role of the Audit Committee will be to assist Council to accomplish its objectives by monitoring and providing advice on the adequacy and effectiveness of the systems and processes regarding financial management and reporting, internal control and risk management, internal audit and governance functions through the following functions: Subject to the Act and Regulations, the functions of the Committee are to:
SPECIFIC FUNCTIONS

3.1 ~~Financial Reporting~~FINANCIAL REPORTING and Prudential Requirements

The Committee shall:

~~Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability;~~

~~3.1.3~~3.1.1 Review ~~and provide advice to Council on the degree to which~~ the annual financial statements to ensure that they present fairly the state of affairs of ~~the~~ Council.;

~~Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain;~~

3.1.2 Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of Council on a regular basis.

~~3.1.5~~3.1.3 Review and challenge 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.;

~~0. — The clarity of disclosure in the Council's financial reports and the context in which statements are made; and~~

~~0. — All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);~~

3.1.4 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.

3.2 STRATEGIC MANAGEMENT PLANS

3.2.1 Propose and provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan and Budget and Long Term Financial Plan), the consistency between plans and the adequacy of Council's plans in the context of maintaining financial sustainability; information relevant to a review of Council's strategic management plans and annual business plans.

~~3.2.3~~ **INTERNAL CONTROLS AND RISK MANAGEMENT Systems POLICIES**

~~3.2.1~~

~~3.2.2~~ The Committee shall:

~~3.3.1~~ Review and evaluate the effectiveness of policies, systems and procedures established and maintained for:

- ~~i.~~ the identification, assessment, monitoring, management, and review of strategic, financial, operational and corporate governance risks on a regular basis; and
- ~~ii.~~ internal financial controls in accordance with the Better Practice Model – Internal Financial Controls.

~~3.3.2~~ Review and monitor the responsiveness of Council to Committee recommendations for improvements in internal controls and risk management, based on previous audits and risk assessments, including those raised by Council's auditor.

~~Ensure that appropriate policies, practices and procedures of internal control (and other financial and risk management systems) are implemented, reviewed and maintained in order to assist the Council to carry out its activities in an efficient and orderly manner to achieve its objectives;~~

~~Review Council's risk management framework and monitor the performance of Council's risk management program;~~

~~Monitor the corporate risk profile and significant risk exposures for the organisation to ensure that there are appropriate management plans to manage and mitigate this business risk; and~~

~~Ensure an appropriate legislative compliance framework exists to identify risks and controls over compliance with applicable legislation and regulations.~~

3.4 EXTERNAL AUDITOR

~~The Committee shall:~~

~~3.4.1~~ Consider and ~~m~~Make recommendations to the Council, in relation to the selection, 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;

~~3.4.2~~ Assess the quality and effectiveness of the external audit conducted and evaluate the performance of the auditor, including: ~~Oversee Council's relationship with the external auditor including, but not limited to:~~

- ~~i.~~ Review the scope and terms of the audit and the audit fee, including a review on non-audit services provided by the external auditor.
 - ~~ii.~~ Review the audit plan for coverage of material risks and financial reporting requirements.
- ~~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;~~

Commented [ZG2]: Added reference to Corporate Governance 3.3.1(i) on group review.

Added Risk Management in line with LGA Template Functions.

Broadens Policy review function context to non-financial risk management, in line with s126(4)(h) & LGA ToR 2.1(h) & 2.6.

Commented [LJ3]: LGA ToR Template - Functions - Risk Management clause 2.6.2

Adapted from s126(4)c of the Act.

Commented [LJ4]: Adopted LGA ToR Template - Functions - External Auditor.

Section directly derived from s17B of Regs.

Audit Committee Terms of Reference

~~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~~ **Monitor and review** 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. **Discuss matters relating to the conduct of the audit, including any difficulties encountered, any restrictions on scope of activities or access to information, significant disagreements with management and the adequacy of management responses.**

~~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);~~

~~Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and~~

~~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);~~

~~Meet as needed with the external auditor. 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;~~

~~Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;~~

3.4.3 Review the findings of the audit with the external auditor, including but not be limited to:

~~a~~ **A discussion of any major issues which arose during the external audit ;**

i.

~~A~~ **any accounting and audit judgements ; and**

ii.

iii. Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.

3.4.4 Review any representation letter(s) requested by the external auditor before they are signed by management ;

~~3.4.13.4.5~~ Review the subsequent audit management letter from the external auditor and management's proposed response, by the Council, to the external auditor's findings and recommendations in that audit management letter ;

~~3.4.23.4.6~~ Meet with the external auditor on at least one (1) occasion each year on a confidential basis, ensuring that a majority of members of the Committee are present for the meeting and that no Council members (other than Council members

~~who are members of the Committee), or Council employees are present at the meeting.~~

~~3.4.7 Liaise with the Council's auditor in accordance with any other requirements prescribed by the Act or Regulations.~~

~~a. Public Interest Disclosures~~

~~The Committee shall:~~

~~i. Review annually the Council's Public Interest Disclosure arrangements and compliance with the requirements of the Public Interest Disclosure Act 2018.~~

~~ii. Provide recommendations to Council regarding Public Interest Disclosure Policy and resourcing required to comply with legislative requirements~~

~~1. 2013.~~

3.5 INTERNAL AUDIT

~~The Committee shall:~~

3.5.1 Provide oversight of planning and scoping of the internal audit work plan;

~~Consider and make recommendation on the program of the internal audit function and the adequacy of its resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.~~

3.5.2 Consult with the Chief Executive Officer of Council as to the Chief Executive Officer's responsibility for appointing a person to be primarily responsible for the internal audit function, or assignment of such responsibility to an employee of Council. ~~Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.~~

3.5.3 Review and comment on reports provided directly to the Committee by the person primarily responsible for the internal audit function at least on a quarterly basis.

3.5.4 Review and monitor management's responsiveness to internal audit findings and recommendations.

~~Where appropriate, meet the "head" of internal audit (internal or outsourced) at least once a year, without management being present, to discuss any issues arising from the internal audits carried out. In addition, the head of internal audit shall be given the right of direct access to the Principal Member of the Council and to the Presiding Member of the committee.~~

3.6 External audit

~~The Committee shall:~~

~~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~~

Commented [LJ5]: LGA ToR Template Clause 2;

Focus on new IA provisions (s125 LG Act).

CEO must liaise and appt IA PPR. Then advise ARC of PPR choice to ARC.

*CEO must provide a report to the ARC as to IA activities on an annual basis. LG Act s99(1)(ib) - CEO Responsibilities.

Audit Committee Terms of Reference

~~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;~~

~~Oversee Council's relationship with the external auditor including, but not limited to:~~

~~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;~~

~~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;~~

~~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;~~

~~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);~~

~~Monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and~~

~~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);~~

~~Meet as needed with the external auditor. 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;~~

~~Review and make recommendations on the annual audit plan, and in particular its consistency with the scope of the external audit engagement;~~

~~Review the findings of the audit with the external auditor. This shall include, but not be limited to, the following;~~

~~a discussion of any major issues which arose during the external audit;~~

~~any accounting and audit judgements; and~~

~~Levels of errors identified during the external audit. The committee shall also review the effectiveness of the external audit.~~

~~Review any representation letter(s) requested by the external auditor before they are signed by management;~~

~~Review the management letter and management's response to the external auditor's findings and recommendations.~~

Economy and Efficiency Audits

The Committee shall:

~~Propose and review the exercise of powers under Section 130A of the Act, to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives;~~

OTHER MATTERS GOVERNANCE

~~3.6.1 Review the adequacy of the governance systems and practices of Council on a regular basis.~~

~~3.6.2 Review Council's arrangements and processes for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other governance matters—the Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.~~

~~3.6.3 Request an examination and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit, in accordance with Section 130A of the Act. Propose and review the exercise of powers under Section 130A of the Act; to examine and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives;~~

Commented [LJ6]: Sourced directly from s130(A)(1) of the Act, as to Efficiency & Economy Audits.

~~3.6.1 —~~

~~3.6.2 The Committee shall:~~

~~3.6.3 —~~

~~3.6.4 Have access to reasonable resources in order to carry out its duties, recognising the constraints within Council's Budget;~~

~~3.6.5 —~~

~~3.6.6 Be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis for all members;~~

~~3.6.7 —~~

~~3.6.8 Give due consideration to laws and regulations of the Act;~~

~~3.6.9 —~~

~~3.6.10 Make recommendations on co-ordination of the internal and external auditors;~~

~~3.6.11 —~~

~~3.6.12 Oversee any investigation of activities which are within its terms of reference;~~

~~3.6.13 —~~

~~3.6.14 Oversee action to follow up on matters raised by the external and internal auditors;~~

~~3.6.15 —~~

~~3.6.16 Invite Council's external auditors and internal auditors to attend meetings of the Committee, as considered appropriate; and~~

~~3.6.17 —~~

~~3.6.4 At least once in its term, review its own performance and terms of reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.~~

Audit Committee Terms of Reference

Review any report obtained by Council under Section 48(1) of the Act in accordance with Council’s prudential management policies, practices and procedures;

3.6.5 Perform any other governance function determined by Council or prescribed by the Regulations.

4. MEMBERSHIP

The following provisions are subject to regulation 14 of the Local Government (Transitional Provisions) Regulations 2021.

4.1 CONFIGURATION & TERMS

4.1.1. Members of the Committee are appointed by Council in accordance with Section 126(2) of the Act and these Terms of Reference.

<u>Committee Members</u>	<u>Method of Appointment</u>	<u>Term</u>
<u>Council Member</u>	<ul style="list-style-type: none"> <u>Council Resolution</u> 	<u>Determined by Council Resolution</u>
<u>Independent Members</u>	<ul style="list-style-type: none"> <u>Expression of Interest</u> <u>Selection Panel Assessment Process and Recommendation report to Council</u> <u>Appointment Approval by Council Resolution</u> 	<u>Partially overlapping terms with other Independent Members of up to four (4) years.</u> <u>Maximum of eight (8) years consecutively.</u>

4.1.2 The Committee will comprise ~~five (5) members as follows~~ compromising:

- I. Three (3) Independent Members ~~determined by Council~~; and
- II. Two (2) ~~members of Council~~ ~~Members determined by Council~~

~~3.4 All members of the Committee will be appointed by the Council.~~

4.1.3 ~~Independent~~ All member(s) of the Committee shall ~~must~~ have ~~recent and relevant~~ skills, ~~knowledge~~ and experience ~~in professions such as, but not limited to~~ ~~accounting,~~ relevant to the functions of the Committee, including financial management, risk management, ~~law, compliance, internal audit and governance and~~ any other prescribed matter.

5. INDEPENDENT MEMBER

5.1. Recruitment of Independent Members will be undertaken by administration calling for expressions of interest.

5.2 A selection panel will be formed by the Chief Executive Officer of the Council to assess applications and recommend to Council the preferred candidate for appointment to the Committee, and the term for which they should be appointed.

Commented [LJ7]: Convention with previous Amendment to ToR in February 2023.

Max 2 four year terms is appropriate. Evidence of Councils effectively do 3x3 = 9 yrs (too long). Others do 8 yrs, with option of extension if market approach dictates as such. Other Councils indicate 1 term cap.

Commented [LJ8]: Consistent with LGA ToR provisions (max 5 representation).

3 Ind. Members / 2 Councillors consistent with best-practice committee members configuration.

5.3 Senior Council Staff and Council Members and/or Independent Members of the Committee may be included on the selection panel. The selection panel is not a committee of the Council and will conduct its proceedings as the Chief Executive Officer sees fit.

5.4 On the panel completing its assessment, a selection panel assessment and recommendation report will be prepared by the Chief Executive Officer and put to Council for a decision. Appointments of Independent Members shall be made by resolution of Council.

5.5. Independent Member appointments will not align with timing of periodic Council elections (to maintain membership continuity over the Council election period). Each term of appointment for an Independent Member will be subject to the Act and these Terms of Reference.

Commented [LJ9]: Specifically s41(5)
A member of a Committee holds office at the pleasure of Council.

5.6 Independent Member appointment terms will be for up to a maximum of four (4) years, as determined by the Council.

5.7 Independent Members may be re-appointed if assessed and subsequently recommended for re-appointment by an independent member selection panel at the time.

5.8 An independent member may not serve for more than eight (8) years continuously as a Committee member.

~~4.2 It is desirable for the Council Members to be appointed to the Committee to have a sound understanding of financial management, risk management and governance.~~

~~4.3 In considering appointments to the Committee, Council should give consideration to the diversity of the membership.~~

~~4.4 Appointments to the Committee shall be for a period of up to three (3) years.~~

~~4.5 Members of the Committee are eligible for reappointment at the expiration of their term of office.~~

~~4.6 The terms of appointment of the Independent Members should be arranged to ensure the orderly rotation and continuity of membership despite changes to the composition of the Council.~~

6. COUNCIL MEMBERS

Commented [LJ10]: New section

6.1. Appointments of Council Members to the Committee shall be made by resolution of Council.

6.2 The term of a Council member appointment shall expire at the determination of, and resolution by Council, subject to Section 41(5) of the Act and these Terms of Reference at clause 7.2.

7. MEMBERSHIP CESSATION

Commented [LJ11]: New section

7.1. A person ceases to be a Member upon any of the following circumstances occurring:

7.1.1. the Member's term of appointment to the Committee expires and they are not reappointed;

7.1.2. the Member is removed from office by a resolution of Council in accordance with Section 41(5) of the Act;

7.1.3. the Member resigns from office by written notice to the Council;

7.1.4. the Member ceases to hold the office which entitles them to be a member (for example they cease to be a Member of Council); or

7.1.5. the Member dies or becomes of unsound mind.

7.2. Nothing in these Terms of References gives rise to any right of procedural fairness or otherwise derogates from the Council's ability to remove any Member from the Committee at the Council's pleasure subject to Section 41(5) of the Act.

54 SITTING FEES

~~5.14.1 The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.~~

~~5.24.1 The Independent Members are to be paid a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.~~

8. PRESIDING MEMBER

~~8.1~~

~~8.28.1 Subject to regulation 14 of the Local Government (Transitional Provisions) Regulations 2021, the Council will appoint the Presiding Member of the Committee will be an Independent Member appointed by Council for a term decided by a resolution of Council.~~

8.2 Council may decide, by resolution, to extend the term or reappoint an Independent Member as the Presiding Member (noting however that the appointment of the Independent Member to the Committee cannot exceed a maximum consecutive period of eight (8) years as per clause 5.8).

8.3 The Council authorises the Committee to determine if there will be a make an appointment to the position of Deputy Presiding Member of the Committee and, if so, authorises the Committee to make the appointment to that position for a term from one (1) of the Independent Committee members determined by the Committee, not appointed as the Presiding Member.-

8.4 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists there is one) will preside at that meeting. If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee or there is no Deputy Presiding Member, then an Independent Member will be member of the Committee chosen from those present will to preside at the meeting until as the Acting Presiding Member (or Deputy Presiding Member, if relevant) is present.

Commented [LJ12]: "Presiding Member" adopted in LGA ToR template.

Commented [LJ13]: LGA ToR & FSIP No. 3 - Audit & Risk Committees states;

DRAFTING NOTE: The appointment of the Presiding Member is a matter for council to determine. It is at the discretion of the council whether an independent member is appointed to the role. The clause below refers to the appointment of an independent member as Presiding Member, consistent with good practice.

The Council shall appoint the Presiding Member from amongst the Independent Members.

Should it determine to do so, the council may include arrangements for the appointment of the Presiding Member by the Committee (rather than making the appointment directly) within the Terms of Reference. The clause should be amended to reflect the decision of the council regarding the appointment of the Presiding Member.

Highly Recommend PM is a IM of the Committee.

Audit Committee Terms of Reference

~~8.5~~ The Presiding Member appointed by Council (or other Member presiding in accordance with clause 8.4) is the Presiding Member of the Committee for the purposes of the Act and the Regulations.

~~8.5.8.6~~ Without limiting the functions conferred upon the office, the role of the Presiding Member includes by virtue of above clause 8.4, the Presiding Member is to:

~~8.5.18.6.1~~ Overseeing and facilitating the orderly conduct of meetings in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations); and

~~8.6.2~~ Ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging reasonable manner:-

~~8.6.3~~ Liaise with council administration between meetings regarding the preparation of the Committee's agenda and minutes;

~~8.6.4~~ Prepare, on behalf of the Committee, a written report to Council once per year as per clause 12.2 below, to be made publicly available; and

~~8.5.28.6.5~~ Execute, along with Council's Chief Executive Officer, the 'Independence of External Audit' certification required under the Regulations as part of the end of financial year audit process.

9 SITTING FEES

~~The applicable Remuneration Tribunal (or its successor) Determination outlines the applicable allowance for Council Members on the Committee.~~

~~9.1 The Independent Members are to be paid of the Committee will receive a sitting fee as determined by Council for attendance at meetings and authorised training sessions. Council may determine a higher sitting fee for the presiding member.~~

~~9.2. Sitting fees will be reviewed and set by Council within six (6) months of a periodic Council election.~~

~~9.3. Professional fees will also be paid for the advice and attendance of the person primarily responsible for the internal audit function (if they are not a Council employee), External Auditors, and legal and other professionals at the Committee Meetings.~~

~~9.4. The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Panel. There are no sitting fees for Council Members appointed to the Committee.~~

10 SECRETARIAL RESOURCES ADMINISTRATION

~~10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.~~

7 REPORTING RESPONSIBILITIES

~~a For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:~~

Commented [LJ14]: As per the Remuneration Tribunal SA determination 2 of 2022, "Allowances for Members of Local Government Councils", the a councillor who is a presiding member of a s41 Committee will receive an allowance 1.25 times the annual allowance for councillors of that council

- ~~i. The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;~~
- ~~ii. The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;~~
- ~~iii. The Committee shall make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and~~
- ~~iv. The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.~~

911 MEETINGS PROCEDURE

Committee meetings will be conducted primarily in accordance with the Act as well as Parts 1, 3 and 4 respectively of the *Local Government (Procedures at Meetings) Regulation 2013* applicable to any Council Committee meetings.

11.1 FREQUENCY OF MEETINGS

- 11.1.1 The Committee shall meet at least four times a year once per quarter.
- 11.1.2 A schedule of meetings, including the date and time of Committee meetings to be held, shall be determined by the Committee annually, at appropriate times and places as determined by the Committee.
- 11.1.3 Council's Chief Executive Officer is delegated the authority to vary the Committee's meeting schedule after liaison with the Presiding Member.
- 11.1.4 Subject to clause 11.1.1 Council's Chief Executive Officer is delegated the authority to not call a meeting of the Committee within the meeting schedule, should the Committee have no matter for consideration, after liaison with the Presiding Member.

11.2 SPECIAL MEETINGS

- 11.2.1 A special meetings of the Committee may be called in accordance with the powers of any Council committee, outlined within the Act.

11.3. QUORUM

- 11.3.1. The quorum necessary for the Committee to conduct a meeting shall be three (3) members.
- 11.3.2. A Committee meeting can be conducted once a quorum has been formed and present to conduct the meeting.

11.4 NOTICE OF MEETINGS

Commented [LJ15]: LGA ToR Guidance / LGA Act s126(5) - meetings must be held at least quarterly.

11.4.1. The Committee shall conduct its meetings in the Adelaide Hills Council Chambers, 63 Mount Barker Road, Stirling unless otherwise determined by the Committee.

11.4.2 In accordance with Section 87 of the Act, 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 no later than three (3) clear days before the date of the meetings

11.4.3 Supporting papers shall, whenever possible, be sent to Committee Members (and to other attendees as appropriate) at the same time.

11.4.4 Notice of meeting, agenda and supporting information will be placed on public display at Council's Customer Service Centre and Council's website.

11.5 PROCEDURES

11.5.1 Meeting procedures for the Committee are subject to Council's current Code of Practice – Procedures at Meetings, informed by the Act and Parts 1,3 and 4 of the Local Government (Procedures at Meetings) Regulation 2013. ~~If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.~~

11.5.2 Meeting procedure for the Committee is as set out in the Act, Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

11.5.3 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.

11.5.4 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.

11.5.5 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

~~8.7. SECRETARIAL RESOURCES~~

~~a. The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.~~

~~10.8. FREQUENCY OF MEETINGS~~

~~10.8.5 The Committee shall meet at least four times a year at appropriate times and places as determined by the Committee. A special meeting of the Committee may be called in accordance with the Act.~~

~~10.6.5 If after considering advice from the CEO or delegate, the Presiding Member of the Committee is authorised to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting.~~

11.4 NOTICE OF MEETINGS

Audit Committee Terms of Reference

~~11.5 Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:~~

~~11.5.1 To members of the Committee by email or as otherwise agreed by Committee members at least 3 clear days before the date of the meeting; and~~

~~11.5.2 To the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.~~

11.6 PUBLIC ACCESS TO MEETINGS & DOCUMENTS

~~11.6.1. In accordance with the principles of open, transparent, and informed decision-making, Committee meetings must be conducted in a place open to the public, subject to the confidentiality provisions in the Act.~~

~~11.6.2 Members of the public are able to can attend all meetings of the Committee, unless prohibited by resolution excluded by order of the Committee under the confidentiality provisions of Section 90(2) of the Act, or part 17B of the Local Government (Procedures at Meetings) Regulations 2013.~~

~~11.6.3 Members of the public shall have access to all documents relating to the Committee except documents subject to an order of the Committee under Section 91(7) of the Act unless prohibited by resolution of the Committee under the confidentiality provisions of Section 91 of the Act.~~

11.7 MINUTES OF MEETINGS

~~11.7.1 Conflict of Interest declarations are required pursuant to Section 73 through to Section 75D of the Act and will be recorded in the minutes.~~

~~11.7.2 The Council's Chief Executive Officer shall ensure that minutes are kept of the proceedings and resolutions of all meetings of the Committee, including recording the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the Regulations.~~

~~11.7.3 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all Members of the Committee and all Members of the Council.~~

~~11.7.4 Minutes of the Committee meeting will (in accordance with legislative requirements) be available to the public be placed on Council's website and on public display at Council's Customer Service Centre.~~

12. RESPONSIBILITIES & REPORTING RESPONSIBILITIES

~~Without derogating from any of the above provisions, the Committee:~~

~~For the purposes of Section 41(8) of the Act, the Committee's reporting and accountability requirements are:~~

~~12.1. Shall always act in accordance with the Act, Regulations and these Terms of Reference in the performance of its functions.~~

~~12.2. Shall prepare an annual report on the work of the Committee in the 12 months preceding the preparation of the report, to be presented to Council by the~~

Audit Committee Terms of Reference

Committee Presiding Member (refer clause 8.6.4), and to be made publicly available.

~~The minutes of each Committee meeting will be included in the agenda papers of the next ordinary meeting of the Council;~~

~~The Presiding Member will attend a meeting of the Council at least once per annum to present a report on the activities of the Committee;~~

12.3 ~~The Committee shall~~ May make whatever recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and

12.4 Will undertake an annual self-assessment for inclusion in the Committee's annual report; and recommend any changes it considers necessary to Council for approval.

~~The Presiding Member may attend a Council meeting at any time that the Presiding Member sees fit to discuss any issue or concern relating to the Committee's functions. Depending on the nature of the matter, this may be held in confidence in accordance with Section 90 of the Act and staff may be requested to withdraw from the meeting.~~

13. AUTHORITY

The Committee is authorised:

13.1. to obtain any relevant Council document it requires to perform its duties, by making a request to the Council's Chief Executive Officer; and

13.2. to obtain, at the Council's expense (after consultation with the Council's Chief Executive Officer) outside legal or other professional advice on any matter within its Terms of Reference.

14. REVIEW

14.1 The Committee shall review its Terms of Reference every four (4) years, so that it is operating at maximum effectiveness and recommend any changes it considers necessary to Council for approval.

14.2 Council may review and amend these Terms of Reference at any time, as required.

Commented [LJ16]: Stand alone item now, previously under Other Matters section. Minor wording changes

Commented [LJ17]: Stand alone item now, previously under Other Matters section. Minor wording changes

Appendix 2

*Audit Committee current Terms of Reference with
tracked changes*

ADELAIDE HILLS COUNCIL
Audit Committee



TERMS OF REFERENCE

Adopted **Date**

1. ESTABLISHMENT AND PURPOSE

- 1.1 The Audit and Risk Committee (Committee) has been established in accordance with Sections 41 and 126 respectively of the *Local Government Act 1999* (Act)
- 1.2 The purpose of the Committee is to provide independent assurance and advice to Council on accounting, financial management, internal controls, risk management, and governance matters.
- 1.3 The Committee is independent from Council management.
- 1.4 The Committee reports to Council and provides appropriate advice and recommendations on matters relevant to these Terms of Reference and statutory functions, to facilitate informed decision making in relation to the discharge of Council's responsibilities.

2. DEFINITIONS

Unless the context indicates otherwise, the following terms have the following meanings in these Terms of Reference:

Act means the *Local Government Act 1999* (SA).

Presiding Member means the Presiding Member of the Committee, appointed in accordance with clause 8 of these Terms of Reference.

Committee means the Audit and Risk Committee established by resolution of the Council, to be governed by these Terms of Reference.

Council means the Adelaide Hills Council.

Member means a member of the Committee.

Procedures at Meetings Code of Practice means the Council's Code of Practice – Meeting Procedures or any replacement Code of Practice adopted by the Council for the purpose of the *Local Government (Procedures at Meetings) Regulation 2013*.

Regulations includes the *Local Government (Financial Management) Regulations 2011* and *Local Government (Procedures at Meetings) Regulations 2013*.

Terms of Reference means these terms of reference.

3. FUNCTIONS OF THE COMMITTEE

Subject to the Act and Regulations, the functions of the Committee are to:

3.1 FINANCIAL REPORTING

- 3.1.1 Review the annual financial statements to ensure that they present fairly the state of affairs of Council.
- 3.1.2 Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of Council on a regular basis.
- 3.1.3 Review and challenge 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.
- 3.1.4 Monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.

3.2 STRATEGIC MANAGEMENT PLANS

- 3.2.1 Propose and provide information relevant to a review of Council's strategic management plans and annual business plans.

3.3 INTERNAL CONTROLS & RISK MANAGEMENT POLICIES

- 3.3.1 Review and evaluate the effectiveness of policies, systems and procedures established and maintained for:
 - i. the identification, assessment, monitoring, management, and review of strategic, financial, operational and corporate governance risks on a regular basis; and
 - ii. internal financial controls in accordance with the Better Practice Model – Internal Financial Controls.
- 3.3.2 Review and monitor the responsiveness of Council to Committee recommendations for improvements in internal controls and risk management, based on previous audits and risk assessments, including those raised by Council's auditor.

3.4 EXTERNAL AUDITOR

- 3.4.1 Make recommendations to the Council in relation to the selection, appointment, and removal of the Council's external auditor.
- 3.4.2 Assess the quality and effectiveness of the external audit conducted and evaluate the performance of the auditor, including:
 - i. Review the scope and terms of the audit and the audit fee, including a review on non-audit services provided by the external auditor.

- ii. Review the audit plan for coverage of material risks and financial reporting requirements.
 - iii. Monitor and review the external auditor's independence and objectivity.
 - iv. Discuss matters relating to the conduct of the audit, including any difficulties encountered, any restrictions on scope of activities or access to information, significant disagreements with management and the adequacy of management responses.
- 3.4.3 Review the findings of the audit with the external auditor, including but not limited to:
 - i. A discussion of any major issues which arose during the external audit.
 - ii. Any accounting and audit judgements.
 - iii. Levels of errors identified during the external audit.
- 3.4.4 Review any representation letter requested by the external auditor before they are signed by management.
- 3.4.5 Review the subsequent audit management letter from the external auditor and management's proposed response, by the Council, to the external auditor's findings and recommendations in that audit management letter.
- 3.4.6 Meet with the external auditor on at least one (1) occasion each year on a confidential basis, ensuring that a majority of members of the Committee are present for the meeting and that no Council members (other than Council members who are members of the Committee), or Council employees are present at the meeting.
- 3.4.7 Liaise with the Council's auditor in accordance with any other requirements prescribed by the Act or Regulations.

3.5 INTERNAL AUDIT

- 3.5.1 Provide oversight of planning and scoping of the internal audit work plan;
- 3.5.2 Consult with the Chief Executive Officer of Council as to the Chief Executive Officer's responsibility for appointing a person to be primarily responsible for the internal audit function, or assignment of such responsibility to an employee of Council.
- 3.5.3 Review and comment on reports provided directly to the Committee by the person primarily responsible for the internal audit function at least on a quarterly basis.
- 3.5.4 Review and monitor management's responsiveness to internal audit findings and recommendations.

3.6 GOVERNANCE

- 3.6.1 Review the adequacy of the governance systems and practices of Council on a regular basis.

- 3.6.2 Review Council’s arrangements and processes for its employees to raise concerns, in confidence, about possible wrongdoing in financial reporting or other governance matters—the Committee shall ensure these arrangements allow independent investigation of such matters and appropriate follow-up action.
- 3.6.3 Request an examination and report on any matter relating to financial management, or the efficiency and economy with which the council manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of an annual audit, in accordance with Section 130A of the Act.
- 3.6.4 Review any report obtained by Council under Section 48(1) of the Act in accordance with Council’s prudential management policies, practices and procedures;
- 3.6.5 Perform any other governance function determined by Council or prescribed by the Regulations.

4. MEMBERSHIP

The following provisions are subject to regulation 14 of the *Local Government (Transitional Provisions) Regulations 2021*.

4.1 CONFIGURATION & TERMS

- 4.1.1. Members of the Committee are appointed by Council in accordance with Section 126(2) of the Act and these Terms of Reference.

Committee Members	Method of Appointment	Term
Council Member	<ul style="list-style-type: none"> • Council Resolution 	Determined by Council Resolution
Independent Members	<ul style="list-style-type: none"> • Expression of Interest • Selection Panel Assessment Process and Recommendation report to Council • Appointment Approval by Council Resolution 	Partially overlapping terms with other Independent Members of up to four (4) years. Maximum of eight (8) years consecutively.

- 4.1.2 The Committee will comprise five (5) members comprising:
 - I. Three (3) Independent Members determined by Council; and
 - II. Two (2) members of Council determined by Council
- 4.1.3 All members of the Committee must have skills, knowledge and experience relevant to the functions of the Committee, including financial management, risk management, governance and any other prescribed matter.

5. INDEPENDENT MEMBER

- 5.1. Recruitment of Independent Members will be undertaken by administration calling for expressions of interest.

- 5.2 A selection panel will be formed by the Chief Executive Officer of the Council to assess applications and recommend to Council the preferred candidate for appointment to the Committee, and the term for which they should be appointed.
- 5.3 Senior Council Staff and Council Members and/or Independent Members of the Committee may be included on the selection panel. The selection panel is not a committee of the Council and will conduct its proceedings as the Chief Executive Officer sees fit.
- 5.4 On the panel completing its assessment, a selection panel assessment and recommendation report will be prepared by the Chief Executive Officer and put to Council for a decision. Appointments of Independent Members shall be made by resolution of Council.
- 5.5. Independent Member appointments will not align with timing of periodic Council elections (to maintain membership continuity over the Council election period). Each term of appointment for an Independent Member will be subject to the Act and these Terms of Reference.
- 5.6 Independent Member appointment terms will be for up to a maximum of four (4) years, as determined by the Council.
- 5.7 Independent Members may be re-appointed if assessed and subsequently recommended for re-appointment by an independent member selection panel at the time.
- 5.8 An independent member may not serve for more than eight (8) years continuously as a Committee member.

6. COUNCIL MEMBERS

- 6.1. Appointments of Council Members to the Committee shall be made by resolution of Council.
- 6.2 The term of a Council member appointment shall expire at the determination of, and resolution by, Council, subject to Section 41(5) of the Act and these Terms of Reference at clause 7.2.

7. MEMBERSHIP CESSATION

- 7.1. A person ceases to be a Member upon any of the following circumstances occurring:
 - 7.1.1. the Member's term of appointment to the Committee expires and they are not reappointed;
 - 7.1.2. the Member is removed from office by a resolution of Council in accordance with Section 41(5) of the Act;
 - 7.1.3. the Member resigns from office by written notice to the Council;

7.1.4. the Member ceases to hold the office which entitles them to be a member (for example they cease to be a Member of Council); or

7.1.5. the Member dies or becomes of unsound mind.

7.2. Nothing in these Terms of References gives rise to any right of procedural fairness or otherwise derogates from the Council's ability to remove any Member from the Committee at the Council's pleasure subject to Section 41(5) of the Act.

8. PRESIDING MEMBER

8.1 Subject to regulation 14 of the *Local Government (Transitional Provisions) Regulations 2021*, the Presiding Member of the Committee will be an Independent Member appointed by Council for a term decided by a resolution of Council.

8.2 Council may decide, by resolution, to extend the term or reappoint an Independent Member as the Presiding Member (noting however that the appointment of the Independent Member to the Committee cannot exceed a maximum consecutive period of eight (8) years as per clause 5.8).

8.3 The Council may make an appointment to the position of Deputy Presiding Member for a term from one (1) of the Independent Committee members, not appointed as the Presiding Member.

8.4 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if there is one) will preside at that meeting. If the Deputy Presiding Member is absent or there is no Deputy Presiding Member, then an Independent Member will be chosen from those present to preside at the meeting as the Acting Presiding Member.

8.5 The Presiding Member appointed by Council (or other Member presiding in accordance with clause 8.4) is the Presiding Member of the Committee for the purposes of the Act and the Regulations.

8.6 Without limiting the functions conferred upon the office of the Presiding Member by virtue of above clause 8.4, the Presiding Member is to:

8.6.1 Oversee the orderly conduct of meetings in accordance with the Act and the Regulations;

8.6.2 Ensure all Members have an opportunity to participate in discussions in an open and reasonable manner;

8.6.3 Liaise with council administration between meetings regarding the preparation of the Committee's agenda and minutes;

8.6.4 Prepare, on behalf of the Committee, a written report to Council once per year as per clause 12.2 below, to be made publicly available; and

8.6.5 Execute, along with Council's Chief Executive Officer, the 'Independence of External Audit' certification required under the Regulations as part of the end of financial year audit process.

9 SITTING FEES

- 9.1 Independent Members of the Committee will receive a sitting fee determined by Council
- 9.2. Sitting fees will be reviewed and set by Council within six (6) months of a periodic Council election.
- 9.3. Professional fees will also be paid for the advice and attendance of the person primarily responsible for the internal audit function (if they are not a Council employee), External Auditors, and legal and other professionals at the Committee Meetings.
- 9.4. The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Committee.

10 ADMINISTRATION

- 10.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

11 MEETINGS

Committee meetings will be conducted primarily in accordance with the Act as well as Parts 1, 3 and 4 respectively of the *Local Government (Procedures at Meetings) Regulation 2013* applicable to any Council Committee meetings.

11.1 FREQUENCY

- 11.1.1 The Committee shall meet at least once per quarter.
- 11.1.2 A schedule of meetings, including the date and time of Committee meetings to be held, shall be determined by the Committee annually.
- 11.1.3 Council's Chief Executive Officer is delegated the authority to vary the Committee's meeting schedule after liaison with the Presiding Member.
- 11.1.4 Subject to clause 11.1.1 Council's Chief Executive Officer is delegated the authority to not call a meeting of the Committee within the meeting schedule, should the Committee have no matter for consideration, after liaison with the Presiding Member.

11.2 SPECIAL MEETINGS

- 11.2.1 Special meetings of the Committee may be called in accordance with the powers of any Council committee, outlined within the Act.

11.3. QUORUM

- 11.3.1. The quorum necessary for the Committee to conduct a meeting shall be three (3) members.
- 11.3.2. A Committee meeting can be conducted once a quorum has been formed and present to conduct the meeting.

11.4 NOTICE OF MEETINGS

- 11.4.1. The Committee shall conduct its meetings in the Adelaide Hills Council Chambers, 63 Mount Barker Road, Stirling unless otherwise determined by the Committee.
- 11.4.2 In accordance with Section 87 of the Act, 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 no later than three (3) clear days before the date of the meetings
- 11.4.3 Supporting papers shall, whenever possible, be sent to Committee Members (and to other attendees as appropriate) at the same time.
- 11.4.4 Notice of meeting, agenda and supporting information will be placed on public display at Council's Customer Service Centre and Council's website.

11.5 PROCEDURES

- 11.5.1 Meeting procedures for the Committee are subject to Council's current Code of Practice – Procedures at Meetings, informed by the Act and Parts 1,3 and 4 of the Local Government (Procedures at Meetings) Regulation 2013.
- 11.5.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 11.5.3 In accordance with Section 90(7a), one or more Committee members may participate in the meeting by telephone or other electronic means provided that members of the public can hear the discussion between all Committee members.
- 11.5.4 Only members of the Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 11.5.5 Council Employees may attend any meeting as observers or be responsible for preparing papers for the committee.

11.6 ACCESS TO MEETINGS & DOCUMENTS

- 11.6.1. In accordance with the principles of open, transparent, and informed decision-making, Committee meetings must be conducted in a place open to the public, subject to the confidentiality provisions in the Act.
- 11.6.2 Members of the public can attend all meetings unless excluded by order of the Committee under Section 90(2) of the Act or part 17B of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 11.6.3 Members of the public shall have access to all documents related to the Committee except documents subject to an order of the Committee under Section 91(7) of the Act.

11.7 MINUTES

- 11.7.1 Conflict of Interest declarations are required pursuant to Section 73 through to Section 75D of the Act and will be recorded in the minutes.

- 11.7.2 Council's Chief Executive Officer shall ensure that minutes are kept of the proceedings and resolutions of all meetings of the Committee and that the minutes comply with the requirements of the Regulations.
- 11.7.3 Minutes of Committee meetings shall be circulated within five (5) days after a meeting to all Members of the Committee and all Members of the Council.
- 11.7.4 Minutes of the Committee meeting will be placed on Council's website and on public display at Council's Customer Service Centre.

12. RESPONSIBILITIES & REPORTING

Without derogating from any of the above provisions, the Committee:

- 12.1. Shall always act in accordance with the Act, Regulations and these Terms of Reference in the performance of its functions.
- 12.2. Shall prepare an annual report on the work of the Committee in the 12 months preceding the preparation of the report, to be presented to Council by the Committee Presiding Member (refer clause 8.6.4), and to be made publicly available.
- 12.3 May make recommendations to the Council it deems appropriate on any area within its terms of reference where in its view action or improvement is needed; and
- 12.4 Will undertake an annual self-assessment for inclusion in the Committee's annual report; and recommend any changes it considers necessary to Council for approval.

13. AUTHORITY

The Committee is authorised:

- 13.1. to obtain any relevant Council document it requires to perform its duties, by making a request to the Council's Chief Executive Officer; and
- 13.2. to obtain, at the Council's expense (after consultation with the Council's Chief Executive Officer) outside legal or other professional advice on any matter within its Terms of Reference.

14. REVIEW

- 14.1 The Committee shall review its Terms of Reference every four (4) years, so that it is operating at maximum effectiveness and recommend any changes it considers necessary to Council for approval.
- 14.2 Council may review and amend these Terms of Reference at any time, as required.

Appendix 3

*Local Government Association SA, FSIP No.3 – Audit &
Risk Committees (February 2024)*

Audit and risk committees

**Financial Sustainability
Information Paper (FSIP)**

No. 03



The suite of Financial Sustainability Information Papers have been prepared by the Local Government Association of SA (LGA) in consultation with the SA Local Government Financial Management Group (SALGFMG) for the guidance of and use by member councils. The LGA is the statutory peak body for Local Government in South Australia, representing all 68 Councils in the State.

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Table of Contents

About the Local Government Association	1
1. Introduction	1
2. Overview	1
2.1. Similarity with other council committees.....	2
3. Committee membership	2
3.1. Transitional arrangements relating to membership.....	3
3.2. Committee member independence	3
3.3. Skills, knowledge and experience	4
3.4. Presiding member.....	5
3.5. Committee member induction and training	6
4. Functions of the audit and risk committee	6
4.1. Resourcing.....	7
4.2. Sitting Fees.....	7
5. Internal audit.....	7
5.1. Role of the audit and risk committee in relation to internal audit.....	8
5.2. Primary responsibility for the internal audit function	8
5.3. Internal audit direct reporting to the audit and risk committee	9
6. Meetings.....	9
6.1. Frequency and schedule.....	9
6.2. Procedures	10
6.3. Public access and confidentiality.....	10
6.4. Confidential meeting with external auditor.....	11
7. Terms of reference	13
8. Work plan.....	13
9. Reporting	14
9.1. BY the audit and risk committee.....	14
9.2. TO the audit and risk committee	16

10. Regional audit and risk committees	16
10.1. Regional audit and risk committee membership	17
10.2. Regional audit and risk committee purpose and function	18
11. Audit committees of council subsidiaries	19
11.1. Single-council subsidiaries	19
11.2. Regional subsidiaries established by two or more councils	20
Appendix 1 – Audit and risk committee sample skills matrix.....	21
Appendix 2 – Template audit and risk committee terms of reference	25
Appendix 3 – Example audit and risk committee work plan.....	35
Appendix 4 – Sample audit and risk committee self-assessment.....	39

About the Local Government Association

The Local Government Association of South Australia (LGA) is the peak body for local government in South Australia. The LGA provides leadership and services to councils and represents the sector to state and federal governments and other key stakeholders. Membership of the LGA is voluntary, but all 68 of South Australia's councils are members.

The LGA provides competitive procurement and indemnity (insurance) services to councils as well as access to education and training, online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

The mission of the LGA is to provide leadership, support, representation and advocacy on behalf of South Australian councils.

Acknowledgements

Development of this paper (historic and current versions) has benefited from contributions from the South Australian Local Government Financial Management Group (SALGFMG) and funding from the Local Government Research and Development Scheme (LGR&DS).

1. Introduction

This Information Paper is one of a series of Information Papers about Financial Sustainability and Financial Governance in Local Government.

The series of Information Papers was originally published in 2006 to 2011 as part of the Financial Sustainability Program. A complete list of the Financial Sustainability Information Papers (FSIP), including a glossary of terms and abbreviations, is provided at: [Financial Sustainability Resources | LGA South Australia](#)

The FSIP have undergone various revisions to take account of legislative changes and other developments. The FSIP are addressed to, and written primarily for, the benefit of council members and staff.

This paper was last updated in February 2024. A separate, word format document, containing the Appendices to this FSIP is also available.

2. Overview

Audit and risk committees are used widely throughout the commercial, government and local government sectors as an independent body that assists boards and councils to fulfil their oversight responsibilities in financial reporting, internal control systems, risk management systems and internal and external audit functions.

An audit and risk committee plays a critical role in the financial reporting framework of a council, by overseeing and monitoring the participation of management and external auditors in the financial reporting process.

A council audit and risk committee also considers the approach being adopted by councils and management to address business risk, corporate and financial governance responsibilities and legal compliance, as well as reviewing and evaluating the effectiveness of policies and procedures for the

identification, assessment, monitoring, management and review of strategic, financial and operational risks.

Sections of the Local Government Act 1999 (the Local Government Act) relevant to audit and risk committees have been extensively updated as part of the suite of financial and governance accountability changes arising from the passage of the Statutes Amendment (Local Government Review) Act 2021.¹

Section 126 of the Local Government Act has, for some time, required that a council must have an audit committee. As part of the reforms, the scope of activity of the committee required under section 126 has been expanded to include risk management and functions relating to internal controls and internal audit. The description of the committee has been changed to ‘audit and risk committee’ to reflect its broader role.

Section 126A of the Local Government Act, which commenced on 30 November 2023, has introduced the ability for two or more councils to establish a regional audit and risk committee.

The purpose of an audit and risk committee in the local government sector is “to provide independent assurance and advice to the council on accounting, financial management, internal controls, risk management and governance matters.”²

2.1. Similarity with other council committees

While section 126 of the Local Government Act mandates that each council have an audit and risk committee³, the audit and risk committee is established under section 41 of the Local Government Act, just like any other committee of council.

Audit and risk committees can only act in accordance with the functions provided in section 126(4) of the Local Government Act and the committee terms of reference (unless delegated other powers or functions by council).

In most respects, audit and risk committees are like other council committees and are subject to the requirements of section 41 of the Local Government Act (for example, reporting and accountability, appointment of the presiding member) and relevant obligations in Chapter 5, Part 4—Member integrity and behaviour.

Further, consideration needs to be given to the application (or not) of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 and whether it is appropriate to determine discretionary meeting procedures given the nature and functions of audit and risk committees, noting that if the committee is making or enforcing standards or other controls, then the provision of Part 2 must apply to committee meeting procedures.

3. Committee membership

The Local Government Act and the Local Government (Financial Management) Regulations 2011 specify details for the membership of council audit and risk committees and together require that an audit and risk committee:

- must have between 3 and 5 members (inclusive)⁴
- must not include, as a member, the council’s auditor

¹ These changes commenced on 30 November 2023.

² Section 126(1a), Local Government Act 1999

³ Section 126 applies to a council that has not established a regional audit and risk committee under section 126A.

⁴ Regulation 17(1)(a), Local Government (Financial Management) Regulations 2011

- must have a majority of committee members who are not members of any council⁵
- when considered as a whole, must have members with skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter⁶ (of which there are currently none).
- May:
 - not include an employee of the council in its membership (although staff members typically would be present at meetings and provide services to an audit and risk committee)
 - include members of another council audit and risk committee or regional audit and risk committee.⁷

Section 41(6) of the Local Government Act allows the council to appoint the principal member (Mayor) of the council as an *ex officio* member of a committee. In these circumstances, the principal member is not taken to be included in the membership of the committee unless actually present at a meeting of the committee.

In determining membership of the audit and risk committee, it is open to the council to make an *ex officio* appointment of the principal member subject to complying with the membership requirements outlined above, i.e., there must be a majority of independent members and when considered as a whole, the committee must have the skills, knowledge and experience relevant to the functions of the committee.

Given that an *ex officio* member is only included in the membership of the committee when present at the meeting, this would effectively limit the number of ordinary members (including the independent members) to a maximum of four (at least 3 of which must be independent members) to ensure that the total audit and risk committee membership does not exceed the five member cap when the *ex officio* member is present at a meeting.

3.1. Transitional arrangements relating to membership

Regulation 14(a) of the *Local Government (Transitional Provisions) Regulations 2021* provides that a member of a council audit and risk committee holding office immediately before the commencement of the changes to section 126(2)⁸ may continue to hold office for the remainder of their term of appointment to the committee.

Regulation 14(b) provides that the requirement to have a majority of independent members and the overall skill/knowledge/experience requirements for the committee set out in section 126(2)(b) of the Local Government Act do not apply during a period of time that a member appointed to the committee prior to 30 November 2023 is continuing as a member of the audit and risk committee for the remainder of their term of appointment to the committee.

3.2. Committee member independence

Historically the local government sector has acknowledged that having more than one independent member, including an independent chair is best practice. Many councils have

⁵ Section 126(2)(a), *Local Government Act 1999*

⁶ Section 126(2)(b), *Local Government Act 1999*

⁷ Section 126(2)(c), *Local Government Act 1999*

⁸ Section 126(2)(a) requires the majority of the members of the committee must be persons who are not members of any council.

taken steps to improve the independence and standard of audit committee membership since the introduction of the requirement to establish an audit committee.

The audit and risk committee membership provisions now require a majority of independent members (being persons who are not a member of the council).

As noted previously, members of the audit and risk committee are also required to comply with register of interest⁹ and conflict of interest¹⁰ provisions set out within the Local Government Act, which supports members not acting in relation to matters where conflicts may exist.

The sector has also previously highlighted the separation of the roles of the principal member of council and the audit and risk committee chairperson as an important transparency consideration, on the basis that the principal member, in conjunction with the chief executive officer, certifies a council's financial statements.

While the appointment of the presiding member remains a matter for the elected council, consideration should be given to the separation of these roles.

Appointment of suitably qualified and experienced independent audit and risk committee members can present a challenge for some councils, particularly in regional areas. The legislation allows for councils to appoint persons who are members of another council audit and risk committee. This, coupled with the ability to convene audit and risk committee meetings via electronic means, may assist councils with achieving the membership requirements.

An employee of a council may not be appointed as a member of the audit and risk committee for their employing council. This does not preclude council employees from being appointed as an independent member of an audit and risk committee for a council where they are not an employee.

The obligation to have a majority of independent members must also be considered in conjunction with the requirement for the necessary skills, knowledge and experience of the committee when considered as a whole.

3.3. Skills, knowledge and experience

When considered as a whole, the audit and risk committee members are required to have skills, knowledge and experience relevant to the functions of the committee, including (at a minimum):

- Financial management
- Risk management
- Governance

Whilst the legislation specifies minimum skill, knowledge and experience requirements for the audit and risk committee as a whole, councils may determine additional requirements based on the operations and activities of the council. For example, asset management and cyber security have been identified as content areas growing in relevance for consideration by audit and risk committees.

When appointing new committee members, consideration should be given to the skills available amongst current members and any gaps determined. A skills matrix can assist in assessing the available skills and any gaps that need to be filled.

⁹ Register of interest provisions are set out in Chapter 5, Part 4, Division 1, Subdivision 2 of the *Local Government Act 1999*

¹⁰ Conflict of interest provisions are set out in Chapter 5, Part 4, Division 1, Subdivision 4 of the *Local Government Act 1999*

It is useful, but not essential, for audit and risk committee members to have direct experience in the South Australian local government sector. However, if a prospective committee member has relevant skills, knowledge and experience required by the committee without the local government knowledge, this can be addressed through an induction process that provides an understanding of local government in South Australia and the legislative framework that councils operate within.

A sample Skills Matrix, to assist with achieving requirements relating to skills, knowledge and experience of the committee as a whole is included in Appendix 1.

3.4. Presiding member

The responsibility to appoint a person as the presiding member, or make provision for the appointment, rests with council¹¹. Before determining an appointment, the council should have regard to a range of matters, including:

- the appointment process
- the term of appointment
- eligibility criteria (e.g., holding certain qualifications).

Given the nature and importance of the role of the presiding member, other factors to consider (in addition to the skills, knowledge and experience requirements discussed previously) as part of the selection and appointment process could include:

- ability to preside efficiently, firmly and fairly and to facilitate the meeting effectively
- expertise in chairing committee meetings in local government and understanding of prescribed meeting procedures
- understanding of relevant legislation, strategic and operational plans and the business of council
- strong communication skills, including the ability to promote effective working relationships among audit and risk committee members and with others, such as management and internal/external auditors.

The presiding member plays a pivotal role in the overall effectiveness of the audit and risk committee. As noted previously, separation of the role from the Principal Member (Mayor) warrants consideration as does the appointment of an independent presiding member.

The 'Audit committees—A guide to good practice' published jointly by the Auditing and Assurance Standards Board, the Australian Institute of Company Directors and the Institute of Internal Auditors-Australia, proposes that the chair of private sector audit committees should be an independent director and not the chair of the board¹². As such, the appointment of an independent presiding member to the council audit and risk committee would be consistent with private sector practice.

The template Audit and Risk Committee Terms of Reference set out in Appendix 2 propose that an independent presiding member be appointed.

¹¹ Section 41(4), *Local Government Act 1999*

¹² Auditing and Assurance Standards Board, Australian Institute of Company Directors and Institute of Internal Auditors-Australia 2017, '*Audit Committees-A Guide to Good Practice 3rd Edition*', page 32

3.5. Committee member induction and training

Audit and risk committee members should receive an induction to ensure that all members clearly understand the audit and risk committee terms of reference and the relationship with other relevant committees of council.

Noting the functions of the audit and risk committee, the induction process should include a briefing on the council's suite of strategic management plans, annual business plan and operating environment.

Details of information and training available to support audit and risk committee members should also be provided.

The LGA provides access to a range of financial sustainability publications and resources to members via the LGA website. This information is able to be accessed by independent audit and risk committee members, subject to them having a council provided email address for the purposes of logging in to LGA website.

4. Functions of the audit and risk committee

On 30 November 2023, changes to section 126 of the Local Government Act commenced, expanding the functions of audit and risk committees.

The Local Government Act¹³ sets out the functions of the audit and risk committee as:

- (a) *reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and*
- (b) *proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and*
- (c) *monitoring the responsiveness of the council to recommendations for improvement based on previous audits and risk assessments, including those raised by a council's auditor; and*
- (d) *proposing, and reviewing, the exercise of powers under section 130A; and*
- (e) *liaising with the council's auditor in accordance with any requirements prescribed by the regulations; and*
- (f) *reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis; and*
- (g) —
 - (i) *if the council has an internal audit function—*
 - (A) *providing oversight of planning and scoping of the internal audit work plan; and*
 - (B) *reviewing and commenting on reports provided by the person primarily responsible for the internal audit function at least on a quarterly basis; or*
 - (ii) *if the council does not have an internal audit function, reviewing and commenting on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures; and*
- (h) *reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis; and*

¹³ Section 126(4), Local Government Act 1999

- (i) reviewing any report obtained by the council under section 48(1); and
- (j) performing any other function determined by the council or prescribed by the regulations.

Relevant to subsection (4)(j) above, regulation 17B of the *Local Government (Financial Management) Regulations 2011* introduces a requirement for the council audit and risk committee to liaise with the council's auditor by meeting with the auditor on at least one occasion each year on a confidential basis. The regulations specify that a majority of members of the audit and risk committee must be present for the meeting and that no members or employees of the council should be present (other than council members who are members of the audit and risk committee).

4.1. Resourcing

The audit and risk committee operation and work program is resourced by the council and an appropriate budget/resource allocation should be considered as part of the annual business plan and budget process. The CEO is operationally responsible for ensuring that sufficient resources are made available to the Committee to discharge its legislated responsibilities, its terms of reference and the approved work program of the Committee. The consultation between the Committee, council and the CEO should balance the needs identified in the work program against the level of resources required.

4.2. Sitting Fees

Any sitting fees payable to independent members of audit and risk committees is a matter for council to determine. Sitting fees currently paid vary widely across the sector, ranging from \$380 to \$1000 per meeting.

The legislation does not specify any requirements in relation to sitting fees. Councils should have regard to the skill, knowledge and experience requirements for members of audit and risk committees in determining any sitting fees payable. It would also be appropriate to consider any review mechanisms, including whether an annual adjustment process should be adopted, for audit and risk committee sitting fees.

5. Internal audit

The introduction of section 125A—Internal audit function establishes the role of the audit and risk committee in relation to a council internal audit function.

The internal audit function is generally a formalised process of undertaking internal audits and reporting on these to council's audit and risk committee. It is separate from the internal controls processes (section 125 of the Local Government Act) which are mandatory for all councils to have in place.

The internal audit function is also not the mandatory application of the *Better Practice Model—Internal Financial Controls for South Australian councils* which is the standard by which auditors must assess the internal financial controls of councils.

Section 125A does not make it mandatory for councils to have an internal audit function, rather it sets mandatory requirements in circumstances where an internal audit function is established.

5.1. Role of the audit and risk committee in relation to internal audit

If a council has an internal audit function, the audit and risk committee is responsible for providing oversight of planning and scoping of the internal audit work plan and reviewing internal audit reports on at least a quarterly basis.¹⁴

If a council does not have an internal audit function, the audit and risk committee is responsible for reviewing and commenting on an annual report provided by the CEO in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures.¹⁵

5.2. Primary responsibility for the internal audit function

Before appointing a person to be primarily responsible for a council internal audit function (or assigning responsibility to an employee), the CEO must consult with the audit and risk committee.

Section 125A(2) establishes a direct reporting relationship between the person primarily responsible for the internal audit function and the audit and risk committee. This relationship should be considered when determining at which level 'primary responsibility' is to be assigned.

The obligation to consult the audit and risk committee arises in relation to any new appointment/assignment of 'primary responsibility for the internal audit function'.

Consultation should occur through placing a report on the agenda of the audit and risk committee. Noting the report will consider "suitability for a particular position", the CEO may indicate that the report be considered in confidence in accordance with section 90(3)(a) of the Local Government Act.

The report, along with a resolution of the audit and risk committee noting the proposed appointment, would provide evidence of the necessary consultation having taken place.

Importantly, consultation must occur with respect to the person to be appointed/assigned responsibility **before** the appointment/assignment is made. As such, this must be factored into the timeframe for any recruitment process. The audit and risk committee cannot veto any proposed appointment.

Consultation in relation to the appointment/assignment is required only for the person to be primarily responsible for the internal audit function. It is not necessary to consult with the audit and risk committee in relation to other officers acting in a support capacity to the person with primary responsibility for the internal audit function.

¹⁴ Section 126(4)(g)(i), *Local Government Act 1999*

¹⁵ Section 126(4)(g)(ii), *Local Government Act 1999*

5.3. Internal audit direct reporting to the audit and risk committee

Section 125A(2) of the Local Government Act provides that, despite any other law or instrument to the contrary, the person primarily responsible for the internal audit function:

- Must ensure that any reports they prepare relating to the internal audit function are provided directly to the audit and risk committee.
- May report any matters relating to the internal audit function directly to the audit and risk committee.

The intent of the requirements is to provide a direct pathway for information from the person primarily responsible for the internal audit function to the audit and risk committee. This means that reports for the Committee prepared by the person primarily responsible for the internal audit function must be presented **directly** to the committee, without going through a review or vetting process.

6. Meetings

Whilst section 126 of the Local Government Act specifies a range of requirements for the audit and risk committee a number of other legislative requirements need to be considered or determined in relation to the operation of the audit and risk committee.

These include:

- notification of meetings to the members of the committee and to the public
- the calling of special meetings
- the keeping and distribution of minutes
- the use of the confidentiality provisions at Sections 90 and 91 of the Local Government Act
- the application of regulated meeting procedures.

Importantly, an audit and risk committee is not exempt from the obligation to conduct its meetings in public.

6.1. Frequency and schedule

Section 126(5) of the Local Government Act prescribes that the audit and risk committee must meet at least quarterly. This does not preclude audit and risk committees meeting more frequently, it simply establishes the minimum number of meetings that must be held.

The meeting schedule of the audit and risk committee will likely be informed by the audit and risk committee work plan. The work plan will also likely support reporting by the audit and risk committee to council.

The example terms of reference, which must be approved by council, allow for the audit and risk committee to determine its meeting schedule.¹⁶

It is important to note section 87(3) of the Local Government Act provides that a resolution determining meeting times for a committee does not continue in operation after the

¹⁶ Section 87(1), *Local Government Act 1999*

subsequent general election. This means that a decision will be required from the new council to set, at a minimum, the first meeting time and place for the audit and risk committee after a general election. Subject to the Terms of Reference of the committee the schedule for other meetings of the committee may then be determined by the committee.

6.2. Procedures

As a committee of council, meetings of the audit and risk committee continue to be bound by requirements within the Local Government Act, such as those within Chapter 6 (Meetings), Part 2 (Committee meetings) and Part 3 (Public access to council committee meetings), along with relevant provisions of the *Local Government (Procedures at Meetings) Regulations 2013*.

It is important to note that Regulation 5 of the *Local Government (Procedures at Meetings) Regulations 2013* states that the provisions of Part 2—Meetings of councils and key committees apply to “*the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.*” This requires an active decision of the council to apply Part 2 of the regulations. The template terms of reference in Appendix 2 include optional text relating to the application of the regulations to the audit and risk committee.

Section 126(6) states the following in relation to procedures to be observed at a meeting of the audit and risk committee:

- (6) *Subject to this Act, the procedure to be observed at a meeting of a council audit and risk committee will be—*
 - (a) *as prescribed by regulation; or*
 - (b) *insofar as the procedure is not prescribed by regulation—as determined by the committee.*
- (7) *Without limiting subsection (6)(a), regulations under that subsection may provide for circumstances in which the public may be excluded from attendance at a meeting of a council audit and risk committee.*

Audit and risk committee meetings may be held using electronic means, subject to the requirements of section 90(7a) of the Local Government Act. The template terms of reference provided in Appendix 2 include procedures to be observed for attendance at committee meetings using electronic means.

6.3. Public access and confidentiality

The starting premise is that audit and risk committee meetings are required to be conducted in a place open to the public and attendance by the public is facilitated through notification of meeting details.

Section 88 of the Local Government Act sets out the requirements for giving of public notice of committee meetings, which includes the publication of the meeting notice and agenda on the council website.¹⁷

¹⁷ Section 132 of the *Local Government Act 1999* specifies the requirements for provision of access to documents which includes the obligation for councils to publish a document referred to in Schedule 5 of the Local Government Act on a website determined by the CEO.

In certain circumstances, the Committee may form the view that it is necessary to exclude the public in relation to its consideration of a particular matter. This may occur where the Committee considers that the need for confidentiality outweighs the principle of open decision making and a basis for doing so is provided for in section 90(3) of the Local Government Act.

As such, should the Committee wish to hold a confidential session, the Committee must have regard to the confidentiality provisions set out in section 90(3) of the Local Government Act and will make an order excluding the public in the appropriate circumstances.

If such an order is made, the minutes must detail:

- The grounds on which the order was made.
- The basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made.
- If relevant, the reasons that receipt, consideration or discussion of the information or matter at a meeting open to the public would be contrary to the public interest.

6.4. Confidential meeting with external auditor

Regulation 17B¹⁸ of the *Local Government (Financial Management) Regulations 2011* requires the Committee to liaise with the council's auditor by meeting with the auditor on at least one occasion each year on a confidential basis.

Whilst this meeting is required to exclude members of the public and members or employees of council (other than council members who are members of the Committee), it is still necessary to comply with the meeting notice and other procedural requirements.

From a practical perspective, this discussion could be scheduled to occur in conjunction with a regular Committee meeting. If this approach is adopted, the item should be included in the confidential section on the Agenda for the Committee, noting it is the discussion required by regulation 17B.

Despite the regulation providing for the discussion to occur in confidence, it is appropriate for the Committee to make an order to exclude the public from attendance at the meeting during the discussion with the auditor. The relevant provision within section 90(3) is:

- (g) *matters that must be considered in confidence 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.*

It may also be that, depending on the circumstances and the matters to be discussed, other grounds within section 90(3) are relevant to the Committee's determination.

Incorporating the discussion as an item on the Committee meeting agenda provides legal certainty regarding the process for excluding persons other than Committee members, and also ensures appropriate records regarding who is in attendance can be maintained (noting the requirement in regulation 17B that a majority of the Committee members must be in attendance).

¹⁸ This regulation commenced operation on 30 November 2023.

The LGA Confidentiality Guidelines provide information on the use of confidentiality provisions. The following is an example of orders that could be used to facilitate the Committee discussion with the external auditor in confidence.

Confidentiality Order under Section 90(3)(g)

1. Pursuant to section 90(2) and 90(3)(g) of the *Local Government Act 1999* the Audit and Risk Committee orders that the public be excluded from attendance at that part of this meeting relating to Agenda Item **[insert item number and title]**, except the following persons:

- **[insert names/description of external auditor representatives who may remain]**

to enable the Audit and Risk Committee to consider Item **[insert item number]** in confidence on the basis the Committee considers it necessary and appropriate to act in a meeting closed to the public (excepting those persons listed above) in order to receive, discuss or consider in confidence the matter relating to Item **[insert item number]** in order to ensure that the Committee does not breach a legal obligation or duty being, the requirement under Regulation 17B of the *Local Government (Financial Management) Regulations 2011* to liaise with the council's auditor by meeting with the auditor on at least one occasion each year on a confidential basis in circumstances where a majority of the members of the Committee are present and no member or employees of the council are present (other than members who are members of the committee).

2. Accordingly, on this basis, the principle that meetings of the Committee should be conducted in a place open to the public has been outweighed by the need to keep the information or matter confidential.

Section 91(7) Order

1. Pursuant to Section 91(7) of the *Local Government Act 1999*, the Audit and Risk Committee orders that the discussion relating to Agenda Item **[insert item number and description]** shall be kept confidential, on the grounds that the discussion relates to information, which if disclosed, may result in a breach of a legal obligation or duty being, the requirement under Regulation 17B of the *Local Government (Financial Management) Regulations 2011* to liaise with the council's auditor by meeting with the auditor on at least one occasion each year on a confidential basis in circumstances where a majority of the members of the Committee are present and no member or employees of the council are present (other than members who are members of the committee).

2. This order shall operate:

- **[for a period of (insert period of time e.g. 6 months, 18 months); OR**
- **Until (trigger can be an event e.g. until further order has been made, until execution of a contract etc)]**

and be reviewed every 12 months **[if the confidentiality period is longer than 12 months in duration]**.

3. Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates to the Chief Executive Officer **[or insert other officer title]** the power to revoke this order in whole or part.

Given the requirement that no council employee remain present during the meeting with the external auditor, the Presiding Member must ensure minutes are kept.

7. Terms of reference

Terms of reference should be prepared for audit and risk committees. This document should encapsulate minimum requirements set out in the legislation and may also be tailored to the specific needs and circumstances of individual councils.

A Terms of Reference details the audit and risk committee's role and responsibilities, composition, membership requirements, level/delegation of authority and processes and should be determined and endorsed by the council.

Appendix 2 provides a template terms of reference for an audit and risk committee. These are provided to assist councils in formulating their own terms of reference for their own Committees. The template document is intended to not only meet the requirements of the Local Government Act but to also embody examples of good practice for the operation of audit and risk committees. The template must be adapted to suit individual council requirements.

8. Work plan

A work plan should be developed, in consultation with the council and CEO, to support the audit and risk committee with the delivery of its functions.

The work plan should address issues that fall within the functions assigned to the audit and risk committee within the Local Government Act and the activity areas determined by council as set out within the audit and risk committee terms of reference.

To support the development of the work plan, audit and risk committee members should have access to information about:

- Strategic management plans, including the annual business plan and budget.
- Financial performance and position of the council.
- Endorsed financial targets and key financial indicators.¹⁹
- Long term financial plan and asset and infrastructure management plan(s).²⁰

The work plan should be updated throughout the year to reflect progress against planned activities. This may include adding further tasks that are identified throughout the year, subject to resourcing/capacity. The work plan can form the basis of the reports the audit and risk committee must provide to the council.

A sample work plan is provided in Appendix 3.

The sample work plan is intended to provide guidance only. The sample work plan should be modified to take account of local circumstances, including resource availability and priorities aligned with council strategic management plans and annual business plan to ensure the work of the audit and risk committee adds value relative to costs.

¹⁹ See *Financial Sustainability Information Paper No. 5: Local Government Financial Indicators* (available at lga.sa.gov.au/members/financial-sustainability/financial-sustainability-information-papers)

²⁰ See *Financial Sustainability Information Paper No. 8: Long Term Financial Plans* (available at lga.sa.gov.au/members/financial-sustainability/financial-sustainability-information-papers)

9. Reporting

9.1. BY the audit and risk committee

—After each meeting

Section 126(8)(a) of the Local Government Act requires the audit and risk committee to provide a report to the council after each meeting, summarising the work of the committee during the period preceding the meeting and the outcomes of the meeting.

Ordinarily, the minutes of the audit and risk committee are presented to council following each meeting of the Committee. This process allows the council to consider recommendations from the Committee and make decisions regarding the preferred course of action.

In circumstances where the Committee has been delegated authority for decision making in certain matters, the council might note the exercise of delegated powers/functions by the Committee.

The reporting obligation is in addition to the presentation of the audit and risk committee meeting minutes and would ideally be informed by the audit and risk committee work plan.

There are no prescribed requirements for the format, structure or content of the report. It is a matter for the council to determine whether it requires the presiding member of the audit and risk committee to attend council meetings to present this report following each meeting of the Committee.

One option to action this regular reporting requirement is for a draft report summarising the work of the audit and risk committee to be included on the agenda for each meeting of the Committee. This would provide the opportunity for all members of the audit and risk committee to consider and finalise the content of the report. The report would then need to be presented to council and could accompany the presentation of the minutes of the Committee meeting.

—Annually

Section 126(8)(b) of the Local Government Act requires the audit and risk committee to provide an annual report to the council on the work of the Committee during the reporting period.

The council is also obligated to ensure that the annual report of the audit and risk committee is included in the annual report of the council.²¹

Noting this requirement, it would be appropriate to schedule the timing of preparation of the audit and risk committee annual report to occur at the same time as the overall council annual report (i.e., on a financial year basis).²²

There are no prescribed requirements for the format, structure or content of the annual report. When preparing the content for the report, consideration should be given to the fact that it will be a public document so any confidential matters actioned by the Committee should be reported in accordance with any confidentiality orders in place.

²¹ Section 126(9), *Local Government Act 1999*

²² Section 131 and Schedule 4 of the *Local Government Act 1999* set out requirements for the council annual report. See the LGA Annual Report Guidelines available via [Governance policies, codes and guidelines | LGA South Australia](#) for more detail on the preparation of an annual report.

The audit and risk committee annual report should include general information relating to the operations of the Committee, such as:

- Committee membership
- Meetings scheduled and attended
- Activities of the Committee
- Progress against the Committee workplan

The annual report may also include, where appropriate, the Committee's comments on:

- Any areas of accounting treatment that are open to discretion and in particular have material impact on reported financial performance or position of the council.
- The veracity of financial information included in publications for external audiences.
- The adequacy of asset values and depreciation methodology.
- The adequacy of strategies to minimise the likelihood of occurrence and adverse consequence for obvious and major internal and other risks.
- The adequacy of arrangements for employees to confidentially raise concerns of alleged malpractice in accordance with legislative provisions.
- The effectiveness of the internal audit function, where this exists (in particular, the adequacy of the internal audit function for managing the risks to which the council's operations are exposed).
- The arrangements in place for initiating and undertaking efficiency and economy audits.
- The conformity of the appointment arrangements of the external auditor with legislative provisions.
- Its monitoring of progress in response to its previous recommendations regarding areas requiring improvement (including matters raised by the Council's external auditor).

It is a matter for the council to determine whether it requires the presiding member of the audit and risk committee to attend the relevant council meeting to present the annual report of the Committee.

—Self assessment

In the process of preparing its annual report to council, the audit and risk committee may wish to consider undertaking self-assessment of its performance over the previous twelve months. The self-assessment should be prepared following consultation with all audit and risk committee members and may include:

- understanding of its role and responsibilities.
- membership (composition, skills, knowledge and experience).
- conduct of meetings including frequency, length, attendance, quality of meeting papers and participation of members.
- objectivity and independence of its operation over the reporting period.
- adequacy of resources available to the committee.
- relevance and clarity of its work program for the reporting period.
- outcomes achieved in its work program.
- effectiveness in providing advice and recommendations to council and/or management about actions to be taken to enhance financial governance.
- activities undertaken and their relevance to its terms of reference.

A sample self-assessment tool is provided in Appendix 4.

9.2. TO the audit and risk committee

—Regularly

The person primarily responsible for the internal audit function must ensure that any reports they prepare are provided directly to the audit and risk committee. Given meeting frequency requirements for the audit and risk committee, this must occur at least quarterly.

—Annually

Section 99(1)(ib) of the Local Government Act requires the CEO to report annually to the relevant audit and risk committee on the council's internal audit processes.

Irrespective of the arrangement in place for delivery of internal audit processes at a council (e.g., some council may have a dedicated internal audit function whereas others may engage external providers for internal audit services), a report must be provided to the audit and risk committee on an annual basis.

There is no prescribed format or timeframe for the report, so it is at the discretion of the CEO to determine when the annual report will be prepared. It may be appropriate to align the timing of the preparation of the report with other council annual reporting requirements.

For a council that does not have an internal audit function, the audit and risk committee also has a role to review and comment on an annual report provided by the CEO in relation to the policies and processes adopted by the council to evaluate and improve the effectiveness of its internal control practices and procedures. This obligation is in addition to the report required of the CEO under section 99(1)(ib).

10. Regional audit and risk committees

Section 126A of the Local Government Act creates the ability for two or more councils to establish a regional audit and risk committee. It is intended that such committees would operate in substitution for an audit and risk committee established by a single council. The statutory functions of a regional audit and risk committee are essentially the same as a committee established by a single council.

On its face, the ability for a group of councils to establish a single committee to exercise the functions of an audit and risk committee for that group collectively has some merit. However, as the legislation presently stands, there is some doubt about how such committees would operate in practice. Accordingly, councils considering establishing a regional audit and risk committee should seek specific advice regarding the operation of that committee.

There is a lack a clarity within the Local Government Act as to whether a regional audit and risk committee is intended to function as a Section 41 committee of the respective councils. The drafting of Section 41 of the Act does not appear to contemplate its application to committees established by more than one council. Because of this, some of the issues regarding the establishment and operation of regional audit and risk committees identified include:

- protection from liability for committee members: Section 41(12)-(13) provide a protection to members of council committees for honest acts or omissions in the exercise, performance and discharge, or purported exercise performance and discharge, of the member or committees' powers, functions and duties and for any liability to attach to the council

instead of the member. It is not clear how this provision would apply to a member of a regional audit and risk committee, if at all.

- meeting procedural requirements: Section 41 committees operate in accordance with Section 89 and the relevant provisions of the *Local Government (Procedures at Meetings Regulations) 2013*. It is not clear how these provisions operate with respect to regional audit and risk committees, if at all, or whether separate meeting procedures ought be established under Section 126A(6) of the Local Government Act.
- admitting and excluding the public at committee meetings: Section 126A(7) provides for the making of regulations to provide for circumstances when the public may be excluded from regional audit and risk committee meetings. If such committees are not taken to be Section 41 committees, then the Section 90 provisions for excluding the public would not apply, and there are currently no regulations.
- calling of meetings and provision of minutes: the notice of meetings for council committee meetings are provided by the CEO of the council under Section 87(7) of the Local Government Act. If a committee is established by multiple councils, it is not clear how this provision would operate in practice and who would be responsible for undertaking the relevant administrative tasks associated with the calling of the meeting. In addition, under Section 91(3) of the Local Government Act, minutes of council committee meetings, including confidential minutes, must be supplied to all members of the council – if this provision is taken to apply to regional audit and risk committees, then there may be a need to supply members with minutes that relate to matters that concern a council they are not a member of.
- Conflict of interest, register of interest and other integrity provisions: depending on what status regional audit and risk committees hold, the deeming provisions in Sections 62(7), 72 and 75D of the Local Government Act pertaining to conflict and register of interest provisions, as well as the general duty provisions, may or may not operate in respect of members and meetings. Lack of clarity in this regard is concerning for the transparency and accountability of regional audit and risk committee processes.

The LGA intends to liaise with the State Government regarding the current legislation, with a view to clarifying the issues identified.

This Information Paper will be updated with further information on the operation of regional audit and risk committees when it becomes available.

If the establishment of a Regional Audit and Risk Committee is something your council wishes to pursue you are encouraged to contact the LGA Governance Team to discuss the operation of these provisions before beginning the process.

10.1. Regional audit and risk committee membership

Regional audit and risk committees must be constituted on the basis that the majority of the members of the committee must be persons who are not members of any council²³.

²³ *Local Government Act 1999*, section 126A(3)(a)

The members of the committee (when considered as a whole) must have skills, knowledge and experience relevant to the functions of the committee, including in financial management, risk management, governance and any other prescribed matter²⁴.

The membership of the committee²⁵:

- May not include an employee of a constituent council (although an employee may attend a meeting of the committee if appropriate).
- May include, or be comprised of, members of a council audit and risk committee or another regional audit and risk committee.
- Must otherwise be determined in accordance with the requirements of the regulations.

Regulation 17A of the *Local Government (Financial Management) Regulations 2011* specifies that a regional audit and risk committee established by two or more councils:

- must have between three and five members (inclusive) and
- must not include, as a member, a constituent council's auditor under section 12 of the Local Government Act.

10.2. Regional audit and risk committee purpose and function

The purpose of the regional audit and risk committee is *'to provide independent assurance and advice to those councils on accounting, financial management, internal controls, risk management and governance matters'*.²⁶

The functions of the regional audit and risk committee include:

- Reviewing annual financial statements to ensure that they present fairly the state of affairs of the constituent councils.
- Proposing and providing information relevant to, a review of the constituent councils' strategic management plans or annual business plans.
- Monitoring the responsiveness of the constituent councils to recommendations for improvement based on previous audits and risk assessments, including those raised by a constituent council's auditor.
- Proposing, and reviewing, the exercise of powers under section 130A—Other investigations.
- Liaising with the constituent councils' auditors in accordance with any requirements prescribed by the regulations.
- Reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the constituent councils on a regular basis.
- In relation to a constituent council that has an internal audit function – providing oversight of planning and scoping of the internal audit work plan and reviewing and commenting on reports provided by the person primarily responsible for the internal audit function on at least a quarterly basis.

²⁴ *Local Government Act 1999*, section 126A(3)(b)

²⁵ *Local Government Act 1999*, section 126A(3)(c)

²⁶ *Local Government Act 1999*, section 126A(2)

- In relation to a constituent council that does not have an internal audit function – reviewing and commenting on an annual report provided by the CEO in relation to policies and processes adopted to evaluate and improve the effectiveness of internal control practices and procedures (which is a new role of the CEO set out in section 99(1)(ib) and which also commenced 30 November 2023).
- Reviewing and evaluating the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis (this aligns with the new role of the CEO set out in section 99(1)(ia) which also commenced on 30 November 2023).
- Reviewing any report obtained by a constituent council under section 48(1) (Prudential requirements for certain activities) of the Local Government Act.
- Performing any other function determined by the constituent councils or prescribed by the regulations.

Regulation 17B of the *Local Government (Financial Management) Regulations 2011* requires a regional audit and risk committee to liaise with the constituent councils' auditor by meeting with the auditors on at least one occasion each year on a confidential basis. The regulation specifies that a majority of members of the regional audit and risk committee must be present for the meeting and that no members or employees of the council should be present (other than council members who are members of the regional audit and risk committee).

11. Audit committees of council subsidiaries

11.1. Single-council subsidiaries

A subsidiary established by a single council under section 42 of the Local Government Act must have an audit committee.

Subject to the regulations, membership of the audit committee will be determined by the council, and may include members of the council's audit and risk committee.

Regulation 17(2) of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a council subsidiary:

- (a) must have between 3 and 5 members (inclusive); and
- (b) must include at least 1 person who is not a member of the board of management of the subsidiary and who is determined by the council to have financial experience relevant to the functions of the audit committee; and
- (c) must not include, as a member, the council's auditor under section 128 of the Local Government Act or the auditor of the subsidiary under Part 6.

The functions of a single-council subsidiary audit committee are set out in Schedule 2, Part 1, clause 13 of the Local Government Act and include:

- Reviewing annual financial statements to ensure they provide a timely and fair view of the state of affairs of the subsidiary.
- Liaising with external auditors.
- Reviewing the adequacy of the accounting, internal audit, reporting and other financial management systems and practices of the subsidiary on a regular basis.

11.2. Regional subsidiaries established by two or more councils

A regional subsidiary must, unless exempted by regulation, establish an audit committee.

Subject to the regulations, membership of the audit committee will be determined by the constituent councils and may include members of a regional audit and risk committee established by any of the constituent councils or a council audit and risk committee established by any of the constituent councils.

Regulation 17(3) of the *Local Government (Financial Management) Regulations 2011* provides that the audit committee of a regional subsidiary:

- (a) must have between 3 and 5 members (inclusive).
- (b) 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.
- (c) may include members who are members of a constituent council.
- (d) must not include, as a member, a constituent council's auditor under section 128 of the Local Government Act or the auditor of the subsidiary under Part 6.

The functions of a regional subsidiary audit committee are set out in Schedule 2, Part 2, clause 30 of the Local Government Act and include:

- Reviewing annual financial statements to ensure they provide a timely and fair view of the state of affairs of the subsidiary.
- Liaising with external auditors.
- Reviewing the adequacy of the accounting, internal audit, reporting and other financial management systems and practices of the subsidiary on a regular basis.

Appendix 1 – Audit and risk committee sample skills matrix

The following skills matrix is provided as a sample. It incorporates the minimum skills, knowledge and experience requirements specified in section 126 of the Local Government Act. If a council adopts the use of a skills matrix, it should consider additional requirements that may be specific to the audit and risk committee and amend the matrix accordingly.

Skills Matrix - Rating Scale					
0	1	2	3	4	5
<p>No prior experience in the relevant subject area</p>	<p>Limited exposure to the relevant subject area. For example, one or more of:</p> <ul style="list-style-type: none"> - Holding a degree or relevant qualification but no specific role or accountability in the subject area - Familiarity with the field through having a senior role in an organisation but no specific role in this field - Familiarity with the field in management of an entity not specialising in this field 	<p>Some experience in relevant subject area For example – one or more of:</p> <ul style="list-style-type: none"> - A relevant qualification and 1-3 years' experience in a role within the subject area - Detailed experience in this field gained through management in an entity not specialising in this field 	<p>Demonstrated experience in the relevant subject area For example – one or more of:</p> <ul style="list-style-type: none"> - A relevant qualification and 5+ years' experience in a role within the subject area - Professional Membership in the subject area - Management experience in this field in an entity specialising in this field - Audit and Risk Committee positions held in other entities 	<p>Strong expertise and detailed technical understanding of the subject area For example – one or more of:</p> <ul style="list-style-type: none"> - A relevant qualification and 2-5 years' experience in an executive or senior leadership role with direct accountability for this subject area. - Professional Membership in the subject area - 5+ years' experience in an executive or senior leadership role in a professional firm with specialisation in the subject area - Audit and Risk Committee positions held for Councils 	<p>Advanced expertise and sophisticated and strategic understanding in the subject area For example – one or more of:</p> <ul style="list-style-type: none"> - A relevant qualification and 5+ years' experience in an executive or senior leadership role with direct accountability for this subject area - Professional Membership in the subject area - 10+ years' experience in an executive or senior leadership role in a professional firm with specialisation in the subject area - 8+ years' experience in Audit and Risk Committee positions held for Councils.

The skills matrix should be completed in relation to all members of the audit and risk committee. For existing members, it may be appropriate to undertake a self-assessment to determine any skills gaps that may need to be addressed for future member appointments. For new members, it would be appropriate for the skills matrix to be completed as part of the appointment process and prior to appointment.

Skills Matrix – Member Assessment			
Subject Area	Definition	Evidence examples	Rating
Financial Management	<p>Understanding of the field of accounting, financial reporting, internal controls, including knowledge of relevant accounting standards.</p> <p>Able to contribute to the oversight of budgeting and long-term financial planning.</p> <p>Holds a formal qualification in accounting , finance, or internal audit</p> <p>Holds a professional membership in accounting, finance, or internal audit</p>	<p>An Accounting, Commercial or Business Degree at Undergraduate or Post Graduate level.</p> <p>Has achieved certification for the Institute of Internal Auditors and holds Professional Membership status.</p> <p>Holds a Professional Membership in CPA, CA or IPA</p> <p>Experience in this field</p>	
Risk Management	<p>Experience in systematic risk identification, evaluation, assurance, monitoring and review of key business risks.</p>	<p>Holds a qualification/certification in risk management.</p> <p>Level of experience assisting in the development of risk management frameworks, registers, policies and procedures</p> <p>Experience in this field</p>	
Governance	<p>Understanding of Governance Matters</p>	<p>Relevant qualification in Business or Law.</p> <p>Membership of the Australian Institute of Company Directors.</p> <p>Experience in this field</p>	
Local Government	<p>Experience with Local Government in South Australia</p>		

The results assessment table provides a consolidated summary of skills held by all committee members. It allows for easy identification of any skills/knowledge/experience gaps to inform future appointments.

To populate the results assessment table transfer individual member ratings from the Member Assessment form, using one column for each member.

Skills Matrix – Results Assessment					
Skills	Member 1	Member 2	Member 3	Member 4	Member 5
Financial Management					
Risk Management					
Governance					
Local Government					

Appendix 2 – Template audit and risk committee terms of reference

The template terms of reference set out on the following pages are intended to be customised to suit council requirements. The document includes drafting notes that should be deleted prior to finalisation of the document. Drafting notes are formatted with a border, like this:

DRAFTING NOTE: Subject to individual council requirements, the legislative provisions set out in clause 2.1 below may be sufficient detail about the functions/activities of the audit and risk committee.

Where specific customisation of text is required within the Terms of Reference, or there are specific decisions required to retain text, this has been highlighted in yellow, like this, for ease of identification.

[Council Logo]

Audit and Risk Committee Terms of Reference

Document reference:	[reference number]
Responsible department:	[name]
Responsible officer:	[name]
Date adopted:	[date]
Next review date:	[date]
Applicable legislation:	Local Government Act 1999 Local Government (Financial Management) Regulations 2011 Local Government (Procedures at Meetings) Regulations 2011

1. Establishment and Purpose

- 1.1 The purpose of the Audit and Risk Committee (the Committee) is to provide independent assurance and advice to Council on accounting, financial management, internal controls, risk management and governance matters.
- 1.2 The Committee is established in accordance with the requirements of sections 126 and 41 of the *Local Government Act 1999* (the Local Government Act).

2. Functions

DRAFTING NOTE: Subject to individual council requirements, the legislative provisions set out in clause 2.1 may provide sufficient detail about the functions/activities of the audit and risk committee.

*If further detail is preferred, the subsequent clauses provide examples of activities at a greater level of detail, aligned to the full scope of functions assigned to the audit and risk committee. These are not exhaustive, nor mandatory. They are provided as **examples** only.*

Before adopting the Terms of Reference the level of detail to be included should be determined and the clauses below should be specifically reviewed and confirmed for inclusion based on individual council requirements.

When finalising this section of the Terms of Reference ensure that clauses that are not required are deleted.

2.1 The Local Government Act assigns the following functions to audit and risk committees:

- (a) Review annual financial statements to ensure that they present fairly the state of affairs of the council.
- (b) Propose and provide information relevant to, a review of the council's strategic management plans or annual business plan.
- (c) Monitor the responsiveness of the Council to recommendations for improvement based on previous audits and risk assessments, including those raised by the Council's auditor.
- (d) Propose and review the exercise of powers under section 130A.
- (e) Liaise with the Council's auditor in accordance with any requirements prescribed by the regulations.
- (f) Review the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis.
- (g) —

If the council has an internal audit function, provide oversight of planning and scoping of the internal audit work plan and review and comment on reports provided by the person primarily responsible for the internal audit function on at least a quarterly basis.

If the council does not have an internal audit function, review and comment on an annual report provided by the chief executive officer in relation to the policies and processes adopted by the Council to evaluate and improve the effectiveness of its internal control practices and procedures.

- (h) Review and evaluate the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.
- (i) Review any prudential report obtained by the council under section 48(1).
- (j) Make recommendations to the Council on the appointment of the Auditor pursuant to section 128 of the Local Government Act.
- (j) Perform any other function referred to it by the Council, another Council Committee or prescribed by the regulations.

2.2 Consistent with the legislative functions assigned to audit and risk committees, the Committee will undertake the following activities:

2.3 Financial Reporting

- 2.3.1 Monitor the integrity of the financial statements of the Council, reviewing significant financial reporting issues and judgements which they contain.
- 2.3.2 Review and challenge where necessary:
- The consistency of, and/or any changes to, accounting policies.
 - The methods used to account for significant or unusual transactions where different approaches are possible.
 - Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor.
 - The clarity of disclosure in the Council's financial reports and the context in which statements are made.
 - All material information presented with the financial statements.
- 2.3.3 Provide advice to Council relevant to budget reviews undertaken in accordance with the Local Government Act and Regulation 9 of the *Local Government (Financial Management) Regulations 2011*, including in relation to any revisions to the forecast Key Financial Indicators.

2.4 Management plans and business plans

- 2.4.1 As the time of preparation or scheduled review, provide advice relevant to the scope of the Committees functions on the Council's strategic management plans, which may include:
- Community/Strategic Plan
 - Long Term Financial Plan
 - Annual Business Plan and Budget
 - Infrastructure and Asset Management Plan.

2.5 Internal controls

- 2.5.1 Review the adequacy of Council's internal controls framework, processes and systems.

2.6 Risk management

- 2.6.1 Review the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks on a regular basis.
- 2.6.2 Monitor responsiveness to recommendations for improvement based on previous audits and risk assessments, including those raised by Council's auditor.

2.7 Internal audit

- 2.7.1 Liaise with the CEO in relation to the appointment of a person, or the assignment of responsibility to an employee of the council, to be primarily responsible for the internal audit function.
- 2.7.2 Receive and comment on reports provided by the person primarily responsible for the internal audit function.

- 2.7.3 **[if the council has an internal audit function]** Provide oversight of planning and scoping of the internal audit work plan.
- 2.7.4 Review internal audit reports on the council operations.
- 2.7.5 Review and monitor management's responsiveness to internal audit findings and recommendations.
- 2.7.6 **[if the council does not have an internal audit function]** Review and comment on an annual report provided by the Chief Executive Officer in relation to the policies and processes adopted by the Council to evaluate and improve the effectiveness of its internal control practices and procedures.

2.8 External audit

- 2.8.1 Make recommendations to the Council in relation to the selection, appointment and removal of the Council's external auditor.
- 2.8.2 Assess the quality and effectiveness of the external audit conducted and evaluate the performance of the auditor, including:
 - Review the scope and terms of the audit and the audit fee, including a review on non-audit services provided by the external auditor.
 - Review the audit plan for coverage of material risks and financial reporting requirements.
 - Monitor and review the auditors independence and objectivity.
 - Discuss matters relating to the conduct of the audit, including any difficulties encountered, any restrictions on scope of activities or access to information, significant disagreements with management and the adequacy of management response.
- 2.8.3 Review the findings of the audit with the external auditor, including but not limited to:
 - A discussion of any major issues which arose during the external audit.
 - Any accounting and audit judgements.
 - Levels of errors identified during the external audit.
- 2.8.4 Review any representation letter requested by the external auditor before they are signed by management.
- 2.8.5 Review the subsequent audit management letter from the external auditor and management's proposed response, by the Council, to the external auditor's findings and recommendations in that audit management letter.
- 2.8.6 Meet with the external auditor on at least one occasion each year on a confidential basis, ensuring that a majority of members of the Committee are present for the meeting and that no members or employees of the council are present (other than council members who are members of the Committee).

2.9 Other matters

- 2.9.1 Review any report obtained by Council under section 48(1) of the Act in accordance with Council's Prudential Management Policy.
- 2.9.2 Propose and review the exercise of powers under section 130A of the *Local Government Act 1999* to examine and report on any matter relating to financial

management or the efficiency and economy of resource use to achieve council objectives not otherwise addressed as part of an annual audit and of such significance to warrant specific consideration.

- 2.9.3 Make recommendations to Council in relation to development of new and review of existing policies within the scope of the Committee's functions.

3. Membership

- 3.1 The Committee shall comprise [insert number - *must be between 3 and 5*] members appointed by the Council, with [insert number – *must be a majority*] being independent members and [insert number] Council Member[s].
- 3.2 When considered as a whole, the Committee must have skills, knowledge and experience relevant to the functions of the Committee, including in financial management, risk management, governance and any other prescribed matter.
- 3.3 The term of appointment for independent members will be up to [insert length of term of appointment in months/years] and appointment timing will be managed such that it does not align with council elections, to provide for continuity of Committee membership across terms of Council.

DRAFTING NOTE: The following clause is included for circumstances where a council wishes to impose a maximum number of terms for independent audit and risk committee members. It should be deleted if not required.

- 3.4 Independent Committee members are eligible for reappointment up to a maximum of [insert number of terms if a cap is to be applied] terms.
- 3.5 The term of appointment for Council Members will be [insert length of term of appointment in months/years].

DRAFTING NOTE: The following clause is included for circumstances where a council wishes to impose a maximum number of terms for council members appointed to the audit and risk committee. It should be deleted if not required.

- 3.6 Council Members are eligible for reappointment up to a maximum of [insert number of terms if a cap is to be applied] terms.

4. Presiding Member

DRAFTING NOTE: The appointment of the Presiding Member is a matter for council to determine. It is at the discretion of the council whether an independent member is appointed to the role. The clause below refers to the appointment of an independent member as Presiding Member, consistent with good practice.

Should it determine to do so, the council may include arrangements for the appointment of the Presiding Member by the Committee (rather than making the appointment directly) within the Terms of Reference.

The clause should be amended to reflect the decision of the council regarding the appointment of the Presiding Member.

- 4.1 The Council shall appoint the Presiding Member from amongst the Independent Members.

- 4.2 The role of the Presiding Member is to:
- 4.2.1 Oversee the orderly conduct of meetings in accordance with the Local Government Act, the *Local Government (Procedures at Meetings) Regulations 2013* and other procedures relevant to the Committee.
 - 4.2.2 Ensure that the Guiding Principles at Regulation 4 of the *Local Government (Procedures at Meetings) Regulations 2013* are observed and that all Committee members have an opportunity to participate in deliberations of the Committee.
 - 4.2.3 Certify, along with the Chief Executive Officer and in accordance with Regulation 22 of the *Local Government (Financial Management) Regulations 2001*, the 'Independence of External Auditor' as part of the end of financial year audit process.

DRAFTING NOTE: The following **optional** clause has been included to provide for the appointment of a Deputy Presiding Member or circumstances where the Presiding Member is absent.

Clause 4.3 and 4.3.1 should be deleted if not required. Consideration should be given to retaining an amended version of clauses 4.3.2 and/or 4.3.3 to provide for circumstances when the presiding member is absent.

4.3 Deputy Presiding Member

- 4.3.1 The Committee will determine if there will be a Deputy Presiding Member of the Committee and, if so, the Committee will make the appointment to that position for a term determined by the Committee.
- 4.3.2 If the Presiding Member of the Committee is absent from a meeting the Deputy Presiding Member (if such position exists) will preside at that meeting.
- 4.3.3 If there is no position of Deputy Presiding Member, or both the Presiding Member and the Deputy Presiding Member of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at the meeting until the Presiding Member (or Deputy Presiding Member, if relevant) is present.

5. Meetings

DRAFTING NOTE: The following clauses should be amended to reflect the arrangements in place for the scheduling of meetings. The endorsement of the Terms of Reference by Council that specify the Committee will determine its own meeting schedule satisfies the requirements of section 87(1) of the Local Government Act 1999.

- 5.1 The Committee will meet at least once in each quarter, with meeting dates and times determined by the [Council/Committee].
- 5.2 Meetings will be held at [insert details of location of meetings].
- 5.3 Notice confirming the venue, time and date, together with an agenda of items to be discussed shall be provided to each member of the Committee no later than three clear days before the meeting.

- 5.4 Subject to the operation of section 90 of the Local Government Act, and in accordance with the requirements of section 132 of the Local Government Act, the agenda and minutes of the Committee will be published on a website determined by the Chief Executive Officer.
- 5.5 In accordance with section 88 of the Local Government Act, notice of meetings of the committee must be displayed at the principal office of the Council and on a website determined by the Chief Executive Officer, and must continue to be published and kept on display until the completion of the relevant meeting.
- 5.6 The Chief Executive Officer is authorised to adjourn a scheduled meeting, in circumstances where sufficient apologies have been received to indicate a quorum will not be achieved for the scheduled meeting.
- 5.7 **Meeting procedures**

5.7.1 For the purposes of regulation 5 of the *Local Government (Procedures at Meetings) Regulations 2013*, Council has determined that Part 2—Meetings of councils and key committees apply to the Committee.

DRAFTING NOTE: Council is required to resolve to apply Part 2 of the *Procedures at Meetings Regulations* to a committee. The above clause should be deleted if council does not wish to apply Part 2 procedures to the Audit and Risk Committee. In those circumstances, only Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* would apply to the Audit and Risk Committee.

5.7.2 Meetings of the Committee will be held in accordance with:

- Local Government Act 1999

DRAFTING NOTE: If council resolves to apply Part 2 of the *Procedures at Meetings Regulations* to the Committee the first dot point below should be retained and the second dot point deleted. If council does not resolve to apply Part 2, the second dot point below should be retained and the first dot point deleted.

- Local Government (Procedures at Meetings) Regulations 2013 **OR**

- Local Government (Procedures at Meetings) Regulations 2013, specifically Part 1—Preliminary, Part 3—Meetings of other committees and Part 4--Miscellaneous

- Council's Code of Practice [if applicable]

DRAFTING NOTE: The following **optional** clauses have been included to provide for participation in audit and risk committee meetings by committee members via electronic means in accordance with the requirements of section 90(7a) of the *Local Government Act*.

The clauses should be deleted if participation in meetings by electronic means is not relevant.

5.8 **Attendance at Committee meetings electronically**

5.8.1 Committee members may participate in a Committee meeting by electronic means.

5.8.2 A member of the Committee participating in a committee meeting by electronic means is taken to be present at the committee meeting provided that the member:

(a) can hear all other members present at the committee meeting; and

(b) can be heard by all other members present at the committee meeting.

5.9 **Form of participation by electronic means**

5.9.1 Where:

(a) a Committee member is to participate in an Committee meeting by electronic means; and

(b) the electronic means has the functionality to allow the member to participate in the Committee meeting by being **both** seen and heard; and

(c) the electronic means of the Council has the functionality to allow the Committee member to be **both** seen and heard,

the member **must** participate by being **both** seen and heard.

5.10 **Public access to electronic committee meetings**

5.10.1 Council will make available to the public a live stream of any Committee meeting which must be conducted in a place open to the public at which one or more members participate electronically and will ensure that members of the public can hear the discussions between all persons participating in the Committee meeting.

5.10.2 The live stream will be published on a website determined by the chief executive officer, provided that this requirement will not apply to any part of the Committee meeting that has been closed to the public.

Definitions

Electronic means includes a telephone, computer or other electronic device used for communication.

5.11 **Voting**

5.11.1 Each member of the Committee at a meeting will have one vote.

5.11.2 The Presiding Member will have a deliberative vote and does not, in the event of an equality of votes, have a casting vote.

5.12 Quorum

DRAFTING NOTE: *The quorum calculation clause reflects regulation 26 of the Local Government (Procedures at Meetings) Regulations 2013.*

Council may wish to determine an alternative quorum, for example, by setting a fixed number and/or requiring a majority of independent members to be present to constitute a quorum for a meeting of the Committee.

- 5.12.1 A quorum for the Committee will be ascertained by dividing the total number of members of the Committee by 2, ignoring any fraction resulting from the division and adding one (in accordance with regulation 26, *Local Government (Procedures at Meetings) Regulations 2013*).

6. Reporting

- 6.1 As required by section 126(8)(a) of the Local Government Act, the Committee will provide a report to the Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcomes of the meeting.
- 6.2 As required by section 126(8)(b) of the Local Government Act, the Committee will provide an annual report to the Council on the work of the Committee. The Council must include this report in its Annual Report.
- 6.3 As required by section 99(1)(ib) of the Local Government Act, the Chief Executive Officer will provide an annual report to the Committee on the council's internal audit processes.
- 6.4 As part of the preparation of the annual report, the Committee will evaluate its performance, which may include consideration of these Terms of Reference, to ensure the Committee is operating at maximum effectiveness with recommendations for any changes presented to the Council for consideration.

7. Administrative support

- 7.1 The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions.

Appendix 3 – Example audit and risk committee work plan

The work plan set out below is provided as an example only and is not intended to be exhaustive. Categories of activity are based on the functions of the audit and risk committee set out in the *Local Government Act 1999* and activities are provided as examples of work relevant to the Committee.

The ‘responsible officer’ column may be used to identify the council officer with responsibility for facilitating each activity to be undertaken by the Committee. This may be the CEO or General Manager (or equivalent) responsible for finance/risk/audit functions or it may be the officer tasked with supporting Committee.

The timing columns indicate at which meeting the Committee would consider relevant activities. The example plan is based on the minimum quarterly meetings required to be held and assumes the work plan is developed on a financial year basis.

The ‘status update’ column may be used to provide updates on progress against activities and could form the basis of content for the report to be presented to the Council following each Committee meeting.

Activity	Responsible Officer	Timing				Status Update
		Meeting Date Q3 (Jan-Mar)	Meeting Date Q4 (Apr-Jun)	Meeting Date Q1 (Jul-Sept)	Meeting Date Q2 (Oct-Dec)	
Audit & Risk Committee performance						
- Report to Council after each Committee meeting		X	X	X	X	
- Report annually to Council				X		
- Development of annual work plan			X			
- Undertake self assessment			X			
- Review of Terms of Reference (alternate years)		X				

Activity	Responsible Officer	Timing				Status Update
		Meeting Date Q3 (Jan-Mar)	Meeting Date Q4 (Apr-Jun)	Meeting Date Q1 (Jul-Sept)	Meeting Date Q2 (Oct-Dec)	
Financial Reporting						
- Review annual financial statements				X		
- Review asset valuations				X		
- Review methodology and approach to depreciation				X		
- Review significant accounting and reporting issues, changes to accounting standards and industry updates					X	
Management Plans & Business Plans						
- Review of annual business plan and budget		X				
- Review of long term financial plan (s.122(4)(a) on an annual basis)		X				
- Review of infrastructure and asset management plan(s)		X				
- Review of community/strategic plan (s.122(4)(b) within 2 years after each general election)						

Activity	Responsible Officer	Timing				Status Update
		Meeting Date Q3 (Jan-Mar)	Meeting Date Q4 (Apr-Jun)	Meeting Date Q1 (Jul-Sept)	Meeting Date Q2 (Oct-Dec)	
Internal Controls						
- Review internal controls self assessment			X			
- Review internal control policies and procedures		X				
Risk Management						
- Review strategic risk register		X		X		
Internal Audit						
- Oversight of planning and scoping of internal audit plan <i>(if the council has an internal audit function)</i>			X			
- Review internal audit reports		X	X	X	X	
- Review annual report in relation to policies and processes adopted to evaluate and improve effectiveness of internal control practices/procedures <i>(if the council does not have an internal audit function)</i>				X		

Activity	Responsible Officer	Timing				Status Update
		Meeting Date Q3 (Jan-Mar)	Meeting Date Q4 (Apr-Jun)	Meeting Date Q1 (Jul-Sept)	Meeting Date Q2 (Oct-Dec)	
External Audit						
- Review interim audit report			X			
- Review final external audit report					X	
- Review management representation letters					X	
- Assess appropriateness of Council's response to Auditors findings and recommendations					X	
- Meet with External Auditor (in confidence)					X	
Other Matters						
- Review of section 48 Prudential Management report (as required)						
- Propose and review the exercise of powers under section 130A (as required)						
- Policy reviews (as required)						

Appendix 4 – Sample audit and risk committee self-assessment

The self-assessment set out below is provided as an example of a tool that may be used by an audit and risk committee to assess its performance.

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
Committee Members & Meetings						
The Committee understands the Council's business sufficiently to enable the Committee to fulfil its responsibilities						
The mix of skills on the Committee allows it to effectively perform its responsibilities						
Committee members have maintained relevant skills/knowledge/experience and undertaken relevant training and development						
Committee members have attended meetings on a regular basis						
The Committee meets frequently enough to be effective						
Meetings have been conducted in accordance with the agenda issued and allow sufficient time to discuss complex and critical issues						
Meeting agenda and supporting papers are of sufficient clarity and quality to make informed decisions						

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
Meetings have been conducted to allow Committee members to raise any issue they believe relevant and allow for open, frank and robust discussion of all matters raised						
The Committee has received all information, presentations or explanations it considers necessary to fulfil its responsibilities						
Committee minutes are appropriately maintained and are of good quality						
Committee Planning & Reporting						
The Committee work plan set out achievable priorities and objectives for the year						
Appropriate progress against the work plan was achieved						
Committee recommendations/decisions and agreed actions are monitored and have been implemented within agreed timeframes						
The Committee reported to Council after each meeting summarising the work of the Committee during the period preceding the meeting and the outcomes of the meeting						
The Committee provided an annual report to the Council on the work of the Committee. The Council included this report in its Annual Report						
The Committee has reviewed and if appropriate, proposed amendments to, its Terms of Reference						

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
External Audit						
The Committee is satisfied that annual financial reports comply with applicable legislation and Australian accounting standards and are supported by appropriate management sign-off on financial statements						
The Committee has reviewed the findings of the interim and annual audits with the external auditor						
The Committee has reviewed the external auditor's management letter and monitored the implementation of recommendations by management						
The Committee has reviewed the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments						
The Committee has considered contentious financial reporting matters in conjunction with management and external auditors						
The Committee has reviewed the processes in place to ensure financial information included in the annual report is consistent with the signed financial statements						
The Committee has met with the external auditor on at least one occasion on a confidential basis, with a majority of Committee members present and no members/employees of the council present (other than council members who are members of the Committee)						

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
Internal Audit						
The Committee has reviewed and approved the internal audit plan <i>(if the council has an internal audit function)</i>						
The Committee considers the internal audit resources were adequate for the completion of the internal audit program						
The Committee has monitored the implementation of internal audit recommendations and obtained all information and/or explanations it considers relevant to the progress of implementation of audit recommendations						
The Committee considers the audit reports provided as appropriate for the business needs of the Council and:						
a) The reports were structured, concise and constructive						
b) The recommendations provided were realistic and resulted in improvements to current procedures						
c) The conclusions reached were adequately supported by relevant evidence and reflected a realistic understanding of the area under review						
The Committee has reviewed the annual report provided by the Chief Executive Officer on the council's internal audit processes <i>(if the council does not have an internal audit function)</i>						

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
Risk Management, Internal Control, Financial Management, Strategic Planning and Reporting						
The Committee understands and reviews the effectiveness of Council's strategic plan and delivery program						
The Committee adequately understands and reviews the Council's risk management framework and whether an effective approach is being followed to manage major risks						
The Committee adequately understands and reviews the Councils financial reporting requirements						
The Committee reviews the effectiveness of the system for monitoring Council's compliance with relevant laws and regulations						
The Committee understands and reviews management's systems and arrangements for maintaining effective internal controls						
The Committee has reviewed the annual report prepared by the CEO in relation to policies and processes adopted to evaluate and improve effectiveness of internal control practices/procedures						
Other Matters [as relevant/required]						
The Committee reviewed and provided comment on any Prudential Management reports prepared in accordance with section 48 of the <i>Local Government Act 1999</i>						

	0 Strongly disagree Below standard	1 Disagree Poor	2 Neutral	3 Agree Good	4 Strongly agree Exceptional	Comment
The Committee appropriately proposed and reviewed the exercise of powers under section 130A of the <i>Local Government Act 1999</i>						
The Committee reviewed and provided feedback on relevant policies						

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Appendix 4

Letter from Auditor-General dated 10 September 2024



Our ref: G24/008

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10 September 2024

Mr G Georgopoulos
Chief Executive Officer
Adelaide Hills Council
email: ggeorgopoulos@ahc.sa.gov.au

Dear Mr Georgopoulos

Proposed review of the accounts of Adelaide Hills Council

I refer to your letter dated 15 August 2024 about the potential issues the Adelaide Hills Council's (the Council) administration identified in reviewing its financial statement preparation practices. [REDACTED]

Thank you for meeting with my audit representatives Salv Bianco and Iolanda Telford on 9 September 2024 to discuss these potential issues and our response as provided in this letter.

1 The legislative framework

The *Local Government Act 1999* (LG Act) provides the legislative framework for a council to prepare reliable information on its financial position and performance. The framework provides for levels of review and certifications to ensure the financial statements present a true and fair view of the Council's financial performance, financial position, and the cashflows for the financial year and that there is an adequate system of internal controls. These include:

Audit and risk committee – a council's audit and risk committee provides an independent source of assurance and advice to a council on key financial and internal control matters. The LG Act requires that the membership of an audit and risk committee must be a majority of independent members. The Local Government Association of South Australia's guidance on

audit and risk committees encourages councils to appoint an independent member as chair consistent with good practice.¹ This supports the concepts of independent review and transparency and the functions of an audit and risk committee.

The audit and risk committee is required to review and provide advice to the council on whether the financial statements present fairly the council's state of affairs and monitor the integrity of the financial statements. This includes:

- reviewing and challenging significant financial reporting issues, accounting policies, accounting treatments and judgements which they contain
- reviewing the adequacy of the council's accounting, internal control, reporting and other financial management systems and practices
- relating with the council's external auditor, reviewing the external audit plan and audit findings, including the levels of errors identified during the audit.

Council's external auditor – the external auditor provides independent audit opinions on the financial statements and controls exercised by the Council over the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities.

We note that the external auditor's 2023-24 annual audit plan identified significant risks and areas of focus including the revaluation of assets and the accounting treatment of capital work in progress.

Certification by the CEO and presiding member - the Council considers the audit and risk committee's advice and the external auditor's opinions in adopting the financial statements. Then authorises the CEO and the council's principal member to sign the financial statements certifying that:

- they comply with relevant legislation and Australian Accounting Standards
- they present a true and fair view of the financial position, results of the operations and cash flows of the Council for the financial year
- they accurately reflect the accounting and other records of the Council
- internal controls implemented by the Council provide a reasonable assurance that its financial records are complete, accurate and reliable and were effective throughout the financial year.

2 Our advice

The LG Act provides a sound framework for the financial governance of councils. As outlined above, this framework includes the important role of audit and risk committees and external auditors, who provide independent assurance and advice to the council. Consequently, it is important that these functions are involved in resolving the issues you have raised.

¹ Local Government Association of South Australia, Audit and risk committees – Financial Sustainability Information Paper No. 03, 2024

The issues raised should be considered as part of the process to prepare the annual financial statements. We suggest that the first action is for the Council to continue working with its external auditors to resolve the identified matters, including the appropriate accounting treatment, in finalising the 2023-24 financial statements.

Secondly, we suggest the Council seek advice from its audit and risk committee on the adequacy of the accounting policies and practices implemented to address the identified matters.

On this basis, I have determined that I will not initiate a review under section 32(1)(b) of the *Public Finance and Audit Act 1987* at this time. A review initiated under section 32 requires the Auditor-General to prepare and provide a report on the results of the review to Parliament.

I would appreciate written advice from the Council on the outcome of its internal process review and how these matters were addressed.

Yours sincerely



Andrew Blaskett
Auditor-General

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 12.2

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Behavioural Standards Panel Contact Officer

For: Decision

SUMMARY

This report provides an amended *Behavioural Management Policy* to designate the CEO and the Executive Governance Officer, or their delegate, as the Behavioural Standards Panel Contact Officer. This will ensure clear, efficient, and accountable communication with the Panel.

Currently, the policy does not specify a Behavioural Standards Panel Contact Officer, creating uncertainty. Assigning this role to the CEO and the Executive Governance Officer, or their delegate, strengthens accountability and improves communication between the Council and the Panel.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To appoint the CEO and the Executive Governance Officer, or their delegate, as the Behavioural Standards Panel Contact Officer and to amend the *Behavioural Management Policy* accordingly.
 3. With an effective date of 26 March 2025, to revoke the current *Behavioural Management Policy* and to adopt the revised *Behavioural Management Policy* as per Appendix 1.
 4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Behavioural Management Policy*.
-

1. BACKGROUND

On 28 January 2025, Council resolved as follows:

19.2.1 Motion on Notice – Behavioural Matter – Cr Nathan Daniell – Confidential Item

Moved Cr Mark Osterstock
S/- Cr Chris Grant

28/25

Council resolves:

1. Notes that Mayor Wisdom has been referred to the Behavioural Standards Panel for misbehaviour.
2. Notes that Council has not appointed a Behavioural Standards Panel Contact Officer under the *Behavioural Management Policy*.
3. Appoints the Executive Governance Officer (and any person acting in the role) as the Behavioural Standards Panel Contact Officer under the Behavioural Management Policy for the purposes of providing and receiving information in relation to the referral of Mayor Wisdom to the Behavioural Standards Panel.
4. Require the administration to report to Council by the end of March 2025 on permanently appointing a Behavioural Standards Panel Contact Officer under the Behavioural Management Policy.

Carried Unanimously

In accordance with point 4 of the above resolution, a revised *Behavioural management policy* has been drafted for Council’s consideration. The revised policy stipulates that the CEO and the Executive Governance Officer, or their delegate, will serve as the Behavioural Standards Panel Contact Officer. For specific amendments, see the “Additional Analysis” section below and **Appendix 1 (amendments in track changes)** and **Appendix 2 (clean copy with amendments accepted)**.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes.

Priority 02.4 Review and renew protocols for communication and work between the administration and elected body.

➤ Legal Implications

Section 262B of the *Local Government Act 1999* (the Act) requires Councils to adopt a Behavioural Management Policy, outlining how behaviour complaints will be managed in alignment with the legislative framework.

Section 262F of the Act establishes the Behavioural Standards Panel (the Panel). Under s262N the Panel may publish practice directions. Practice Direction 3 – Inquiry Process refers to “the

person authorised by the council to produce certain documents or records”. Currently Council has not authorised a person to produce documents and records to the Panel.

There are no identified legal implications arising from the proposed amendments.

➤ **Risk Management Implications**

The amendments will assist to mitigate the risk of:

Poor governance practices leading to a loss of stakeholder confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (SC)	Low (3E)	Low

➤ **Financial and Resource Implications**

Not applicable

➤ **Customer Service and Community/Cultural Implications**

Not applicable

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable
Council Workshops: Not Applicable
Advisory Groups: Not Applicable
External Agencies: Not Applicable
Community: Not Applicable

➤ **Additional Analysis**

The Behavioural Standards Panel plays a critical role in ensuring the integrity and accountability of council members. As an independent statutory authority, the Panel has broad powers to impose sanctions where breaches of behavioural standards occur.

Efficient and structured communication between the Council and the Panel is essential to ensure timely and effective complaint resolution. The Panel’s Practice Direction 3 – Inquiry Process refers to “the person authorised by the council to produce certain documents or records”.

Currently, the *Behavioural Management Policy* does not prescribe a specific role within the council administration for the Behavioural Standards Panel Contact Officer. This omission creates uncertainty regarding responsibility and accountability for managing communication with the Panel.

Clause 5 of the current policy (highlighted section) refers to the Behavioural Standards Panel Contact Officer is as follows:

5. Responsibilities

The Deputy Mayor, or the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

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

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

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

- comply with any lawful request of the Panel for information related to a matter under consideration.
- receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

The proposed amendment (to highlighted section of clause 5) is as follows:

The Behavioural Standards Panel Contact Officer (the CEO and the Executive Governance Officer, or their delegate) is responsible under this Policy to:

- *Comply with any lawful request of the Panel for information related to a matter under consideration*
- *Receive and respond to notices relating to matters under consideration by the Panel.*

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

By formally designating the CEO and the Executive Governance Officer, or their delegate, as the Contact Officer, the Council will:

- Enhance procedural clarity by ensuring a designated officer is responsible for all correspondence with the Panel

- Improve administrative efficiency by ensuring that a senior officer with governance expertise handles these responsibilities
- Ensure consistency and compliance with the legislative framework by having a clear point of contact who is well-versed in regulatory and procedural requirements.

This amendment will ensure effective implementation of the Behavioural Management Policy while reinforcing the Council's commitment to accountability and proper conduct management.

3. OPTIONS

Council has the following options:

- I. To receive and note the report and appoint the CEO and the Executive Governance Officer, or their delegate, as the Behavioural Standards Panel Contact Officer under the *Behavioural Management Policy* and to amend the *Behavioural Management Policy* accordingly. (Recommended)
- II. To receive and note the report and not amend the *Behavioural Management Policy*. (Not Recommended)

4. APPENDICES

- (1) The *Behavioural Management Policy* with proposed amendments in track changes

Appendix 1


*The Behavioural Management Policy with proposed
amendments in track changes*

Council Policy

Behavioural Management



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	BEHAVIOURAL MANAGEMENT
--	-------------------------------

Policy Number:	CM -01
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Nil
Relevant Procedure(s):	Nil
Relevant Legislation:	Local Government Act 1999
Policies and Procedures Superseded by this policy on its Adoption:	<i>Council Member Conduct Policy</i>
Adoption Authority:	Council
Date of Adoption:	As per Government Gazette No.79, 17 November 2022
Effective From:	4 March 2025
Minute Reference for Adoption:	25 February 2025 Res 77/25
Next Review:	At the end of the Council term (November 2026) or as required by legislation or changed circumstances.

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	17/11/22	Mandated policy as gazetted on 17 November 2022	Council - Res 317/22
2.0	25/02/25	Replacement of "Mayor" with "Deputy Mayor" and other minor changes in clauses 4.1, 4.4, and 5, as per the requirements of resolution 430/24.	Council – Res 77/25
<u>3.0</u>	<u>25/03/25</u>	<u>Amendment of Section 5 (Responsibilities) of the policy to specify the Behavioural Standards Panel Contact Officer.</u>	<u>Council – Res XX/25</u>

BEHAVIOURAL MANAGEMENT POLICY

1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This *Behavioural Management Policy* forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the *Behavioural Standards for Council Members*, this *Behavioural Management Policy* and/or any *Behavioural Support Policy* adopted by the Council (the **behavioural requirements**).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The *Behavioural Standards for Council Members*, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory *Behavioural Management Policy* (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional *Behavioural Support Policy* (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

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

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

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

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

- a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

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

- a) the Deputy Mayor;
- b) if the complaint relates to or involves the Deputy Mayor:
 - i. an elected member selected by the CEO, taking into account perceived conflicts of interest, apprehended bias, and other matters;
 - ii. Should it not be appropriate for the CEO to select an elected member (such as if they have a conflict of interest), an elected member selected by the Executive Governance Officer, taking into account perceived conflicts of interest, apprehended bias, and other matters
- c) .

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

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

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

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

3. Principles

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

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements**, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;
- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- Training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

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

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Deputy Mayor (or another person) may play a role in facilitating a resolution to a dispute.

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

4.2. Confidentiality

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

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

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

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

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

- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

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

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

4.3. Stages of Action

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

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

4.4. Part 1: Informal action

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

Alternatively, a person may raise their concern with the Deputy Mayor on an informal basis. If the concerns relate to or involve the Deputy Mayor the person may raise the matter with the person responsible for managing complaints under this Policy.

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

4.4.1. Record keeping

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

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

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

4.5. Part 2: Formal action

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

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- Be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with “Confidential Council Member Complaint” and forwarded to the relevant email or physical address as published on the Council’s website.
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)
- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of behavioural requirements in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

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

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

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

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

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

Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

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

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith
- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

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

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

Action from initial assessment

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

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

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

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

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

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

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

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

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

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

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

Decision to refer to another body or agency

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

Decision to proceed to formal consideration

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:

⁴ Section 262D, Local Government Act 1999

- the specific provision(s) of the ***behavioural requirements*** alleged to have been breached; and
- the circumstances where this breach is alleged to have occurred.
In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.
- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

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

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

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

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

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

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

4.5.4. Report

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

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

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

- Discussions with parties to the complaint to seek agreement
- Formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

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

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

Outcome – agreed actions (breach found)

Where the finding is that a breach of the ***behavioural requirements*** has occurred and the complainant and the person complained about⁶ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions

⁵ Note that the complainants identity may need to be redacted

⁶ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution

- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁷ at the next practicable Council meeting. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations⁸.

Outcome – no agreed action (breach found)

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

4.5.5. Actions of Council

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

- taking no further action;
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;
- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council.

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

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- a) the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- b) the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- c) the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

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

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

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

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations¹⁰.

4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

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

Legislative definition	Plain language explanation
<p>misbehaviour means—</p> <p>(a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or</p> <p>(b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or</p> <p>(c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;</p>	<p>Misbehaviour means:</p> <p>(a) a council member fails to take the action required by council; or</p> <p>(b) a council member fails to comply with this policy; or</p> <p>(c) a council member fails to comply with an agreement reached pursuant to this policy</p>
<p>repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;</p>	<p>A second or subsequent breach of the behavioural requirements</p>
<p>serious misbehaviour means a failure by a member of a council to comply with section 75G.</p>	<p>A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i></p>

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

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

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

¹¹ Section 262Q, *Local Government Act 1999*

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel. For the purposes of this policy, the Behavioural Standards Panel Contact Officer will be the CEO, the Executive Governance Officer, or their delegate.

5. Responsibilities

The Deputy Mayor, or the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

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

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

The Behavioural Standards Panel Contact Officer (the CEO, the Executive Governance Officer, or their delegate) appointed by the council is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
BUSINESS ITEM**

Item: 12.3

Responsible Officer: Zoë Gill
EXECUTIVE GOVERNANCE OFFICER
OFFICE OF THE CEO

Subject: MERITS OF RETAINING THE MAYOR'S OPENING REMARKS AS
AN AGENDA ITEM

For: Decision

SUMMARY

The Mayor's Opening Remarks are a standing agenda item (item 6) in the Order of Business for Ordinary Council meetings. Clause 3.8 of the *Code of Practice for Meeting Procedures* stipulates what the Mayor's Opening Remarks can and cannot include.

This report outlines arguments for and against retaining the Mayor's Opening Remarks as a standing agenda item and provides an examination of practices in other councils (**Appendix 1**).

RECOMMENDATION

Council resolves:

- 1. To receive and note the report.**

See options section of the report for further potential resolutions.

1. BACKGROUND

On 28 February 2025 Council resolved to amend the provisions relating to the Mayor's Opening Remarks in the *Code of Practice for Meeting Procedures* and that administration report to Council on the merits of retaining the Mayor's Opening Remarks as an agenda item in Council meetings:

Moved Cr Mark Osterstock
S/- Cr Adrian Cheater

62/25

1. Council receives and notes the Code of Practice for Council Meeting Procedures [the Policy], Appendix 1.

2. Effective forthwith, Council

g) amends clause 3.8.1 [Mayor’s Opening Remarks] of the Policy:

FROM - “At each ordinary Council, the Mayor may present opening remarks which will be generally related to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

TO - “At each ordinary Council, the Mayor may present opening remarks which will be ~~generally related~~ confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.”

h) Adds clauses 3.8.2-3.8.3 as follows:

- vii) 3.8.2 The Mayor will not use the Mayor’s Opening remarks to make a personal explanation to Council
- viii) 3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.

3. Effective forthwith, Council amends clause 4.6.1 [Addresses by Members] of the Policy:

➤ FROM – “A personal explanation should provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement. The explanation should not: (a) make imputations of improper motives or contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions.”

➤ TO – “ A personal explanation should:

- a) provide the member’s account of the reasons or factors regarding an event or situation in which they had an involvement, or
- b) address a requirement of Council or satisfy a Council resolution

The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or

contain personal opinions on fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above).”

4. That the CEO prepare a report for councils’ consideration as to the merits of retaining the mayor’s opening remarks as an agenda item.

Carried

As a result of resolution 62/25, the *Code of Practice for Meeting Procedures* was revoked, and a revised *Code of Practice for Meeting Procedures* was adopted with an effective date of 4 March 2025. Amendments to the Code included clause 3.8 which now provides that:

3.8. Mayor’s Opening Remarks

- 3.8.1 At each ordinary Council, the Mayor may present opening remarks which will be confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.
- 3.8.2 The Mayor will not use the Mayor’s Opening remarks to make a personal explanation to Council.
- 3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.

In accordance with Part 4 of resolution 62/25, the administration has reviewed the merits of retaining the Mayor’s Opening Remarks as a standing agenda item. A detailed analysis is provided below.

2. ANALYSIS

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your Place, Your Space

Goal	Organisation
Objective O2	Operate with integrity using best practice governance processes.
Priority O2.3	Enhance governance structures and systems to be agile and support our legislative obligations.

➤ **Legal Implications**

There is no legal obligation for a Presiding Member to make any opening remarks. The Presiding Member, as the chair of the meeting, retains the discretion to make remarks (provided they do not breach the *Local Government Act 1999* or the *Local Government (Procedures at Meetings) Regulations 2013*) at the start of the meeting as they see fit, unless there are restrictions set by the Code of Conduct.

➤ **Risk Management Implications**

The review of the merits of retaining the Mayor’s Opening Remarks will assist to mitigate the risk of:

Poor governance practices leading to a loss of stakeholder confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (SC)	Low (3E)	Low

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not applicable.

Council Workshops: Not applicable.

Advisory Groups: Not applicable.

External Agencies: Not applicable.

Community: Not applicable.

➤ **Additional Analysis**

The following outlines the arguments for and against retaining the Mayor’s Opening Remarks as part of the agenda for Council Meetings.

Arguments for retaining clause 3.8

1. Acknowledging attendees in the gallery, local events, or significant milestones fosters a sense of inclusivity and civic participation.
2. The Mayor can use the opening remarks to communicate procedural aspects of the meeting, such as break times or agenda adjustments, contributing to orderly meeting flow.
3. The inclusion of clause 3.8 in the *Code of Practice for Meeting Procedures* provides a framework to ensure remarks do not extend into subjective or personal territory.

4. Aligns with good governance practices: many institutions open meetings with a structured introductory statement, setting an appropriate tone for discussions. However, it is important to note that in the Order of Business, the Mayor’s Opening Remarks are listed as Item 6, while Item 2 is the Opening Statement (Acknowledgement of Country).
5. Any time saving attributed to removing this item would be minimal

Arguments against retaining clause 3.8

1. Removing this step may contribute to slightly shorter meetings by eliminating non-essential commentary before progressing to substantive agenda items.
2. Procedural aspects of a meeting could be communicated through other mechanisms, including meeting agendas or brief comments at the start of the meeting.
3. There is a possibility that opening remarks could extend into personal opinions or political statements, posing risks to neutrality and meeting decorum. Removing the requirement for Mayor’s Opening Remarks somewhat mitigates this risk.
4. Most councils do not have an agenda item for a Mayor’s Opening Remarks or have a clause in their *Code of Practice for Meeting Procedures* stipulating what Opening Remarks may contain. Removing the Mayor’s Opening Remarks from the Order of Business would therefore align with common practices among councils (**Appendix 1** provides further detail).
5. Even if the Mayor’s Opening Remarks were removed from the Order of Business, as the Presiding Member, the Mayor retains the discretion to preside over meetings as they see fit, provided it is legislatively sound. This could include offering a brief, courteous welcome, regardless of whether it is formally included in the Order of Business. This is the practice of many councils.

3. OPTIONS

Council has the following options:

Option 1: Remove

Remove clause 3.8 (Mayor’s Opening Remarks) from the Code of Practice for Meetings Procedures and from the Order of Business for Ordinary Council meetings.

Should this option be preferred the following resolution is recommended:

- 1. That the report be received and noted.**
- 2. With an effective date of 1 April 2025, to revoke the *Code of Practice for Meeting Procedures* and to adopt the revised *Code of Practice for Meeting Procedures* at Appendix 2.**
- 3. Remove Item 6 (Mayor’s Opening Remarks) from the Order of Business for Ordinary Council meetings.**

- 4. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the *Code of Practice for Meetings Procedures*.**

Option 2: Retain

Retain clause 3.8 (Mayor’s Opening Remarks) in the Code of Practice for Meetings Procedures and in the Order of Business for Ordinary Council meetings.

Should this option be preferred the following resolution is recommended:

- 1. That the report be received and noted.**
- 2. To retain clause 3.8 (Mayor’s Opening Remarks) of the *Code of Practice for Meetings Procedures*.**
- 3. To retain Item 6 (Mayor’s Opening Remarks) in the Order of Business for Ordinary Council Meetings.**

4. APPENDICES

- (1) Summary table of other councils’ practices regarding Mayor’s Opening Remarks
- (2) Code of Practice for Meetings Procedures – clause 3.8 amended with track changes

Appendix 1

*Summary table of other councils'
practices regarding Mayor's
Opening Remarks*

Council	Order of Business	Code of Practice	Record in the Minutes
Adelaide City Council	No opening statement. The first item is Acknowledgement of Country.	Not specified	No
Barunga West Council	<ol style="list-style-type: none"> 1. Opening <ol style="list-style-type: none"> 1.1 Mayor/Presiding Member 1.2 Acknowledgement of Country 1.3 Acknowledgement of Nation 	Not specified	“The Chair declared the meeting open at xxPM, welcomed everyone to the meeting”
City of Charles Sturt	<ol style="list-style-type: none"> 1. Council Opening <ol style="list-style-type: none"> 1.1 Opening Prayer 	Not specified	“The meeting commenced at xxPM” followed by the prayer”
City of Marion	<ol style="list-style-type: none"> 1. Open Meeting 2. Acknowledgement of Country 	Not specified	“The meeting commenced at xxPM” followed by the Acknowledgement of Country”
City of Mitcham	<ol style="list-style-type: none"> 1. Welcome 	Not specified	“The Mayor welcomed those present to the meeting and advised the meeting was being recorded and will be made available on the website with the minutes”
City of Onkaparinga	<ol style="list-style-type: none"> 1. Opening of meeting 	Not specified	“Mayor Were officially declared the meeting open at xxPM. Members read the pledge”
City of Playford	No opening statement. The first item is Attendance record	Not specified	No
City of Port Adelaide Enfield	No opening statement. The first item is Apologies followed by Leave of Absence.	Not specified	No
City of Salisbury	Opening Prayer and Welcome	Not specified	“The Mayor welcomed the Elected Members, members of the public and staff to the meeting”
City of Tea Tree Gully	<ol style="list-style-type: none"> 1. Opening Prayer and Welcome 	Not specified	“The Mayor read the Opening Prayer and Acknowledgement of Country Statement.”

City of Campbelltown	Opening/welcome to country	Not specified	“The time being X:00PM Mayor Whittaker opening the meeting.”
City of West Torrens	1. Meeting Opened 1.1 Acknowledgement of Country	Not specified	“The presiding Member declared the meeting open at xxPM”
City of Mount Gambier	No opening statement. The first item is Acknowledgement of Country followed by Apologies.	Not specified	No
Coorong District Council	No opening statement although the meeting does open with the reading of the civic affirmation and acknowledgement of country. The first item on the Order of Business is Acknowledgements	Yes (clause 30.8 Acknowledgements) <i>“The Mayor will briefly acknowledge any item(s) of significance relating to Coorong District Council or the local government industry at large (eg. events of local/state/national/international significance, passing of a former Council Member, staff</i>	“The Deputy Mayor welcomed all present, read the civic affirmation and recited and acknowledgement of country.”

		<i>member or resident who made a significant contribution to Council)."</i>	
Mount Barker District Council	No opening statement although the meeting does open with an Expression of Faith and Acknowledgement of Land. The first item on the Order of Business is Apologies/Leave of Absence followed by Questions from the gallery	Not specified	No


Appendix 2
*Code of Practice for Meeting
Procedures*

Council Policy

Code of Practice for Council Meeting Procedures



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2 style="margin: 0;">CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES</h2>
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Policy Number:	GOV-14
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the delegations schedule and as included in this Code
Other Relevant Policies:	<i>Acknowledgement and Welcome to Country Policy</i> <i>Council Member Conduct Policy</i> <i>Code of Practice for Access to Council and Council Committee and Information or Briefing Sessions Meetings & Documents</i> <i>Petitions Policy</i> <i>Information or Briefing Sessions Policy</i> <i>One Team – Communication Protocols for Council Members and the Administration</i>
Relevant Procedure(s):	None
Relevant Legislation:	<i>Local Government Act 1999</i> <i>Local Government (Procedures at Meetings) Regulations 2013</i>
Policies and Procedures Superseded by this policy on its Adoption:	Code of Practice for Council Meeting Procedures, 22 March 2022, 65/22
Adoption Authority:	Council
Date of Adoption:	25 February 2025
Effective From:	25 February 2025
Minute Reference for Adoption:	62/25
Next Review:	At the end of the Council term (November 2026) or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/1/2020	Code adopted	Council – Res 17/20
1.1	25/2/2020	Amendments to clause 3.10 to provide consistency with changes to Council <i>Petitions Policy</i>	Council - Res 47/20
1.2	21/4/2020	Amendments to provide consistency with <i>Electronic Participation in Council Meetings Notice (No 1) 2020</i>	Council - Res 63/20
1.3	22/9/2020	Amendments to provide for the broadcasting of Council meetings	Council – Res 198/20
1.4	31/1/2021	Amendment to provide consistency with the <i>Acknowledgement and Welcome to Country Policy</i>	Council – Res 295/20
1.5	10/11/2021	Consequential amendments from adoption of Information or Briefing Sessions Policy and changes to Local Government Act regarding question and motion notice periods.	Council – Res 226/21
1.6	11/11/2021	Updated legislative references relating to publication of <i>Electronic Participation in Council Meetings Notice (No 5) 2021</i>	N/A
2.0	5/4/2022	Multiple amendment to Sections 3 and 4	Council – Res 65/22
2.1	21/6/22	Provisions relating to Notice No 5 (electronic participation) removed following 28 day elapsed period after Public Health Emergency Declaration cessation	Council – Res 65/22
2.2a	17/7/23	Removed all electronic meetings provisions regarding for Council Members, updated the conflict of interest provision references and the leave of the meeting definition, inserted reference to the Behavioural Standards for Council Members and provisions regarding suspension of Members	Council – Res 187/23
3.	25/2/25	Amendment to clause 4.6.1 (addresses by members) and clause 3.8.1 (Mayor’s Opening Remarks)	Council – Res 62/25
<u>4.</u>	<u>25/03/25</u>	<u>Removal of clause 3.8 (Mayor’s Opening Remarks)</u>	

 Table of Contents

1.	INTRODUCTION.....	6
1.1.	Application of the Code of Practice.....	6
1.2.	Guiding Principles.....	6
1.3.	Suspension of other Inconsistent Provisions.....	Error! Bookmark not defined.
2.	OPERATING PROCEDURES – BEFORE THE MEETING	7
2.1.	Calling Meetings	7
2.2.	Notice and Agendas for Meetings.....	7
2.3.	Public Access to Meetings.....	8
2.4.	Questions for Clarification Prior to the Meetings.....	8
3.	OPERATING PROCEDURES – THE ORDER OF BUSINESS.....	9
3.1.	Commencement of Meetings and Quorums.....	9
3.2.	Order of Business.....	9
3.3.	Length of Council Meetings	9
3.4.	Opening Statement.....	10
3.5.	Attendees, Apologies and Absences	10
3.6.	Confirmation of Minutes.....	11
3.7.	Declaration of Interest.....	11
3.8.	Mayor’s Opening Remarks.....	12
3.9.	Questions Adjourned/Lying on the Table.....	12
3.10.	Petitions.....	13
3.11.	Deputations	13
3.12.	Public Forums	16
3.13.	Presentations.....	17
3.14.	Questions on Notice	17
3.15.	Motions on Notice	19
3.16.	Administration Reports.....	19
3.17.	Questions Without Notice	21
3.18.	Motions Without Notice	21
3.19.	Council Member Reports.....	22
3.20.	Reports of Members/Officers as Council Representatives on External Organisations	22
3.21.	CEO Report	23
3.22.	Reports of Committees.....	23
3.23.	Confidential Items.....	23
4.	OPERATING PROCEDURES – CONDUCT AT THE MEETING	24
4.1.	Leave of the Meeting.....	24
4.2.	Motions in General, Speaking to Motions and Rights of Reply	24
4.3.	Formal Motions	25
4.4.	Amendments to Motions.....	26

4.5.	Variations.....	27
4.6.	Addresses by Members	27
4.7.	Voting	28
4.8.	Divisions.....	30
4.9.	Tabling of Information	30
4.10.	Short-Term Suspension of Proceedings	31
4.11.	Points of Order.....	31
4.12.	Interruption of Meetings by Members	32
4.13.	Interruption of Meetings by Others	33
4.14.	Meeting Protocols.....	33
5.	OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING.....	34
5.1.	Recording of Meetings.....	34
5.2.	Livestreaming/broadcasting of Meetings.....	35
5.3.	Minutes of Meetings.....	35
6.	ADMINISTRATIVE ARRANGEMENTS.....	36
6.1.	Availability of the Code	36
6.2.	Delegation.....	36
	APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS.....	37
	APPENDIX B – MOTION ON NOTICE TEMPLATE	38
	APPENDIX C – ADMINISTRATION REPORT TEMPLATE	39

CODE OF PRACTICE FOR COUNCIL MEETING PROCEDURES

1. INTRODUCTION

- 1.0.1 Adelaide Hills Council (AHC) is committed to the principle of honest, open and transparent governance and encourages community participation in the business of Council. The rules and procedures for all meetings of Council and its Committees are outlined in the:
- a. *Local Government Act 1999* (the Act)
 - b. *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations)
- 1.0.2 These Regulations provide that a council may develop and adopt a Code of Practice for its own meetings of Council and Committees that add to, or vary certain aspects of, these provisions. Committees, in this regard, refer to committees established under section 41 of the Act.
- 1.0.3 The purpose of this Code is to establish a consistent approach and provide clear expectations to Council Members, staff, residents, ratepayers and guests for the order of business, procedures and etiquette of AHC Council meetings.
- 1.0.4 This Code supplements the legislation, with any procedures that are required by legislation inserted into the document with reference to the relevant regulation (provided in boxes, with wording in italics). This enables the Code to be read in conjunction with AHC's meeting procedure requirements. Please note that this only applies to procedures at the meeting, rather than those aspects that relate to frequency, timing, and notice of meetings, where reference has only been made to the relevant section within the Act.

1.1. Application of the Code of Practice

- 1.1.1 This Code applies to all ordinary and special meetings of Council.
- 1.1.2 The section 41 committees of Council will be guided by the Act and Regulations as applicable to those committees and any provisions set out in the committee terms of reference. For clarity, Parts 1, 3 and 4 of the Regulations will apply to the committee but not the provisions of Part 2 of the Regulations.
- 1.1.3 References to the Mayor also include the acting Presiding Member in the Mayor's absence.

1.2. Guiding Principles

- 1.2.1 Regulation 4 of the Regulations prescribes guiding principles that should be applied with respect to the procedures to be observed at a meeting of a council of council committee.
- 1.2.2 In determining a matter of meeting procedure, the Mayor should consider the extent to which the proposed action upholds the following principles:

Legislation – Regulation 4

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a Council or Council Committee.

- a) *procedures should be fair and contribute to open, transparent and informed decision making.*
- b) *procedures should encourage appropriate community participation in the affairs of the Council.*
- c) *procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.*
- d) *procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.*

1.2.3 These Guiding Principles underpin the details documented in this Code of Practice.

2. OPERATING PROCEDURES – BEFORE THE MEETING

2.1. Calling Meetings

Ordinary Meetings

2.1.1 Section 81 of the Act prescribes the legislative requirements for the frequency and timing of Ordinary Council Meetings.

2.1.2 The schedules for Ordinary Council Meetings are resolved in advance and are maintained on the Council website.

Special Meetings

2.1.3 Section 82 of the Act prescribes the legislative requirements for the calling of Special Meetings of council.

2.1.4 Details of Special meetings of Council will be placed on the Council website as soon as possible after the decision to call the meeting.

2.2. Notice and Agendas for Meetings

Ordinary Meetings

2.2.1 Sections 83 and 84 of the Act prescribe the legislative requirements for providing Council Members and the public with notice for Council meetings.

2.2.2 At least three (3) clear days¹ before the Council meeting the Chief Executive Officer (CEO) must give written notice of the meeting to all Council Members setting out the date, time and place of the meeting.

¹ 'clear days' means that the time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, (e.g. notice is given on a Thursday for a following Monday meeting, the clear days are Friday, Saturday and Sunday). If a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day

- 2.2.3 The notice must contain or be accompanied by the agenda² and, as far as practicable, the documents and reports that are to be considered at the meeting. Council's practice, whenever possible, is to provide the notice four (4) clear days before the meeting (i.e. by 5.00pm Thursday for a Tuesday evening meeting).
- 2.2.4 Each Council Member may indicate their preference for delivery of the notice of meeting, agenda and reports for all Council meetings. Any changes to the delivery arrangements must be requested in writing.
- 2.2.5 For members of the public, a copy of the notice of meeting, agenda and reports (with the exception of confidential items) will be displayed for viewing on Council's website www.ahc.sa.gov.au and on public display at the principal office as soon as practicable after the time when the document or report is supplied to members of the Council³.
- 2.2.6 The notice will remain on the website and on public display until the completion of the meeting. In practice these notices remain available indefinitely.

Special Meetings

- 2.2.7 For Special Meetings, the CEO must ensure that each Member of the Council is given at least four (4) hours' notice of a special meeting of the Council.
- 2.2.8 Notices of special meetings will be distributed by email to the Council-provided email address for each Member, and will be displayed on Council's website for viewing by members of the public. Where notice of Special Meetings is provided with less than 24 hours' notice, best endeavours will be used to bring the notice to the attention of each Member by making contact by phone, message service or similar.

2.3. Public Access to Meetings

- 2.3.1 Council has adopted a *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents* which outlines the arrangements for public access to Council meetings.

2.4. Questions for Clarification Prior to the Meetings

- 2.4.1 To facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate prior to Council meetings to clarify matters appearing on the agenda. For Administration Reports, the nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

² 'agenda' under s4(1) of the Act means a list of items of business to be considered in a meeting. For clarity, reports and documents that accompany those business items are not considered to be the 'agenda'.

³ For more information on public access to the Council agenda, please see the *Code of Practice for Access to Council and Council Committee and Designated Informal Gatherings Meetings & Documents*

3. OPERATING PROCEDURES – THE ORDER OF BUSINESS

3.1. Commencement of Meetings and Quorums

Legislation – Regulation 7

- (1) *A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.*
- (2) *If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.*
- (3) *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 presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.*
- (4) *If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.*
- (5) *If a meeting is adjourned to another day, the chief executive officer must-*
 - (a) *give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and*
 - (b) *give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.*

3.1.1 A quorum for Council is determined under s85(1) of the Act by ‘dividing the total number of members of the council for the time being in office by 2, ignoring any fraction resulting from the division, and adding one’. For the purposes of s85(1) the members of council in office used to calculate the quorum does not include a member of council who is suspended from office or a member of council who has taken a leave of absence under s55 (to contest a state election) – see s85(2).

3.1.2 In the normal course of events, AHC’s quorum is seven (7) Council Members (this includes the Mayor).

3.2. Order of Business

3.2.1 The order of business for Council meetings will generally be in accordance with the attached agenda template – refer **Appendix A**. However the Mayor at their own initiative or at the request of a Member of Council may bring forward items, with the leave of the meeting, for debate and resolution where:

- a. a large contingent of interested parties is present in the gallery
- b. contractors or consultants are present to make presentations; or
- c. it may otherwise be considered expedient or appropriate.

3.3. Length of Council Meetings

3.3.1 Council meetings will commence upon a quorum being present at the time set down in the Notice of Meeting.

- 3.3.2 Council meetings will conclude at or before 10.00pm, or 3.5 hours after the commencement, whichever is the earlier, unless the meeting formally resolves on each specific occasion to continue beyond that time.
- 3.3.3 Where the business of a meeting is unlikely to be completed before 10.00pm, or within 3.5 hours of the commencement, a motion is to be put to the meeting whether to continue or adjourn to another date and time. Extensions of the meeting will normally be in 30 minute blocks.
- 3.3.4 During the course of a Council meeting, a motion may be put to adjourn the meeting for a specified period (e.g. for 10 minutes).

3.4. Opening Statement

- 3.4.1 After calling a Council meeting to order, the meeting shall be opened with an Acknowledgement of Country consistent with the Council's *Acknowledgement and Welcome to Country Policy*, as amended from time to time.

3.5. Attendees, Apologies and Absences

- 3.5.1 If a Member expects to be late or unable to attend a meeting, the Governance & Performance Department (governanceandperformance@ahc.sa.gov.au) is to be advised prior to the commencement of the meeting or as soon as possible.
- 3.5.2 If a Member intends to seek a leave of absence, the request must be made in writing via the Governance & Performance Department, specifying the period of leave that is being requested, prior to the commencement of the meeting.
- 3.5.3 A leave of absence will only be granted by a resolution of the Council and will involve leave from all Council duties (including roles on council committees, panels and advisory groups).
- 3.5.4 Where a Member is intending to be interstate, overseas or otherwise not able to attend to the full range of duties, they should seek a leave of absence at the preceding meeting.
- 3.5.5 Where a Member recommences duties prior to the expiry of the approved period, the leave of absence will cease. For the sake of clarity, the leave of absence does not recommence without a new resolution of the Council to grant leave.
- 3.5.6 A leave of absence will not be retrospective.
- 3.5.7 All apologies and leaves of absence will be listed in the Minutes for each Council meeting that it relates to.
- 3.5.8 If no apology has been received by the commencement of the meeting and there is no leave of absence and the Member is not present, they will be recorded in the Minutes as being absent.
- 3.5.9 If a Member arrives after the meeting commences, the time of arrival will be included in the Minutes.

- 3.5.10 If a Member has to leave a meeting (for longer than a comfort break), the Member should draw their impending departure to the attention of the Mayor to ensure that the presence of a quorum can be monitored.
- 3.5.11 Council Officers who address the Council meeting will be recorded in the Minutes as being in attendance.
- 3.5.12 The number of members of the public or representation of any other organisations will not be recorded in the minutes, unless presenting on a specific item in the agenda.

3.6. Confirmation of Minutes

Legislation – Regulation 8
<i>(1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting</i>
<i>(2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.</i>
<i>(3) On the confirmation of the minutes, the presiding member will-</i>
<i>(a) initial each page of the minutes, which pages are to be consecutively numbered; and</i>
<i>(b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.</i>

- 3.6.1 The Minutes included in an Ordinary meeting agenda will be those unconfirmed minutes of any previous meetings less any information that is subject to an order under section 90 of the Act.

3.7. Declaration of Interest

- 3.7.1 The provisions in relation to a Council Member's interests are set out in sections 73, 74, 75 and 75A-C of the Act and Reg 8AAA in the *Local Government (General) Regulations 2013* .
- 3.7.2 It is a Council Member's responsibility to ensure they are aware of, and understand, the legislative provisions relating to declarations of interest.
- 3.7.3 A Council Member who has an interest in a matter, as defined under sections 74 and 75 of the Act, must disclose the interest to the Council in accordance with the provisions of sections 75B and 75C of the Act. Disclosures will be recorded in the Minutes in accordance with the relevant provisions of the Act and Regulations.
- 3.7.4 Council Members may seek advice about a possible interest before a meeting by contacting the CEO or the Governance & Performance Department. If necessary, the Governance & Performance Department will facilitate the Member to contact the Council's lawyers directly for advice, at Council's expense.

3.8. Mayor's Opening Remarks

~~3.8.1 At each ordinary Council, the Mayor may present opening remarks which will be confined to matters regarding the conduct of the meeting (e.g. acknowledging members of the gallery, advising break times, proposals to reorder the agenda) or to acknowledge a significant civic, cultural or other event. A brief summary of these remarks will be minuted.~~

~~3.8.2 The Mayor will not use the Mayor's Opening remarks to make a personal explanation to Council.~~

~~3.8.3 Should the Mayor wish to make a personal explanation to Council, the Mayor should seek leave of Council in accordance with regulation 15 and section 4.6 of this Code of Practice.~~

3.9.3.8. Questions Adjourned/Lying on the Table

~~3.9.13.8.1~~ Sometimes 'questions'⁴ being debated in the Chamber may need to be adjourned for reasons such as required information not being available at that time. In these cases a 'formal motion'⁵ can be resolved to adjourn the matter for a later time.

Questions Adjourned

Legislation – Regulation 19

- (1) *If a formal motion for a substantive motion to be adjourned is carried:*
- (a) *The adjournment may either be to a later hour of the same day, to another day, or to another place; and*
 - (b) *The debate, will, on resumption, continue at the point at which it was adjourned.*
- (2) *If debate was interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned.*
- (3) *Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting*

~~3.9.23.8.2~~ The resolution to adjourn a question will nominate the time and place that debate on the question will continue and therefore they do not require a resolution for debate to resume (at the point of interruption) however these questions must be considered prior to any new business being dealt with.

Questions Lying on the Table

~~3.9.33.8.3~~ Questions Lying on the Table require a resolution for the question to be retrieved (and debate resumed at the point of interruption).

Legislation – Regulation 12

- (19) *Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*
- (20) *The chief executive must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.*

⁴ Regulation 12 (14) refers to a motion that has been moved and seconded as a 'question'.

⁵ For more information on formal motions see clause 4.3 of this Code.

3.10.3.9. Petitions

~~3.10.13.9.1~~ 3.10.23.9.1 Petitions may be submitted to Council in line with Council's *Petition Policy*. If the petition is a compliant petition for the purposes of the Act and the *Petition Policy*, it will be placed on the agenda for the next scheduled meeting of Council.

~~3.10.23.9.2~~ 3.10.23.9.2 The Council agenda will contain a report regarding petition(s) received. The report will contain the nature of the request or submission, the name and locality of the Principal Signatory, a brief statement as to the nature of the request or submissions, the number of signatories and an Officer's Response providing a brief commentary on the relationship/relevance of the petition topic to Council services/activities/plans/strategies/ resolutions and options available to Council to address the petition request. Further the report will recommend, as a minimum, that:

- a. The report be received and noted; and
- b. The CEO advise the principal signatory of the Council's noting of the petition and of any resolutions relating to the matter
- c. The recommendation may also include further actions for the Council to consider taking in relation to the matter

~~3.10.33.9.3~~ 3.10.33.9.3 A full copy of the petition will not be included in the agenda to protect the privacy of individuals. Council Members may request a copy of the petition and it is the Members' responsibility not to distribute or publish a copy of the full petition.

~~3.10.43.9.4~~ 3.10.43.9.4 If, in consideration of a petition, a Council Member determines to move a Motion Without Notice, the Council will deal with the motion at that point in the agenda, subject to the compliance with the applicable requirements of legislation/policy.

3.11.3.10. Deputations

~~3.11.13.10.1~~ 3.11.13.10.1 A deputation is a formal opportunity to address the Council on a particular matter during a meeting.

Legislation – Regulation 11

Deputation means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter.

(1) A person or persons wishing to appear as a deputation at a meeting must deliver) a written request to the council.

(2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.

Making a Deputation Request

3.11.2 A person or persons wishing to appear as a deputation at a Council meeting must forward a written request to the CEO, indicating the reasons for the deputation. Deputations will be limited ordinarily to a maximum of two (2) per Ordinary Council meeting.

- 3.11.3 In the normal course of events, the deputation request must be received no less than seven (7) clear days prior to the Council meeting, for inclusion in the Agenda. Details of Council meeting dates are contained on the Council website.
- 3.11.4 If however the matter relates to an item of business on the Agenda and there are not two (2) deputations already approved for the meeting, the Deputation Request Form may be lodged up to 5.00pm on the day prior to the Council meeting.
- 3.11.5 A request to make a deputation should be made by submitting a *Deputation Request Form*, which is available on Council's website. The Form, which must be completed in full, includes an acknowledgment of the deputation obligations and procedures to be observed at the meeting.
- 3.11.6 A deputation may comprise one (1) or a number of persons. When a deputation appears at a meeting up to two (2) members of the deputation (e.g. deputees) will be allowed to speak, and to reply to questions from Council Members.
- 3.11.7 Should a deputees be speaking on behalf of an association, organisation or other body, they may be required to provide a copy of the constitution and rules of that organisation, association or other body, and evidence, such as committee meeting minutes, that they are authorised to make a deputation of behalf of the body prior to the deputees's address.

Processing a Deputation Request

Legislation – Regulation 11

<i>(3) The presiding member may refuse to allow the deputation to appear at a meeting.</i>
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- 3.11.8 Whether or not a deputation may appear is to be determined on a case-by-case basis by the Mayor. In determining whether a deputation request is granted the following considerations will be taken into account:
- a. the subject matter of the proposed deputation;
 - b. relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose;
 - c. the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious);
 - d. the size and extent of the agenda for the particular meeting; and
 - e. the number of times the deputees has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.
- 3.11.9 Upon the expiration of seven (7) clear days prior to the Council meeting, the Mayor will consider the Deputation requests received and determine, as per clause 3.11.8, the requests that will be granted.
- 3.11.10 Notwithstanding clause 3.11.2, the Mayor has the delegation to accept one (1) additional deputation if it is determined that the matter of sufficient importance and urgency that it must be heard at that meeting.

Legislation – Regulation 11 (cont.)
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(4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.

3.11.11 Written notification will be forwarded to the person who made the request for a deputation notifying them of the outcome of the deputation request. If approved they will be notified of the date and time of the meeting at which the deputation will be heard and the method by which the person or persons are to appear at the meeting. For deputation requests received in accordance with clause 3.11.4, phone/email contact will be made with the depute.

Legislation – Regulation 11 (cont.)
(5) <i>If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).</i>
(6) <i>The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.</i>
(7) <i>A council may refer the hearing of a deputation to a council committee.</i>

Presenting a Deputation at a Council Meeting

3.11.12 If the depute wishes for notes or other documents are to be distributed for the deputation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members. The depute will remain legally liable for the content of any documents distributed.

3.11.13 The depute(s) microphone will be unmuted and they will be invited by the Mayor to make the deputation on the topic or issue which has been nominated. The depute must state their name and locality, which will be recorded in the minutes to the meeting (which is a public document).

3.11.14 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The depute will remain legally liable for the content of any presentation.

3.11.15 Deputies may address questions to the Council. The Mayor will determine if an answer is to be provided.

3.11.16 In the interests of fairness, each deputation is to be no longer than ten (10) minutes in duration. Deputies may address questions to the Council which must be accommodated within the 10 minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.

3.11.17 Following the Deputation, a maximum of five (5) minutes will be allocated for Members to direct questions to the depute(s) if required. Members of Council may ask questions of the depute(s) presenting. Care should be exercised in framing questions to ensure they clearly relate to the subject of the deputation. The Mayor will use their best endeavours to manage this process fairly.

3.11.18 Notes or presentation material provided as part of the deputation will be referenced in the minutes of the meeting.

Deputation Conduct

3.11.19 All deputations are to be conducted in an orderly manner. Deputations should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any

comments that may amount to a criticism of individual Council Members or Officers must not be made during the deputees' address. If this conduct occurs the Mayor will warn the deputees, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.

3.11.20 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a deputation in this forum. This means that anything said during the deputees' address is subject to the normal laws of defamation. Consequently all deputees should take care in the statements they make and how they make their address.

3.11.21 An 'Information Sheet – Deputations and Public Forums – How to Address Council or Council Committees on Issues of Concern' provides a summary of the above requirements and is available on the Council website.

3.12.3.11. Public Forums

3.12.13.11.1 The Public Forum is a less formal opportunity to address Council on a particular matter during the meeting.

3.12.23.11.2 The guidelines which apply to Public Forum are:

- a. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council, in which case the time allocation can be increased.
- b. Each speaker in the Public Forum will have no longer than five (5) minutes (including questions), except with leave from the Council.
- c. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes per speaker may be reduced.
- d. People wishing to speak in the public forum (speakers) must advise the Mayor of their intention at the beginning of this section of the meeting. Those who do not flag their desire to speak at this time will only be permitted to speak at the discretion of the Mayor.
- e. Where an intending speaker has made a deputation at the same meeting of Council they will not be permitted to speak in the public forum on the same or similar subject matter at that meeting.
- f. Upon being requested to come forward to address the Council, the Mayor will ask the speaker to state their name and locality of residence and the subject matter they wish to speak on.
- g. These details will be recorded in the minutes of the meeting (which is a public document).
- h. The speaker will then wait for the Mayor to invite them to commence their speech.
- i. The speaker may address questions to the Council which must be accommodated within the five (5) minute allocation. The Mayor will determine if an answer is to be provided to any questions asked.
- j. Where a number of speakers are speaking on the same topic, the Mayor may encourage subsequent speakers to avoid repeating previous points and to focus on new points.

- k. Members may ask questions of all speakers appearing relating to the subject of their presentation.

Public Forum Conduct

~~3.12.3~~3.11.3 All public forum presentations are to be conducted in an orderly manner. These should reflect levels of formality appropriate to the nature and scope of the Council meeting. Any comments that may amount to a criticism of individual Council Members or Officers must not be made during the presentation. If this conduct occurs, the Mayor will warn the depute, if the conduct is repeated the deputation will be ceased. Any such criticism or comments should properly be directed in writing to the CEO outside of the meeting.

~~3.12.4~~3.11.4 Council meetings are also open to the public including being livestreamed/broadcast and there is unlikely to be any legal protection or other privilege attached to any statements made during a presentation in this forum. This means that anything said during the speaker's address is subject to the normal laws of defamation. Consequently all speakers should take care in the statements they make and how they make their address.

~~3.13.3.12.~~ **Presentations**

~~3.13.13.12.1~~ 3.12.1 Presentations are defined as an opportunity for an organisation, community group, Council Officer(s) or member of the public to address Council to provide information relevant to the Council at the invitation of Council.

~~3.13.23.12.2~~ 3.12.2 Such presentations do not include deputations or representations under the *Planning, Development and Infrastructure Act 2016*.

~~3.13.33.12.3~~ 3.12.3 The duration of each presentation is to be no longer than fifteen (15) minutes plus five (5) minutes for questions, if required. There is to be a limit of two (2) presentations per scheduled meeting, except with the leave of the meeting.

~~3.13.43.12.4~~ 3.12.4 If notes or other documents are to be distributed for the presentation, these are to be provided to the Minute Secretary up to 5.00pm on the day prior to the Council meeting to distribute electronically to the Council Members

~~3.13.53.12.5~~ 3.12.5 Powerpoint (or similar) presentations are to be lodged up to 5.00pm on the day prior to the Council meeting for the purposes of confirming software compatibility and content suitability. The presenter will remain legally liable for the content of any presentation.

~~3.13.63.12.6~~ 3.12.6 Notes or presentation material referred to as part of the presentation will be referenced in the minutes of the meeting.

~~3.14.3.13.~~ **Questions on Notice**

Legislation – Regulation 9

(1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.

(2) If notice of a question is given under subregulation (1) -

- (a) *the chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and*
- (b) *the question and the reply must be entered in the minutes of the relevant meeting.*
- (6) *The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

3.14.13.13.1 When sending the questions to the CEO, the Member asking the question should provide a brief history, context, or reason why the question is being asked. This preamble will be included in the agenda with the question(s). Subject to the provisions of the Act, the Member submitting the information is legally liable for its content

3.14.23.13.2 On receipt of the questions the CEO will forward the questions to Mayor. The Mayor will inform the CEO on one of the following processes:

- Request that the CEO (or delegate) respond to the questions; or
- Respond to the questions themselves; or
- Make a determination at the nominated meeting regarding the response.

Process 1

3.14.33.13.3 If the Mayor opts that the CEO (or delegate) responds to the questions and there is sufficient time to consider and respond to the questions, the questions and answers will appear in the Agenda and would then be replicated in the minutes in accordance with Regulation 9.

3.14.43.13.4 If the referral to the CEO (or delegate) does not allow for sufficient time to consider and respond to the questions and include the answers in the agenda, the CEO (or delegate) will arrange for answers to be tabled at the relevant meeting. The questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 2

3.14.53.13.5 If the Mayor opts to respond to the questions they can either:

- Provide the response to the CEO and, if these answers are provided in sufficient time, the questions and answers will be included in the Agenda and would be replicated in the minutes in accordance with Regulation 9.
- Table at the meeting the written responses to the questions on the night of the nominated meeting and the questions and answers will be included in the minutes in accordance with Regulation 9.

OR

Process 3

3.14.63.13.6 If the Mayor opts to make a determination at the nominated meeting regarding a response, the questions will appear in the Agenda and these questions and the answers will be included in the minutes in accordance with Regulation 9.

3.14.73.13.7 This could include the Mayor answering the questions, referring it to the CEO (or delegate) for a response on the night or rule not to accept the questions in accordance with Regulation 9(6).

3.14.83.13.8 If a Mayor makes a determination that a question shall not be answered as per Regulation 9(6) the question and the reason for the determination shall be stated and recorded in the minutes.

3.15.3.14. Motions on Notice

Legislation – Regulation 12
(1) <i>A member may bring forward any business in the form of a written notice of motion.</i>
(2) <i>The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.</i>
(3) <i>A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.</i>
(4) <i>If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought-</i> <i>(a) until after the expiration of 12 months; or</i> <i>(b) until after the next general election, whichever is sooner</i>

3.15.13.14.1 Prior to lodging a motion, Members should liaise with the CEO (or nominated delegates) and may consult with the Mayor on the content of the proposed motion to explore options and implications.

3.15.23.14.2 In circumstances where a Motion on Notice has been placed on the Agenda and the Member who placed the Motion on Notice is not in attendance at the meeting, another Member may move the motion in their stead.

3.15.33.14.3 The following are desirable characteristics when framing a motion⁶:

- a. *Form* – a motion should be in a positive, affirmative form. It should not be in a negative form, unless it achieves some specific advantage or value;
- b. *Content* – a motion should be complete and plain, so that a resultant resolution when read in the future, identifies with certainty its object and substance;
- c. *Wording* – It should be in precise and definite language. Its intention and import should be clear; and
- d. *Drafting* – a motion should be framed and phrased in a way to enable persons to vote in favour of or against the proposal, and thus facilitate the ability of the meeting to make a decision,

3.15.43.14.4 The attached proforma should be used when framing Notices of Motion – refer **Appendix B**.

3.16.3.15. Administration Reports

3.16.13.15.1 Each Council agenda includes report items prepared by the Council Administration, which may include recommendations. These recommendations are not a motion, and have no status until moved by a Member. Alternatively Members may move a completely different motion.

⁶ A. D. Lang (2015) *Horsley's Meetings procedure, Law and Practice* (7th ed.), 119.

~~3.16.23.15.2~~ 3.15.2 Administration Reports to Council will be prepared using the standard format – refer **Appendix C**.

~~3.16.33.15.3~~ 3.15.3 Administration Reports in the Order of Business will be grouped into the following categories:

- a. **Decision Items** – these are agenda items that are seeking the Council’s resolution in relation to a course of action in relation to the matter; and
- b. **Information Items** – these are agenda items that are informing the Council of the status of the matter. Generally, the recommendation in these reports will be for the receiving and noting of the item.

~~3.16.43.15.4~~ 3.15.4 Where additional information is required this may be included as attachments to the report which will be inserted in the agenda papers immediately following the report.

~~3.16.53.15.5~~ 3.15.5 In order to contain the number of reports going before Council, report writers should consider any subsequent steps and, wherever practical, include them in the initial report and set of recommendations. Examples of these subsequent steps that should be included in the initial report include:

- a. the authorisation for the Mayor and/or CEO to sign and seal documents
- b. authorising the Chief Executive Officer or relevant Director to make minor amendments to an associated document
- c. if a working party or sub-committee is required, to indicate that in the report and include a recommendation seeking nominations for Membership of the working party, etc.
- d. indicating a price or value range within which a delegated staff member can negotiate rather than a single fixed price.

~~3.16.63.15.6~~ 3.15.6 Reports are to be prepared so as to communicate the required information in a clear and succinct way. The information presented should be impartial, balanced and evidence-based (where reasonably possible).

~~3.16.73.15.7~~ 3.15.7 As per clause 2.4, to facilitate efficient and effective meetings, Council Members are encouraged to contact the CEO or nominated delegate as early as possible prior to Council meetings to clarify matters appearing on the agenda. The nominated delegate is the Council Officer whose name is listed as the Responsible Officer.

~~3.16.83.15.8~~ 3.15.8 In the normal course of business, report authors will not introduce their report unless requested by the Mayor. However the Mayor will ask the author whether there are any updates to be provided based on queries received or recent events since agenda distribution.

~~3.16.93.15.9~~ 3.15.9 Where practicable, Council Officers may utilise online meeting functionality to provide information to the Council meeting rather than physically attending the meeting.

Status Report – Council and Committee Resolutions Update

~~3.16.103.15.10~~ 3.15.10 A report will be provided monthly for noting, setting out the status of each resolution from Council meetings until the item is completed.

3.17.3.16. Questions Without Notice**Legislation – Regulation 9**

- (3) A member may ask a question without notice at a meeting.*
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.*
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.*
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.*

3.17.13.16.1 To facilitate the efficiency of meetings, Members are encouraged to use the availability of the CEO or nominated delegates prior to the meetings to clarify issues of concern.

3.17.23.16.2 Questions Without Notice can be asked at a meeting and the Mayor has the discretion to accept the questions in accordance with Regulation 9(6).

3.17.33.16.3 If the question is accepted, the Mayor will make the determination to choose to answer the questions or refer them to the CEO (or delegate) for a response. Where an answer is not possible at the meeting, the questions may be taken “on notice” and a response provided by email to all Council Members within 14 days.

3.17.43.16.4 In accordance with Regulation 9(5) Questions Without Notice and the reply will not be included in the minutes unless the Council meeting resolves to do so.

3.18.3.17. Motions Without Notice**Legislation – Regulation 12**

- (5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*

3.18.13.17.1 As they have not been foreshadowed to Members or the broader community and do not have an accompanying analysis (as do Motions On Notice and Administration Reports), it is not considered to be in the interests of good governance practice, and is a denial of natural justice, to consider Motions Without Notice other than those that meet the criteria set out in clause 3.18.2.

~~3.18.2~~3.17.2 In general, Motions Without Notice should be restricted to:

- a. A request that a report on a particular topic be presented at a future meeting;
- b. A simple matter, requiring little information to be considered, and the impact of which on Council is deemed to be minor;
- c. A matter arising from an item before Council that has been considered in detail at that meeting, and where a Motion Without Notice is seen as the best way to resolve or progress the matter in a timely manner; and/or
- d. A matter of such urgency and importance that failure to consider it at the meeting would be likely to result in detriment to the Council or community.

~~3.18.3~~3.17.3 Wherever practicable, Members wishing to move a Motion Without Notice (including a motion different from a report recommendation) are encouraged to make available a written copy of their motion to assist the Mayor in the conduct of the meeting and in the subsequent preparation of the minutes of the meeting.

~~3.18.4~~3.17.4 Following the moving of a Motion Without Notice and prior to the seeking of a seconder, the Mayor will seek advice from the CEO or nominated delegate regarding the perceived implications of the motion.

~~3.18.5~~3.17.5 The Mayor may refuse to accept the Motion Without Notice if, after taking into account the Guiding Principles (Regulation 4 and clause 1.2 of this Code), it is considered that the motion should be dealt with by way of a written Motion On Notice.

~~3.18.6~~3.17.6 Any Motions Without Notice which, in the opinion of the Mayor, require action involving the expenditure of unbudgeted resources should be on the basis of a Motion On Notice.

~~3.19~~3.18. Council Member Reports

~~3.19.1~~3.18.1 At each ordinary Council meeting, Council Members may present a written or verbal report detailing those functions or activities on the business of Council.

~~3.19.2~~3.18.2 Council Members are encouraged to submit their written reports seven (7) clear business days before the date of the meeting to enable the report to be incorporated into the Agenda.

~~3.19.3~~3.18.3 Reports will be recorded in the minutes in summary form and will not include commentary on the activities or functions reported or the attendance of other Council Members or the personal details of residents/ratepayers.

~~3.20~~3.19. Reports of Members/Officers as Council Representatives on External Organisations

~~3.20.1~~3.19.1 At each Ordinary Council meeting, Members or Officers who are appointed as Council representatives on external organisations (e.g. regional subsidiaries) may provide a verbal or written report on their involvement in activities associated with that organisation.

~~3.20.2~~3.19.2 Members and Officers are encouraged to submit their written reports seven (7) clear days before the date of the meeting to enable the report to be incorporated into the Agenda.

3.21.3.20. CEO Report

3.21.13.20.1 At each ordinary Council meeting, the CEO will present a verbal report detailing the status of key activities and initiatives and/or other items of importance which the CEO determines should be brought to the Council's attention. A brief record of the items raised will be noted in the minutes.

3.22.3.21. Reports of Committees

3.22.13.21.1 Committees will report to Council in accordance with the reporting requirements detailed in their respective terms of reference.

3.22.23.21.2 Council Committees will report to Council at the next Council meeting following the Committee meeting. The form of report will be by way of a verbal report from the Presiding Member (or other Member of the Committee should the Presiding Member not being present) in support of the minutes of the Committee meeting.

3.22.33.21.3 A copy of these minutes will be included in the Agenda of the next Council meeting. All recommendations from the Committee will be considered by Council in the form of an Administration Report.

3.22.3 Recommendations to Council arising from a Committee meeting will either be the subject of a separate Administration Report or consolidated in a report under this section accompanying the Committee minutes.

3.23.3.22. Confidential Items

3.23.13.22.1 Before Council orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter.

3.23.23.22.2 This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, will not be able to view or listen to the meeting proceedings. For the operation of section 90(2) of the Act a member of the public does not include a Member of Council.

3.23.33.22.3 Once discussion on that particular matter is concluded, the public will be permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

3.23.43.22.4 Additional information of the use of the confidentiality provisions of the Act are contained in Council's *Code of Practice for Access to Council, Council Committee and Information or Briefing Sessions Meetings & Documents*.

4. OPERATING PROCEDURES – CONDUCT AT THE MEETING

4.1. Leave of the Meeting

Legislation – Regulation 3

(4) For the purposes of these regulations, a vote on whether leave of the meeting is granted may be conducted by a show of hands (but nothing in this subregulation prevents a division from being called in relation to the vote)

4.2. Motions in General, Speaking to Motions and Rights of Reply

Legislation – Regulation 12

- (5) Subject to the Act and these regulations, a Member may also bring forward any business by way of a motion without notice.*
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.*
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be)*
- (8) A motion will lapse if it is not seconded at the appropriate time.*
- (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.*
- (10) A member may only speak once to a motion except-*
- (a) to provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or*
 - (b) with leave of the meeting ; or*
 - (c) as the mover in reply.*
- (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion*
- (21) Subregulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.*

Seconding Speaking to a Motion

4.2.1 Regulation 12(9) is able to be varied at the discretion of Council and therefore Council has determined that the seconder has the option of reserving their right to speak to the motion at the time of seconding but if they choose to exercise this right it must be done prior to the mover in reply.

4.2.2 For clarity, where a Member seconds a motion and reserves their right to speak to it, they will not be considered to have spoken to the motion until they have exercised that right.

Questions Regarding a Motion

4.2.3 Council Members may ask questions of the Administration and/or other Members and answer questions directed to them regarding a motion for the purpose of clarification (but not debate) and this will not be considered as speaking to the motion. Members should ensure that it is clearly a question and not used as an opportunity to contribute to the debate.

Contributing to the debate

- 4.2.4 There is no legislative requirement for any or all Members to contribute to the debate (only to vote as per clause 4.7). In considering whether to contribute, particularly where there is a large agenda to be transacted, Members may wish to evaluate whether their contribution will facilitate a more informed and/or progressive debate. Further, Members are not required to advise whether they will/not support the motion as the voting process will reveal their intentions.

Prevention of inaccurate or misleading information during debates

- 4.2.5 If during the course of debate a Council Member or Officer becomes aware that the debate is predicated on incorrect/misleading information and could lead to any erroneous outcome (and may be a breach of the Behavioural Standards for Council Members), they may signal to the Mayor that they wish to advise the meeting to correct the record. It will be at the Mayor's discretion as to whether the Officer is to be heard.
- 4.2.6 If an opportunity to advise the meeting is granted, the Officer will limit their comments, to the best of their knowledge, the factual information related to the matter. For clarity, the Officer will take due care to ensure that they do not enter the debate.

Rights of Reply

- 4.2.7 Only the mover of the original motion will be granted the right to reply (this shall close the debate). This will occur after any or all amendments have been dealt with and immediately prior to the original motion or substantive motion being put to the meeting (i.e. immediately prior to the final vote).
- 4.2.8 The right of reply should be utilised to reinforce the rationale for moving the motion and to respond to issues raised in debate. Where possible, it should not be used to introduce new material into the debate.

4.3. Formal Motions

Legislation – Regulation 12
<i>(12) A member who has not spoken in the debate on a question may move a formal motion.</i>
<i>(13) A formal motion must be in the form of a motion set out in subregulation (14) (and no other formal motion to a different effect will be recognised).</i>
<i>(14) If the formal motion is:-</i>
<i>(a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or</i>
<i>(b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or</i>
<i>(c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by</i>

- resolution (and, if so retrieved, debate is then resumed at the point of interruption); or*
- (d) that **the question be adjourned**, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or*
- (e) that **the meeting be adjourned**, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.*
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).*
- (16) A formal motion does not constitute an amendment to a substantive motion.*
- (17) If a formal motion is lost-*
- (a) the meeting will be resumed at the point at which it was interrupted ; and*
- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least 1 member has spoken on the question.*
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.*
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.*

- 4.3.1 For clarity, a ‘question’ as referred to Regulation 12 (14)(b-d) is a motion that has been moved and seconded.
- 4.3.2 A formal motion “the question be adjourned” must include the reasons for the adjournment and the details of time and place for the resumption of the debate.
- 4.3.3 If a formal motion that “the question lie on the table” or “the question or meeting be adjourned” as per Regulation 14(c), (d) and (e) is carried, the minutes shall record those that have spoken in the debate. This will ensure that the debate can recommence at the point of the interruption.

4.4. Amendments to Motions

Legislation – Regulation 12
<i>(11)A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</i>
Legislation – Regulation 13
<i>(1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.</i>
<i>(2) An amendment will lapse if it is not seconded at the appropriate time.</i>
<i>(3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.</i>
<i>(4) If an amendment is lost, only 1 further amendment may be moved to the original motion.</i>
<i>(5) If an amendment is carried, only 1 further amendment may be moved to the original motion.</i>

(6) Subregulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

- 4.4.1 The purpose of an amendment is to refine or modify the substantive motion but not to substantially change the intent of the motion or contradict it. The Mayor will not accept a proposed amendment that is direct negative of the motion.
- 4.4.2 For the avoidance of doubt, any Member (including the mover and seconder of the original motion and any other person who has spoken to the original motion at an earlier stage) is entitled to speak to the amendment and, in doing so, is not taken to have spoken to the original motion.
- 4.4.3 Members speaking in a debate on an amendment must confine their remarks to the amendment and not debate the substantive motion.
- 4.4.4 There is no right of reply to an amendment because it is not a motion. Likewise, no division can be called on an amendment because it is not a motion.

4.5. Variations

Legislation – Regulation 14

(1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.

(2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

- 4.5.1 The withdrawal of a motion does not preclude another motion on the same matter being moved. Variations, alterations or withdrawal of a motion will be minuted in accordance with Regulation 8(4)(d).

4.6. Addresses by Members

Legislation – Regulation 15

(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting

(2) A member may, with leave of the meeting, raise a matter of urgency

(3) A member may, with leave of the meeting, make a personal explanation

(4) The subject matter of a personal explanation may not be debated

(5) The contribution of a member must be relevant to the subject matter of the debate

(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

- 4.6.1 A personal explanation should:
- a) provide the Member's account of the reasons or factors regarding an event or situation in which they had an involvement, or
 - b) address a requirement of Council or satisfy a Council resolution.

The explanation will not, under any circumstances, either directly or indirectly, make imputations of improper motives or conduct, or contain personal opinions on

fellow Council Members, the Administration or members of the public; or be used for making statements regarding Council resolutions (except where the personal explanation is to satisfy clause (b) above).

- 4.6.2 If a Member making a personal explanation wishes that the full text of that Personal Explanation be included in the minutes, it may be included by resolution of the Council, if not, only a brief account shall be included.

4.7. Voting

Council Meetings

- 4.7.1 Voting in Council meetings is applied as follows:

Legislation – Regulation 16

- (1) *The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.*
- (2) *The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.*
- 3) *A person who is not in his or her seat is not permitted to vote.*
- 4) *Subregulation (3)—*
- a) *may be varied at the discretion of the council pursuant to regulation 6; and*
- b) *does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purposes of section 89 of the Act.*

- 4.7.2 Each Member present at the meeting of council, must, subject to the provisions of the Act to the contrary, vote on a question arising from that meeting [section 86(4)].
- 4.7.3 The Mayor, or another member presiding in the absence of the Mayor, at a meeting of council, does not have a deliberative vote on a question arising but has, in the event of an equality of votes, a casting vote [section 86(6)].
- 4.7.4 In most cases the requirement is a simple majority of the Members present and entitled to vote however there are provisions in both the Act and the Regulations that require either a two-thirds or an absolute majority of the Members of Council for resolutions on specified matters [section 84(5)].
- 4.7.5 A vote in relation to a question for decision before the Council may be taken a show of hands.
- 4.7.6 The Mayor, or any other Member, may ask the CEO to read out a motion or amendment before a vote is taken.
- 4.7.7 In relation to a Member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Appointments to Positions

- 4.7.8 Due to the potential implications of the Conflict of Interest provisions under s74 and

s75 regarding the appointment of Council Members to positions (particularly those with potential personal or pecuniary benefits), the Council should adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the positions.

- 4.7.9 As the Indicative Voting Process involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council, it is an Information or Briefing Session that is required to be open to the public under s90A(3) (see the *Information or Briefing Sessions Policy* (the Policy)). As an Information or Briefing Session that is required to be open to the public, the Chief Executive will conduct the meeting in accordance with the Policy.
- 4.7.10 The Indicative Voting Process is:
- a. The Mayor seeks a motion to adjourn the meeting for the purpose of conducting an Indicative Voting Process.
 - b. Once the meeting is adjourned (and the Information or Briefing Session has commenced), the Chief Executive Officer calls for self-nominations for the position(s). If Council Officers or Independent Committee Members are eligible for appointment to the position, they can also self-nominate. If Council Officers are being put forward for consideration by the CEO this will be included in the report.
 - c. If the number of nominees is equal to or less than the number of positions, no election will be required. If the number of nominees is greater, an election will be necessary.
 - d. The CEO will appoint a Council Officer as the Returning Officer and may enlist other Council Officers to assist with the conduct of the vote and the count.
 - e. The method of voting will be by secret ballot utilising the preferential counting system
 - f. Each Council Member (including the Mayor) shall have one vote.
 - g. Ballot papers will be provided to each Council Member
 - h. The nominee's names will be drawn by the Returning Officer to determine the order on the ballot paper.
 - i. Each Member will write the nominee's names on the ballot paper in the order they are drawn.
 - j. Each nominee will have two (2) minutes to speak to the Information or Briefing Session in support of their candidacy. The speaking order will be as listed on the ballot paper.
 - k. Members will cast their votes and the completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer [another Council Member (not being a nominee for the position being determined) or an Officer] present.
 - l. In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.
 - m. After all votes have been counted, the Returning Officer shall return to the Gathering and publicly declare the result of the election (i.e. the preferred person).
 - n. The ballot papers will be shredded.
 - o. With the conclusion of the Indicative Voting Process, the Council meeting will resume in accordance with the adjournment resolution.

- p. Upon resumption, any Council Members who nominated for the positions would be advised to consider their obligations under s75B or s75C of the Act (as applicable).
- q. Council can then consider a motion for the preferred person to be appointed to the position(s)

4.8. Divisions

Legislation – Regulation 17
<p>(1) A division will be taken at the request of a member.</p> <p>(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</p> <p>(3) The division will be taken as follows:</p> <ul style="list-style-type: none"> (a) subject to subregulation (3a), the members voting in the affirmative will, until the vote is recorded, stand in their places; (b) subject to subregulation (3a), the members voting in the negative will, until the vote is recorded, sit in their seats; (c) the presiding member will count the number of votes and then declare the outcome. <p>(3a) Where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.</p> <p>(4) The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).</p> <p>(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6</p>

4.9. Tabling of Information

Legislation – Regulation 18
<p>(1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).</p> <p>(2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.</p>

- 4.9.1 A record of any request for documents tabled at the meeting and a record of any documents tabled at the meeting must be made in the minutes of the meeting.
- 4.9.2 If the tabling of documents is crucial to the consideration of the matter and the documents are not able to be tabled in an expeditious manner, the meeting may consider a formal motion to adjourn the question.

4.10. Short-Term Suspension of Proceedings

Legislation – Regulation 20
<p>(1) <i>If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.</i></p> <p>(2) <i>The Guiding Principles must be taken into account when considering whether to act under subregulation (1).</i></p> <p>(3) <i>If a suspension occurs under subregulation (1)—</i></p> <p style="padding-left: 2em;">(a) <i>a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and</i></p> <p style="padding-left: 2em;">(b) <i>the meeting may proceed provided that a quorum is maintained but, during the period of suspension—</i></p> <p style="padding-left: 4em;">(i) <i>the provisions of the Act must continue to be observed; and</i></p> <p style="padding-left: 4em;">(ii) <i>no act or discussion will have any status or significance under the provisions which have been suspended; and</i></p> <p style="padding-left: 4em;">(iii) <i>no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and</i></p> <p style="padding-left: 2em;">(c) <i>the period of suspension should be limited to achieving the purpose for which it was declared; and</i></p> <p style="padding-left: 2em;">(d) <i>the period of suspension will come to an end if—</i></p> <p style="padding-left: 4em;">(i) <i>the presiding member determines that the period should be brought to an end; or</i></p> <p style="padding-left: 4em;">(ii) <i>at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.</i></p>

4.10.1 Use of a short term suspension can be useful when Members could benefit from some informal sharing of ideas, opinions without the constraints of speaking to motions.

4.11. Points of Order

Legislation – Regulation 28
<p>(1) <i>The presiding member may call to order a member who is in breach of the Act or these regulations</i></p> <p>(2) <i>A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach</i></p> <p>(3) <i>A point of order takes precedence over all other business until determined</i></p> <p>(4) <i>The presiding member will rule on a point of order</i></p> <p>(5) <i>If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately</i></p> <p>(6) <i>The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put</i></p>

- (7) *A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –*
- (a) *the ruling has no effect; and*
 - (b) *the point of order is annulled*

4.11.1 Points of order are not recorded in the minutes. The only entry in the minutes in relation to a point of order would be to record the process of a motion to disagree with a ruling by the Mayor.

4.12. Exclusion of member from meeting by Presiding Member

Legislation – Regulation 28A
<p>(1) <i>For the purposes of section 86(6b) of the Act, before giving a direction under that subsection, the presiding member must allow the member to make a personal explanation.</i></p> <p>(2) <i>If a member is excluded from a meeting for a contravention of section 86(6a) of the Act, action cannot be taken under regulation 29 in respect of the contravention.</i></p> <p>(3) <i>A member will not be taken to contravene section 86(6a) of the Act merely because the member is—</i></p> <ul style="list-style-type: none"> (a) <i>objecting to words used by a member who is speaking; or</i> (b) <i>calling attention to a point of order; or</i> (c) <i>calling attention to want of a quorum.</i> <p>(4) <i>For the purposes of section 86(6e) of the Act, if a member the subject of a direction excluding them from a meeting under section 86(6b) of the Act refuses to comply with the direction or enters the meeting in contravention of the direction, the remaining members at the meeting may, by resolution—</i></p> <ul style="list-style-type: none"> (a) <i>censure the member; or</i> (b) <i>suspend the member for a part, or for the remainder, of the meeting.</i>

4.12.1 For clarity regulation 28A (1) is entirely at the Presiding Members discretion.

4.12.2 Section 86(6b) provides that any suspension resolved by the Council in accordance with Regulation 28A will be for a period not exceeding 15 minutes as determined by the presiding member. Further, a matter must not be put to the vote while a member is suspended [section 68(6d)].

4.12.3 The suspended member must for the duration of the suspension, leave the meeting room (including any area set aside for the public) such that the member cannot view or hear and discussion at the meeting [section 86(6b)].

4.13. Interruption of Meetings by Members

Legislation – Regulation 29	
(1)	<i>A member of a council or council committee must not, while at a meeting</i>
	<i>(a) behave in an improper or disorderly manner or</i>
	<i>(b) cause an interruption or interrupt another member who is speaking</i>
(2)	<i>Subregulation (1)(b) does not apply to a member who is –</i>
	<i>(a) objecting to words used by a member who is speaking or</i>
	<i>(b) calling attention to a point of order or</i>
	<i>(c) calling attention to want of a quorum</i>
(3)	<i>If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation</i>
(4)	<i>Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting</i>
(5)	<i>If the remaining members resolve that a contravention of subregulation (1) has occurred, those members may, by resolution –</i>
	<i>(a) censure the member or</i>
	<i>(b) suspend the member for a part, or for the remainder, of the meeting</i>
(6)	<i>A member who –</i>
	<i>(a) refuses to leave a meeting in contravention of subregulation (4) or</i>
	<i>(b) enters a meeting in contravention of a suspension under subregulation (5)</i>
	<i>is guilty of an offence.</i>

4.12.1 Offences under Regulation 29 carry a financial penalty of \$1,250.

4.12.2 In contrast to Regulation 28A(1) above Regulation 29 (5) requires a resolution of Council

4.14. Interruption of Meetings by Others

Legislation – Regulation 30	
<i>A member of the public who is present at a meeting of a council or council committee must not –</i>	
	<i>(a) behave in a disorderly manner or</i>
	<i>(b) cause an interruption</i>

4.13.1 Offences under Regulation 30 carry a financial penalty of \$500.

4.15. Meeting Protocols

Mobile Phones/Pagers

4.14.1 Mobile phones/pagers should be switched off or silent during Council meetings unless prior approval is granted by the Mayor for the phone/pager to remain active.

Speaking during meetings

4.14.2 Council Members and Council Officers will raise their hand and wait to be invited to speak by the Mayor prior to addressing the Council.

4.14.3 Upon being invited to speak, the Member or Officer will lower their hand, unmute their microphone for the duration of their speech and will mute their microphone when concluded.

4.14.4 When addressing Council, the Member or Officer will speak 'through the chair' (e.g. 'through your Worship').

Forms of Address

4.14.5 The Mayor shall be addressed as Your Worship or Mayor.

4.14.6 Councillors should be referred to as 'Councillor' followed by their surname.

4.14.7 Council Officers should be referred to by the relevant prefix followed by their surname or by their position title (i.e. CEO, Director Community Capacity).

Interaction with the Gallery

4.14.8 The Mayor may speak to members of the Gallery for the purposes of welcoming attendees, arranging Deputies and Public Forum speakers and providing other information related to the functioning of the meeting.

4.14.9 Councillors must not speak to members of the Gallery during the meeting or accept notes from those present in the Gallery. The only exception is when Members of the Gallery are making a Deputation or speaking in the Public Forum.

4.14.10 Council Officers should also minimise discussion with members of the Gallery during the meeting other than to provide guidance regarding meeting logistics.

5. OPERATING PROCEDURES – RECORDING/BROADCASTING OF THE MEETING

5.1. Recording of Meetings

5.1.1 Council meetings will be recorded using the electronic meeting software (i.e. audio and visual).

5.1.2 As a general rule, the recordings will be captured by the Administration of open Council meetings to be used for the purpose of:

- a. assisting in the preparation of minutes
- b. ensuring decisions are accurately recorded
- c. verifying the accuracy of minutes prior to their confirmation.

5.1.3 Recordings will be managed in accordance with the provisions of the *State Records Act 1997*, *Surveillance Devices Act 2016* and the *Freedom of Information Act 1991* (FOI Act).

5.1.4 The recording is an internal working document and is not the official record of the meeting. The official record of the meeting is the meeting minutes which require confirmation by resolution and are signed by the Mayor.

5.1.5 In the absence of any technical difficulties, recordings of Council meetings [with any provisions subject to s90(3) redacted] will be placed on the Council website to coincide with the publication of the Council minutes.

5.2. Livestreaming/broadcasting of Meetings

- 5.2.1 Council meetings will be livestreamed/broadcast using the electronic meeting software (i.e. audio and visual) into social media channels and/or Council's website as determined by the Chief Executive Officer.
- 5.2.2 Details of the livestream/broadcast will be included on the Council website to enable members of the public to observe the meeting. The livestream/broadcast settings will not allow the public to participate in the meeting, other than by deputation.
- 5.2.3 Further information on the public access to Council Meetings can be found in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

5.3. Minutes of Meetings

- 5.3.1 In accordance with section 91 of the *Local Government Act 1999*, the CEO must ensure that minutes are kept of the proceedings at every meeting of Council.
- 5.3.2 If the CEO is excluded from a meeting, the Mayor must ensure the minutes are kept.
- 5.3.3 Each Member of the Council must, within five (5) days after a meeting of a Council, be supplied with a copy of all minutes of the proceedings of the meeting.
- 5.3.4 Minutes of all Council meetings will be posted on Council's website as soon as practicable after they are completed.
- 5.3.5 More information of public access to Council documents is contained in the *Code of Practice for Access to Council, Council Committee and Information or Briefing Session Meetings & Documents*.

Legislation – Regulation 8

- (1) *The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.*
- (2) *No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.*
- (3) *On the confirmation of the minutes, the presiding member will -*
- (a) *initial each page of the minutes, which pages are to be consecutively numbered; and*
 - (b) *place his or her signature and the date of confirmation at the foot of the last page of the minutes.*
- (3a) *For the purposes of subregulation (3), the presiding member may initial or sign the minutes in hardcopy or electronically.*
- (4) *The minutes of the proceedings of a meeting must include –*
- (a) *the names of the members present at the meeting; and*
 - (b) *in relation to each member present -*
 - (i) *the time at which the person entered or left the meeting; and*

- (ii) *unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and*
- (c) *each motion or amendment, and the names of the mover and seconder; and*
- (d) *any variation, alteration or withdrawal of a motion or amendment; and*
- (e) *whether a motion or amendment is carried or lost; and*
- (f) *any disclosure of interest made by a member; and*
- (g) *an account of any personal explanation given by a member; and*
- (h) *details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and*
- (i) *a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and*
- (j) *details of any adjournment of business; and*
- (k) *a record of any request for documents to be tabled at the meeting; and*
- (l) *a record of any documents tabled at the meeting; and*
- (m) *a description of any oral briefing given to the meeting on a matter of council business; and*
- (n) *any other matter required to be included in the minutes by or under the Act or any regulation.*

5.3.6 As the minutes are a reflection of decisions made by meeting as a whole, minutes of the meeting do not record (with the exception of a Division in accordance with Regulation 17 and as required under section 75B – *Dealing with general conflicts of interest*) the manner in which the Member voted and the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter

5.3.7 Minutes will also not record or reflect specifics of debate of an item.

6. ADMINISTRATIVE ARRANGEMENTS

6.1. Availability of the Code

6.1.1 This Code is available via the Council's website www.ahc.sa.gov.au.

6.2. Delegation

6.2.1 The CEO has the delegation to:

- a. Approve, amend and review any procedures that shall be consistent with this Code.
- b. Make any legislative, formatting, nomenclature or other minor changes to the Code during the period of its currency.

APPENDIX A - AGENDA TEMPLATE FOR ORDINARY COUNCIL MEETINGS

- 1. COMMENCEMENT**
- 2. OPENING STATEMENT**
- 3. APOLOGIES/LEAVE OF ABSENCE**
 - 3.1. Apology**
 - 3.2. Leave of Absence**
 - 3.3. Absent**
- 4. MINUTES OF PREVIOUS MEETINGS**
- 5. DECLARATION OF INTEREST BY MEMBERS**
- 6. MAYOR'S OPENING REMARKS**
- 7. QUESTIONS ADJOURNED/LYING ON THE TABLE**
 - 7.1. Questions Adjourned**
 - 7.2. Questions Lying on the Table**
- 8. PETITIONS / DEPUTATIONS / PUBLIC FORUM**
 - 8.1. Petitions**
 - 8.2. Deputations**
 - 8.3. Public Forum**
- 9. PRESENTATIONS**
- 10. QUESTIONS ON NOTICE**
- 11. MOTIONS ON NOTICE**
- 12. ADMINISTRATION REPORTS – DECISION ITEMS**
- 13. ADMINISTRATION REPORTS – INFORMATION ITEMS**
- 14. QUESTIONS WITHOUT NOTICE**
- 15. MOTIONS WITHOUT NOTICE**
- 16. REPORTS**
 - 16.1. Council Member Reports**
 - 16.2. Reports of Members/Officers as Council Representatives on External Organisations**
 - 16.3. CEO Report**
- 17. REPORTS OF COMMITTEES**
- 18. CONFIDENTIAL ITEMS**
- 19. NEXT MEETING**
- 20. CLOSE MEETING**

APPENDIX B – MOTION ON NOTICE TEMPLATE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
<day> <date>
AGENDA BUSINESS ITEM**

Item: 12.1 Motion on Notice

Originating from:

Subject:

1. MOTION

I move... <body of motion>

2. BACKGROUND

3. OFFICER'S RESPONSE – Officer Name, Position

ANALYSIS

- **Strategic Management Plan/ Functional Strategy/Council Policy Alignment**
- **Legal Implications**
- **Risk Management Implications**
- **Financial and Resource Implications**
- **Customer Service and Community/Cultural Implications**
- **Sustainability Implications**
- **Engagement/Consultation conducted in the development of the report**
- **Other Matters**

APPENDIX C – ADMINISTRATION REPORT TEMPLATE

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
<day> <date>
AGENDA BUSINESS ITEM**

Item: 12.

Responsible Officer:

Subject:

For: Decision/Information

SUMMARY

RECOMMENDATION

That Council resolves:

1. To receive and note the report
 - 2.
-

1. **BACKGROUND**

2. **ANALYSIS**

- **Strategic Management Plan/ Functional Strategy/Council Policy Alignment**
- **Legal Implications**
- **Risk Management Implications**
- **Financial and Resource Implications**
- **Customer Service and Community/Cultural Implications**
- **Sustainability Implications**
- **Engagement/Consultation conducted in the development of the report**
- **Other Matters**

3. **OPTIONS**

4. **APPENDICES**

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 12.4

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Acting Deputy Mayor Appointment

For: Decision

SUMMARY

The *Local Government Act 1999* provides that a council may resolve to have a position of Deputy Mayor (s51(3)).

The Mayor has recently had a 6 month leave of absence approved and the current Deputy Mayor will be Acting Mayor for this time period. Administration recommends that an Acting Deputy Mayor be appointed to fill the vacancy and provide a replacement for any periods of leave or if the Acting Mayor is not available for duties.

The purpose of this report is to undertake the process for the appointment of the Acting Deputy Mayor position for a specified term.

RECOMMENDATION

Council resolves:

Decision 1 [\(required if one candidate indicates intention to nominate\)](#)

1. That the report on the Acting Deputy Mayor Appointment be received and noted.
2. To appoint Cr _____ to the position of Acting Deputy Mayor to commence 26 March 2025 and conclude on 10 September 2025.
3. To note that the Deputy Mayor has a number of roles and functions under Council's policies.
4. That, for the avoidance of doubt:
 - a. the Acting Mayor, as the substantive Deputy Mayor, retains the roles and functions of the Deputy Mayor under Council's policies unless the Deputy Mayor is unavailable or unable to perform the roles and functions or delegates these roles and functions
 - b. the Acting Deputy Mayor only takes on the roles and functions of the Deputy Mayor under Council's policies if the Acting Mayor is unavailable or unable to perform the roles or functions or is delegated these roles and functions.

Decision 2 (required if more than one candidate indicates intention to nominate)

Council resolves:

1. That the report on the Acting Deputy Mayor Appointment be received and noted.
2. To determine that the method of selecting the Acting Deputy Mayor be by an indicative vote to determine the preferred person utilising the process as set out within this report and in accordance with the advice contained within Appendix 1.
3. To adjourn the Council meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote to determine the preferred persons for the Acting Deputy Mayor role and for the meeting to resume once the results of the indicative voting has been declared.

Decision 3 (required if meeting adjourned)

1. To appoint Cr _____ to the position of Acting Deputy Mayor to commence 26 March 2025 and conclude on 10 September 2025 inclusive.
2. To note that the Deputy Mayor has a number of roles and functions under Council's policies.
3. That, for the avoidance of doubt:
 - a. the Acting Mayor, as the substantive Deputy Mayor, retains the roles and functions of the Deputy Mayor under Council's policies unless the Deputy Mayor is unavailable or unable to perform the roles and functions or delegates these roles and functions
 - b. the Acting Deputy Mayor only takes on the roles and functions of the Deputy Mayor under Council's policies if the Acting Mayor is unavailable or unable to perform the roles or functions or is delegated these roles and functions.

1. BACKGROUND

Council appointed Cr Nathan Daniell to the position of Deputy Mayor at the 28 January 2025 Council Meeting.

12.3 Nominations for Deputy Mayor

Moved Cr Chris Grant
S/- Cr Mark Osterstock

11/25

Council resolves:

1. That the report on the Deputy Mayor Appointment be received and noted.
2. To appoint Cr Nathan Daniell to the position of Deputy Mayor for a 12 month term to commence 28 January 2025 and conclude on 28 January 2026 inclusive.

Carried Unanimously

At the 11 March 2025 Council meeting Mayor Jan-Claire Wisdom was granted a leave of absence for a six (6) month period from 11 March 2025 to 10 September 2025.

MOTION AS VARIED

Moved Cr Mark Osterstock
S/- Cr Lucy Huxter

89/25

- 1 That a Leave of Absence from all duties of office be granted to Mayor Jan-Claire Wisdom from 11 March 2025 to 10 September 2025, and in doing so, Council requests that Mayor WISDOM, pursuant to the provisions of Section 76 (12) of the Local Government Act 1999, in the financial interests of the Adelaide Hills Community, [noting that Mayor WISDOM will not be performing any Mayoral duties whatsoever during this period] declines to accept payment of an allowance during this period of Leave of Absence.
- 2 That any committee or panel membership currently held by Mayor Jan-Claire Wisdom be undertaken by Deputy Mayor DANIELL during the period of Leave of Absence.
- 3 That the CEO writes to Mayor WISDOM, as soon as practicable, informing her of Councils decision and requests that Mayor WISDOM provides Council [and in doing so the Adelaide Hills Community] with a written response as to whether she will be declining to accept an allowance during the Leave of Absence by 25 March 2025.

Carried Unanimously

During the leave of absence period Deputy Mayor Nathan Daniell will be Acting Mayor, which will leave the Deputy Mayor position vacant during this timeframe. In consideration of potential leave or other instances of unavailability it is recommended that an acting deputy mayor is appointed.

2. ANALYSIS

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes.

Priority 02.01 Demonstrate accountable and transparent decision making.

➤ **Legal Implications**

Section 51(4) states that if there is to be a Deputy Mayor, he or she will be chosen by the members of the council from amongst their own number and will hold office for a term determined by the council. A term is not to exceed 4 years.

Section 51(5) states that on expiration of a term of office, the Deputy Mayor is eligible to be chosen for a further term.

Section 51(6) states that in the absence of the Mayor, a Deputy Mayor may act in the Office of the Mayor. In doing so, the Deputy Mayor assumes the key duties of presiding over Council meetings and being the principal spokesperson of the Council.

By default, the Deputy Mayor assumes the role of Acting Mayor when the Mayor is on a leave of absence.

Section 74 – General conflicts of interest of the Act set out the provisions regarding General Conflicts of Interest. In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member’s private interests might result in the Member acting in a manner that is contrary to their public duty. For this matter, Council Members seeking to be appointed may have a General COI and should consider declaring the interest and acting in accordance with *s75B – Dealing with general conflicts of interest*.

Section 75 – Material conflicts of interest of the Act set out the provisions regarding Material Conflicts of Interest. In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in *s75(1)(a-l)* in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting. For this matter, Council Members seeking to be appointed to the Deputy Mayor position may have a Material COI due to the additional allowance payable and should consider declaring the interest and acting in accordance with *s75C – Dealing with material conflicts of interest*.

Council’s *Information or Briefing Sessions Policy* created under *s90A(1)* sets out the provisions for the conduct of an Information or Briefing Session such as the session recommended for the purposes of indicative voting. The above COI provisions do not apply to an Information or Briefing Session if it occurs.

➤ **Risk Management Implications**

The Council’s consideration of the requirement for a Deputy Mayor will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

Note that there are many other controls that assist in mitigating this risk.

➤ **Financial and Resource Implications**

An Independent Remuneration Tribunal has jurisdiction under section 76 of the Act to determine the allowances payable to council members. The Tribunal determines the annual allowance for councillors, principal members, deputy mayor, prescribed and non-prescribed committee presiding members and travel time allowances with the applicable determination of this term of council being *Determination 2 of 2022 – Allowances for Members of Local Government Councils*.

The Determination sets the annual allowance for a councillor who is a deputy mayor at 1.25 times the annual councillor allowance.

As a Group 2 Council for the purposes of the Determination, the Deputy Mayor's allowance will be \$26,106.36pa. The Determination further prescribes that the Deputy Mayor will receive the equivalent of the Mayoral allowance (4 times the annual councillor allowance) in circumstances where they are required to act in the office of the Mayor for a period exceeding one month.

Council's *Council Member Allowances & Support* policy provides for additional facilities and supports for the Mayor. It also provides for additional supports for the Deputy Mayor.

The cost of appointing an Acting Deputy Mayor is the addition of the 1.25 Deputy Mayor allowance to the Councillor who is appointed, which over a 6 month period would be approximately \$2617.79.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

There is no requirement for community consultation in relation to the appointment of a Deputy Mayor as Section 51(4) of the Act is clear that the Deputy Mayor is chosen by resolution of the Council.

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

➤ **Additional Analysis**

Role of the Deputy Mayor

During the 2018-2022 Council term, the Deputy Mayor deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence (i.e. illness and leave).

During the current 2022-2026 period, the person in the role of Deputy Mayor has deputised for the Mayor on several occasions and acted in the Office of the Mayor during periods of absence (i.e. leave of absence).

In considering the Acting Deputy Mayor position, Council may wish to consider suitability factors including (but not limited to):

- understanding of, or the ability to acquire the same in, the role, function, and strategic intent of the Council;
- understanding of, or the ability to acquire the same in, meeting procedure generally and the meeting procedure set out in the *Local Government (Procedures at Meetings) Regulations 2013* and Council's *Code of Practice for Council Meeting Procedures* more specifically;
- expertise in chairing meetings of comparable boards/committees in other organisations, public and private;
- ability to preside efficiently, firmly, impartially, and fairly over Council meetings;
- ability to manage conflict and differing opinions;
- ability and availability to represent and have an affinity with the community as a whole;
- ability and availability to represent the Council in the presence of members of Parliament, dignitaries, and peers;
- ability and availability to act in the Office of the Mayor during periods of absence;
- ability to deal with matters delegated under Council Policies to the Deputy Mayor (i.e. training and development, Council Member conduct);
- leadership, social and communication skills;
- relationship with the CEO, directors/departmental managers, and staff of the Council;
- the opportunity to provide professional development in presiding member skills;
- the opportunity to consider diversity in the role;
- current and future time commitments (i.e. there are a number of Council Committees, Regional Subsidiaries and Advisory Groups that will also require Council Member representation).

Substantive Deputy Mayor and Implications of recent Policy Changes as a result of resolutions

In 2024, Council allocated a number of roles traditionally held by the Mayor to the Deputy Mayor, including being the Principal Spokesperson for Council, being on the CEO Performance Review Panel and all functions, duties, responsibilities and roles (inclusive of any representative role) given to the Mayor under any Council policy, resolution, direction or convention (see particularly resolutions 10 September 2024, 316/24, 317/24, and 26 November 2024 430/24).

Additionally, as a result of resolution 430/24, a number of policies were revised and endorsed by Council at the 25 February 2025 Council Meeting:

MOTION AS VARIED

Moved Cr Mark Osterstock
S/- Cr Chris Grant

77/25

1. To receive and note the report.
2. With an effective date of 4 March 2025, to revoke the *Code of Practice for Access to Council Policy* and to adopt the revised *Code of Practice for Access to Council Policy* at Appendix 2.
3. With an effective date of 4 March 2025, to revoke the *Complaint Handling Policy* and to adopt the revised *Complaint Handling Policy* at Appendix 3.
4. With an effective date of 4 March 2025, to revoke the *Council Member Training and Development Policy* and to adopt the revised *Council Member Training and Development Policy* at Appendix 5.
5. With an effective date of 4 March 2025, to revoke the *Council Member Training and Development Approval Form* and to adopt the revised *Council Member Training and Development Approval Form* at Appendix 5.
6. With an effective date of 4 March 2025, to revoke the *Caretaker Policy* and to adopt the revised *Caretaker Policy* at Appendix 6.
7. With an effective date of 4 March 2025, to revoke the *Internal Review of Council Decision Policy* and to adopt the revised *Internal Review of Council Decision Policy* at Appendix 7.
8. With an effective date of 4 March 2025, to revoke the *Internal Audit Policy* and to adopt the revised *Internal Audit Policy* at Appendix 8.
9. With an effective date of 4 March 2025, to revoke the *Behavioural Management Policy* and to adopt the revised *Behavioural Management Policy* at Appendix 9.
10. With an effective date of 4 March 2025, to revoke the *Advisory Group Operation Conduct Policy* and to adopt the revised *Advisory Group Operation Conduct Policy* at Appendix 10.
11. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the above policies.
13. That the changes listed in the policies which remove powers from the Mayor and allocate them to the Deputy Mayor, are current until the end of this current Council term.

9:42pm Cr Louise Pascale left the meeting room and did not return.

Carried Unanimously

These policy changes allocated a number of functions and roles to the Deputy Mayor.

It is proposed that Acting Mayor Nathan Daniell retains these roles and functions in his substantive position as Deputy Mayor. If he is unable to perform these roles and functions, then the Acting Mayor would take on these roles and functions.

Conflict of Interest and Voting Process

Due to the implications of the Material Conflict of Interest provisions under s75 (see Legal Implications above), it is proposed that the Council adjourn the meeting for the purposes of seeking nominations for and, if necessary, conducting an indicative vote (Indicative Voting Process) to determine the preferred person for the position of Deputy Mayor.

As the Indicative Voting Process 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, it is an Information or Briefing Session for the purposes of s90A and the *Information or Briefing Sessions Policy* (the Policy). As an Information or Briefing Session, the Chief Executive will conduct the session in accordance with the Policy.

The proposed Indicative Vote Process below is based on the Appointments to Positions Process contained in Clause 4.7 Council's *Code of Practice for Council Meeting Procedures* with modifications to suit the legislative requirements of the conflict of interest and Information or Briefing Session provisions and section 51(8) of the Local Government Act.

The proposed Indicative Voting Process is:

1. On reaching the Agenda item, and prior to any motion being moved, the Mayor enquires as to how many members intend to nominate for the position of Deputy Board Member;
2. if only one (1) elected member or staff member indicates their candidacy, that member will declare a material conflict of interest and leave the meeting, whilst the Mayor invites a motion to appoint that member to the position (Decision 1);
3. the meeting will then deal with the motion;
4. if there are two (2) or more candidates, the Mayor will call for a formal motion to adjourn the meeting, until the conclusion of an informal secret ballot process (Decision 2);
5. once the meeting is adjourned, the Chief Executive Officer (or their delegate) will ask for confirmation of the candidates;
6. The method of voting will be by secret ballot utilising the preferential counting system;
7. Each Council Member (including the Mayor) shall have one vote;
8. Ballot papers will be provided to each Member;
9. The nominees' names will be drawn to determine the order on the ballot paper;
10. Each nominee will have two (2) minutes to speak in support of their candidacy. The speaking order will be as listed on the ballot paper.
11. Completed ballot papers will be collected by the Returning Officer and the count will be undertaken in a separate room with an observer (another Council staff member) present.
12. In the event of a tie, the result will be decided by the Returning Officer drawing lots, the candidate first drawn being the candidate excluded.

13. After all votes have been counted, the Returning Officer shall formally declare the result of the election.

14. The ballot papers will be shredded.

3. OPTIONS

The Council has the following options:

- I. To resolve to appoint an Acting Deputy Mayor for a period and to undertake the processes as outlined in the report (***Recommended***).
- II. To determine not to continue with the position of Deputy Mayor until later in the Term (***Not Recommended***).

4. APPENDICES

Nil

Administration Reports Information Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 25 March 2025
AGENDA BUSINESS ITEM**

Item: 13.1

Responsible Officer: Jess Charlton
Director
Community and Development

Subject: Fabrik Business and Implementation Plan Update

For: Information

SUMMARY

The purpose of this report is to provide an update on Fabrik Arts + Heritage since the opening in September 2024.

Fabrik reopened in September 2024 after a major redevelopment of the site to improve accessibility and functionality. The *Fabrik Business and Implementation Plan 2024* was developed prior to opening, guiding the operations of the new venue and seeking to ensure maximum economic and community benefit from the facility. The Plan identified actions and milestones for programs and provided targets and indicators to evaluate the effectiveness of activities.

The *Fabrik Business and Implementation Plan Update – March 2025* report is provided in **Appendix 1** and is provided for Council information.

RECOMMENDATION

Council resolves:

1. That the report and the *Fabrik Business and Implementation Plan Update – March 2025* in **Appendix 1** be received and noted.
-

1. BACKGROUND

At its meeting on 28 May 2024 Council received and noted the *Fabrik Business and Implementation Plan 2024* (**Appendix 2**).

12.5 Fabrik Business Implementation Plan

Moved Cr Melanie Selwood
S/- Cr Kirilee Boyd

175/24

Council resolves:

1. That the report on the Fabrik Business and Implementation Plan be received and noted.
2. To receive and note the Fabrik Business and Implementation Plan 2024.
3. To support the continued operation of Fabrik Arts and Heritage in line with the Fabrik Business and Implementation Plan 2024.
4. That regular reporting on Fabrik be provided to Council through the Quarterly Performance Report, including financial, tourism, community and arts support metrics as outlined in the Fabrik Business and Implementation Plan 2024 evaluation and monitoring.
5. That the CEO provides a progress report on the implementation of the Fabrik Business and Implementation Plan 2024 within 12 months of the redeveloped Fabrik Arts and Heritage becoming operational.

Carried Unanimously

In addition to the reporting requirements included in the above resolution (ie. quarterly reporting and a 12 month progress report), the *CEO Key Performance Indicators 2024-25* contemplated an ‘assessment of effectiveness of use’ of Fabrik as one of the milestones, due in March 2025. This assessment has been undertaken and is provided in the *Fabrik Business and Implementation Plan Update – March 2025* report in **Appendix 1**.

The approach taken was two-fold and included:

- A review of Fabrik’s operations and achievements against the programs and work streams identified in the *Fabrik Business and Implementation Plan 2024* (the “Business Plan”) including exhibitions, creative workshops, community projects and events, retail operations, artist studios, spaces for hire and the Mill Stories heritage interpretation.
- Reporting against the evaluation and measures criteria in the Business Plan, including financial, tourism, community and arts indicators.

Between May and August 2024 the Fabrik team was recruited. Fabrik Arts + Heritage reopened to the public on 20 September 2024 and it has been operating Wednesday to Sunday, 11am – 4pm since then.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Goal 2 Community Wellbeing

Objective CW5	Foster cultural identity and connection to place
Priority CW5.1	Establish Fabrik Arts + Heritage as an arts and culture destination, attracting visitors from Australia and around the world.
Priority CW5.2	Support and create opportunities for artists, performers and writers to showcase their work and and contribute to community identity, events and placemaking.
Priority CW5.3	Develop connection for people and place by fostering public art and supporting arts and cultural experiences, including events, markets and festivals.
Goal 3	Built Form and Economy
Objective BFE5	Promote sustainable prosperity by supporting tourism, creative industries, primary production and vibrant townships
Priority BFE5.2	Support and encourage the growth of primary production, manufacturing, creative and other industries, including a focus on local supply chains.

There are also links to strategic priorities around reconciliation and community connection.

➤ **Legal Implications**

Section 7 of the *Local Government Act 1999* outlines the functions of councils. Among other things, these include:

(b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area;

(g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;

➤ **Risk Management Implications**

Providing an update report to Council on the implementation of the Business Plan, following six months of operations at Fabrik, will assist in mitigating the risk of:

Lack of robust planning and strategy alignment (regarding Fabrik Arts and Heritage) leading to misuse of public funds.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low

This is an existing control, contemplated in reporting mechanisms in the Business Plan.

➤ **Financial and Resource Implications**

The progress report provided in **Appendix 1** communicates the program streams developed in accordance with the Business Plan and the Fabrik budget in the *Annual Business Plan 2024-25*.

➤ **Customer Service and Community/Cultural Implications**

There is a community expectation that the implementation of the Business Plan and Fabrik’s operations will be well managed to ensure the responsible use of public funds.

➤ **Sustainability Implications**

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Council Committees: Not applicable

Council Workshops: Not applicable

Advisory Groups: Not applicable

External Agencies: Not applicable

Community: Not applicable

➤ **Additional Analysis**

The *Fabrik Business and Implementation Plan Update – March 2025* report is provided in **Appendix 1**. While the contents are not repeated here, the report provides an update on the Fabrik program aims including exhibitions, creative workshops, community events, retail operations, artist studios, spaces for hire and the Mill Stories heritage interpretation.

Notable achievements since the opening in September 2024 include:

- Six exhibitions have been presented from September 2024 to March 2025, and exhibitions are planned through until the end of 2026, with the program nearing capacity.
- 13 workshops have been delivered since October 2024 covering a diverse range of skills including block printing, watercolour, wearable art, felted vessels, creating a leather journal, crochet, cyanotypes and stitching.
- The first Artist in Residence was hosted November 2024 in partnership with the 16Albermarle gallery in Sydney. Mariem Thidarat Chantachu from Thailand stayed at Fabrik for six weeks, creating work and connecting with volunteers, the community and South Australia textile artists.
- The Handmade Christmas Market was a resounding success, with 3,000 people attending and feedback from stallholders indicating their sales were stronger than at other well-established metropolitan markets.
- 58 artists have been represented in the Fabrik shop, supporting emerging and established businesses, creative micro businesses, and the local economy. The diverse range includes a focus on textile arts as well as homewares, jewellery, wall and garden art, kits and materials for making.
- The artist studios have been close to full occupancy, with a 90% occupancy rate through to February. The studios provide a creative space for local and visiting artists, and feedback from studio makers has been positive with longer-term and repeat bookings.
- A venue hire package was released in January 2025 and venue hires are steadily increasing. Future opportunities are being explored, including hosting after-school art classes and interpretive tours in collaboration with the Lobethal Archives and Historical Museum.
- Curated heritage interpretation displays welcome visitors to the Blanket Building lower floor, helping to share the significance of the building and the site it stands on.

Work is underway with Pinata Studio (funded by the History Trust of SA) to develop the display in the Mill Shed, and a Memorandum of Understanding (MOU) is in development with Onkaparinga Woollen Mill Museum Incorporated (OWMMI) regarding the display of items from the collection.

- Current visitor figures indicate that visitation from outside of the region is strong. Tourism opportunities underway include holding ‘familiarisations’ to introduce potential stakeholders to the precinct along with Fabrik venue hire and tourism offerings.

The update also reports on the evaluation areas and indicators in the Business Plan, including financial, tourism, community and arts support. The financial analysis shows that income generated in the first three months of operations is at approximately 70% of the expected case scenario in the Business Plan. While this is not unusual in the first three months of operations, staff have engaged cultural commerce expertise to provide strategic advice on maximising retail sales profits, are exploring sponsorship and philanthropic opportunities and are expanding marketing and promotion activities. The tourism, community and arts support indicators are tracking well with strong visitation from outside the region and the overall number of visitors on track to meet the Year 1 target.

3. OPTIONS

Council has the following options:

- I. To receive and note the report and the *Fabrik Business and Implementation Plan Update – March 2025* provided in **Appendix 1** (Recommended)
- II. To not receive and note the report and the *Fabrik Business and Implementation Plan Update – March 2025* (Not Recommended)

4. APPENDICES

- (1) *Fabrik Business and Implementation Plan Update – March 2025*
- (2) *Fabrik Business and Implementation Plan 2024*

Appendix 1

*Fabrik Business and Implementation Plan Update –
March 2025*



Fabrik

Business and Implementation Plan Update

March 2025

Introduction

The assessment of the effectiveness of use of Fabrik has been undertaken by:

1. Reviewing Fabrik's operations and achievements against the programs and work streams identified in the Fabrik Business Plan, including
 - Exhibitions
 - Creative Workshops
 - Community Projects and Events
 - Retail Shop
 - Artist Studios
 - Spaces for Hire and
 - Mill Stories Interpretation.

In addition, information on tourism initiatives has also been included in the assessment.

2. Providing an update against the Evaluation and Measures criteria in the Fabrik Business Plan, including indicators in the following areas:
 - Financial
 - Tourism
 - Community
 - Arts Support



01

*Fabrik Operations and
Achievements*

Fabrik Program Streams	Assessment – March 2025	Future Deliverables / Opportunities
Exhibitions	<p>✓ 6 Exhibitions run from September 2025 to March 2025:</p> <p><i>All Things are Connected – curated by Emeritus Professor Kay Lawrence AM</i> (September – October 2024)</p> <ul style="list-style-type: none"> • Great reach on social media with four artworks sold, including significant pieces by Sera Waters and First Nations artists Aunty Ellen Trevorrow and Sonya Rankine. <p><i>Australia Wide 9 – Ozquilt</i> (November – December 2024)</p> <ul style="list-style-type: none"> • Featured 34 artists, this touring exhibition was launched at Fabrik before embarking on a national tour, showcasing artwork of Oz Quilt Network (OZQN) members from across Australia <p><i>Mariem Thidarat Chantachua exhibition</i> (November – December 2024)</p> <ul style="list-style-type: none"> • A showcase of new works created during Fabrik’s first Artist residency <p><i>100 Treasured Textiles – from the private collection of Collen Morrow</i> (December 2024 – February 2025)</p> <ul style="list-style-type: none"> • An incredibly popular exhibition, with 22 treasured textiles sold. • 60 people attended a special artist/collector talk held in conjunction with the exhibition, with a waitlist for attendance. <p><i>Hooked and Calm</i> (February – March 2025)</p> <ul style="list-style-type: none"> • Concurrent exhibitions during the Adelaide Fringe featuring extensive displays of crochet (Hooked), including a community participatory exhibition with 90 participants and 158 circular crocheted mandalas (Calm) • Visitor and participant feedback to both exhibitions has been incredibly positive and the excitement for the comprehensive celebration of crochet has resulted in repeat visitation. The Calm exhibition has been extended to June 2025 due to the level of interest. 	<p>✓ Exhibitions planned through to end of 2025, with the program nearly full:</p> <ul style="list-style-type: none"> • VERWEBAN (fur-vee'-bonn) Germanic Interweaving exhibition with artist Flossie Pietsch, as a part of the SA History Festival (April – May 2025) • Fabric and the Conservation of Cultures by Mary Jose as part of National Reconciliation Week and NAIDOC Week (June – July 2025) • SALA Exhibition – showcasing the textile work of Adelaide Central School of Art graduates and staff (August – September 2025) • Tarnanthi exhibition curated by Sam Yates and Marika Davies of Country Arts SA (November 2025 – March 2026) • Present on-line exhibition. From July 2025 onwards. 130 hand stitched self-portraits from all over the world. Previously presented at Fabrik in the Blanket building to commemorate the opening. In its second iteration to be a virtual exhibition on Fabrik website. • Exhibitions scheduled for 2026 include touring exhibitions from the JamFactory, the International Art Textile Biennale, and Country Arts SA. • Staff are progressing conversations with the National Gallery of Australia to loan textile artworks from their collection.

Creative Workshops	<ul style="list-style-type: none"> ✓ 13 Workshops Delivered since October 2024 covering a diverse range of skills including block printing, watercolour, wearable art, felted vessels, creating a leather journal, crochet, cyanotypes and stitching • A number of workshops have sold out including Botanically Inspired Watercolour; Stitch a Wren; Create Your Own Leather Journal; Screen Printing with Simone Tippet. • Fabrik’s creative workshops allow the community to develop creative skills and provide paid opportunities for local artists (including makers represented in the Fabrik shop) to teach their skills. A significant number of workshops are associated with programmed exhibitions, and cultural festivals and events such as the Adelaide Fringe Festival, SALA Festival and Tarnanthi. • Special Artist in Residence workshop hosted by Mariam Thidarat Chantachua. This was a stitching workshop with community crafting groups that was fully booked. • High participation in the recent crochet clinics, with 45 participants and a third clinic scheduled to accommodate demand. 	<ul style="list-style-type: none"> ✓ Scheduled Workshops for 2025 <ul style="list-style-type: none"> • Intuitive watercolour mandalas (part of <i>Calm</i> exhibition) • Learn to Crochet (part of <i>Hooked</i> exhibition) • Crochet a Beanie (part of <i>Hooked</i>) exhibition • Eco Earrings • Flower Pounding and Embroidery • Colour Pop Earrings • Paper Jewellery • Sewing Notions of Hope (part of VERWEBAN exhibition) • Currently scoping a multicultural themed workshop program to reference makers who share their cultural, historical or familial heritage through craft. Fabrik will put a call-out to experienced makers who wish to share their craft heritage. • Investigating grant and external funding opportunities to provide art workshops for young people.
Community Projects and Events	<ul style="list-style-type: none"> ✓ Presented three Art / Curator / Collector talks since the opening, associated with various exhibitions ✓ Held various Artist performances and participatory activities including endurance knitting and commemorative cloth signing in conjunction with the Fabrik Opening. ✓ First Artist in Residence Mariem Thidarat Chantachu from Thailand – November to December 2024. In partnership with 16Albermarle Gallery, Mariem created work, connected with volunteers, the community and with South Australia textile artists. ✓ Hosted mentorship in December in partnership with Country Arts SA – with Adnyamathanha artist Regina Mackenzie learning new textile skills to progress a piece for cultural storytelling from artist Talitha Kennedy from Victoria. ✓ Handmade Christmas Market – Vast success with 3000 people attending across the day. Artists and stallholders provided feedback that their sales were greater than at other well-established markets. 	<ul style="list-style-type: none"> ✓ Planned community participatory activity ‘<i>Bestowed</i>’ in association with Open Space Contemporary Arts – March 2025

Retail Shop – Artisan-Made Goods	<ul style="list-style-type: none"> ✓ 58 artists are represented in the Shop, supporting emerging and established artists, creative micro businesses, and the local economy. The diverse range includes a focus on textile arts as well as homewares, jewellery, wall and garden art, kits and materials for making. • Customer feedback continues to be incredibly positive, including on the calibre and selection of goods available. Local residents in particular have been returning to buy special gifts, commented on how much they appreciate purchasing handcrafted quality gifts in their town. • Artist feedback has been positive with some artists choosing to stock their works exclusively with Fabrik as the result of ongoing favourable sales. • Promotional and marketing campaign including ‘flat-lay’ imagery has been shared in the RAA magazine and social media channels 	<ul style="list-style-type: none"> • Cultural Commerce Consultant to provide advice regarding strategies to maximise profitability of the Shop.
Artist Studios for Hire	<ul style="list-style-type: none"> ✓ The artist studios have been close to full occupancy, providing a creative space for local and visiting artists, and fostering artistic collaboration. • 90% occupancy rate from the opening through to February, facilitated through tactical marketing strategies including introductory offers, targeted advertising and social media promotion. • Feedback from studio makers has been positive with longer-term and repeat bookings. • Artist/Maker Studios have enabled visitors to Fabrik to engage with the makers directly and learn more about their creative processes. Commission free sales in the studios benefit both parties with makers receiving more for their work and customers able to purchase at more affordable prices. 	<ul style="list-style-type: none"> ✓ Studio time has been reserved for First Nations artists sponsored through and in collaboration with Council’s Reconciliation program

Spaces for Hire	<ul style="list-style-type: none"> ✓ Venue hire package, including pricing schedule and terms and conditions has been completed and was published in January 2025. • Promotion of Fabrik’s as a venue for professional development/training sessions and meetings through tactical channels • Venue Hire sales figures tracking well given minimal promotion prior to December • Package developed for artists looking to host their own workshops. 	<ul style="list-style-type: none"> • Future opportunities that will be explored include hosting after-school art classes and interpretive tours in collaboration with the Lobethal Archives and Historical Museum
Mill Stories Interpretation	<ul style="list-style-type: none"> ✓ Especially curated heritage interpretation displays welcome visitors to the Blanket Building lower floor, helping to share the significance of the building and the site it stands on. This includes cabinets curated by Historian Pauline Cockrill featuring heritage items, stories of the Mill, objects, large scale photographs and a video display. 	<ul style="list-style-type: none"> • Work is underway with Pinata Studio (funded by the History Trust of SA) to develop the display in the Mill Shed. • Memorandum of Understanding (MOU) in development with Onkaparinga Woollen Mill Museum Incorporated (OWMMI) regarding the display of items from the collection.
Tourism	<ul style="list-style-type: none"> ✓ Tourism opportunities underway include holding ‘familiarisations’ to introduce potential stakeholders to the precinct along with Fabrik venue hire and tourism offerings. 	<ul style="list-style-type: none"> ✓ Developing a partnership with Guildhouse, the peak industry body for artists in South Australia, attract artists and other stakeholders to Fabrik. Will incorporate a number of initiatives to including Guildhouse Artist in Residence at Fabrik, Guildhouse Greets at Fabrik and the Guildhouse Collections Project.

02

*Fabrik Business Plan
Evaluation and Measures*

Evaluation Area and Aim	Indicators	Target	March 2025 Update
Financial ➤ <i>Develop income streams to ensure budget is met</i>	<ul style="list-style-type: none"> Venue hire income Retail sales profits 	Tracking against business plan and budgets	Sales / Revenue Performance: <ul style="list-style-type: none"> Income for the 3 months to December 2024 totaled \$59,000, being \$27,000 below the Business Plan Expected Case Scenario of \$86,000. The deficit is largely due to lower than budgeted income from venue hire and retail shop sales in the first three months of operations. It should be noted that monthly and quarterly forecasts are based on an even allocation of the annual targets, and a slower early sales growth can be expected while marketing and sales are being ramped up. Staff have engaged a Cultural Commerce Consultant to provide strategic advice on maximising retail sales profits. Regarding sponsorship income, staff are developing relationships with potential donors and identifying opportunities and networks for sponsorship
Tourism ➤ <i>Increase visitation and spend in the region</i>	Numbers of intra/interstate and international visitors	30% of total visitation from outside the region	<ul style="list-style-type: none"> 48.82% from outside region 3.37% from Interstate 0.9% from Overseas
Community ➤ <i>Increase participation in the arts</i> ➤ <i>Increased wellbeing through creative initiatives</i>	Number of visitors (assuming a target annual growth rate of 10%) Experience of connection	Year 1:13,200 Year 2: 14,520 Year 3: 15,972 Year 4: 17,569 Year 5: 19,326 85% of participants positively respond	On track to meet the Year 1 target: (September – February) visitors: 6,850 New feedback systems being developed.
Arts Support ➤ <i>Support creative industries</i>	Numbers of participants in business development opportunities	Year 1: 30 Ongoing: 50 attendees per annum	<ul style="list-style-type: none"> ✓ 58 Artist/Artisan creative industries supported by the Gallery Shop ✓ 266 exhibiting artists and makers participants in Fabrik exhibition program up to March 2025 ✓ 10 artists supported by engaging in the Meet the Maker Studio program ✓ 27 artists engaged to run workshops, artist talks and related activities ✓ 1 international Artist Residency ✓ 1 First Nations Mentorship ✓ 36 Stall holders at Handmade Christmas Market

Appendix 2

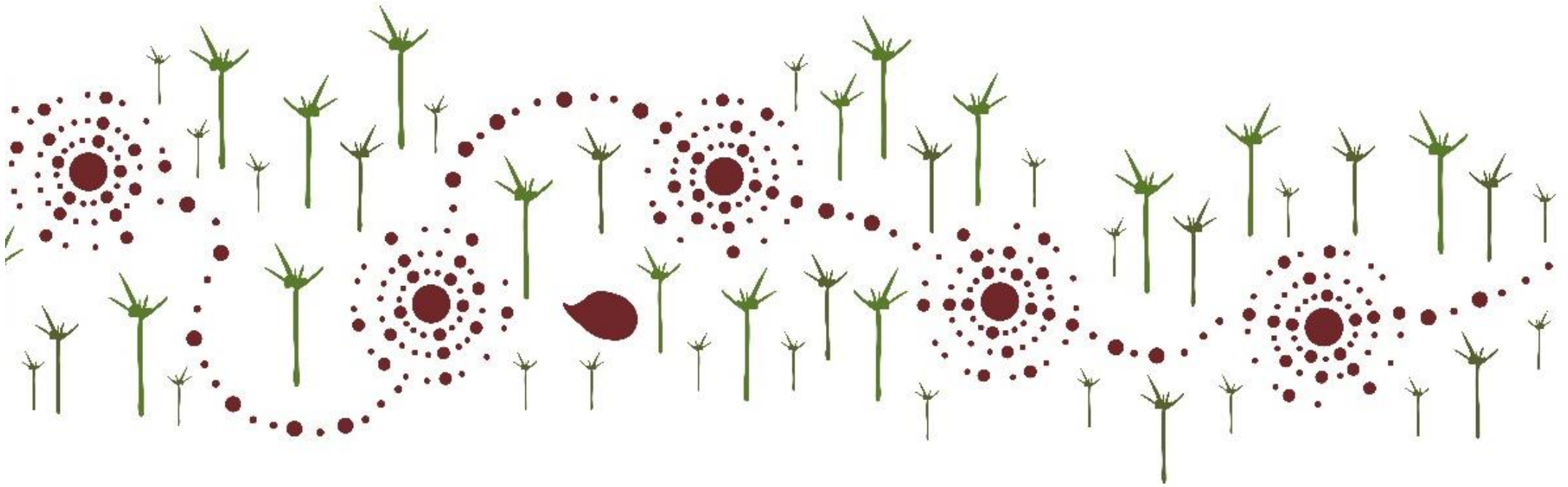
Fabrik Business and Implementation Plan 2024



FABRIK

Business and Implementation Plan

2024



Adelaide Hills Council acknowledges that we undertake our business on the traditional lands and waters of the Peramangk and Kurna people.

We pay our respects to Elders past, present and emerging as the Custodians of this ancient and beautiful land.

Vision

Fabrik is a much-loved arts and culture destination and the centre for textiles in South Australia, attracting visitors from Australia and around the world.

Mission

To engage, inspire, and connect communities in the Adelaide Hills and beyond, through arts and heritage



Table of contents

Executive Summary	5
Introduction	6
Arts Program and Timing	8
Heritage Management Plan	9
Governance and Staffing	10
Marketing Plan	12
Income and Expenditure	16
Socia Impact Benefits	20
Economic Impact Assessment	21
Benefit Cost Analysis	23
Implementation and Opening Action Plan	25
Evaluation and Monitoring	28
Long Term Contingency Options	29

Executive Summary

Over the last six years Adelaide Hills Council has been activating a cluster of buildings on the site of the former Onkaparinga Woollen Mill in Lobethal, developing the cultural hub, Fabrik Arts + Heritage. During this time Fabrik has offered physical spaces and programs to connect with community, support creative industries and attract visitors to Lobethal and surrounding districts.

Fabrik has been closed since late 2022 during a redevelopment of the site that will ensure accessibility and functionality for its use as an arts and cultural facility. As the construction projects nears conclusion, a Business and Implementation Plan has been developed to ensure maximum economic and community benefit is received from the facility.

The Plan provides detailed income and expenditure forecasts which have been reviewed by an external consultant and have considered various scenario variables for Fabrik's operations such as retail sales per day and retail mark up. The Plan also details the staff resources required to operate Fabrik, including additional positions required for business development, public programs and marketing. Costs relating to these additional resources are included in the projected expenditure. Regular reporting on key metrics through the Quarterly Performance Report and a progress report following 12 months of operations at the redeveloped site are also recommended.

Introduction



Fabrik's History

Fabrik Arts + Heritage is an initiative of the Adelaide Hills Council, based in the historic former Onkaparinga Woollen Mill site in Lobethal.

The Mill and textiles are a source of identity and pride for the local community and the relationship between the community and the Mill site is an enduring one. The development of Fabrik is the result of robust consultation and community-led actions, representing wide community connection and input.

Fabrik opened in 2019 with a pop-up program, offering events, workshops and exhibitions throughout the site and attracting over 14,000 visitors in the first twelve months.

After the December 2019 Cudlee Creek fire, Fabrik's Building 20 became the Bushfire Recovery Centre, and programs extended to include an extensive Creative Recovery program.

In 2021 Council received \$3m from the Local Economic Recovery Program towards a major redevelopment of the Fabrik site. Together with an additional \$1.56m from Council, the redevelopment has significantly improved accessibility and functionality of the buildings and surrounding grounds.

Introduction (cont)

Programs

Fabrik aims to contribute to economic and community development within the region, offering:

- High calibre exhibitions
- Creative workshops
- Community projects and events
- Shop offering artisan-made goods
- *Mill Stories* interpretation celebrating the significant history of the Onkaparinga Woollen Mill
- Public-facing artist studios for hire
- Spaces for hire

Theme

In acknowledgement of the significant manufacturing history of the Mill site, Fabrik's thematic focus will be on textiles, linking with contemporary art practice, domestic makers, First Nations cultural practices, traditional textiles internationally, and connecting with relevant issues such as textile sustainability, reuse and recycling.

Facilities

Fabrik consists of three original Mill buildings and one newly constructed pavilion.

Facilities include a shop, a climate-controlled gallery, artist studios, meeting/workshop spaces, museum displays, community exhibition space, artist in residence facility and indoor and outdoor function spaces.

The Business and Implementation Plan

Given the scale of the Fabrik project the Business and Implementation Plan is intended to establish the goals and outcomes expected of the

Arts Program and Timing

Year 1

- Commence exhibition program including involvement in Adelaide Fringe and South Australian Living Artists (SALA) Festivals
- Establish retail operation
- Launch *Mill Stories* museum display in Mill Shed (Building 21) and Blanket Building (Building 20)
- Establish artist studio tenants
- Commence workshop program
- Commence venue hire
- Present an artist market event
- Present History Festival event

Year 2

- Continue programming as above
- Develop venue hire opportunities to meet income goals
- Develop tourism products/packages and explore philanthropic opportunities to meet income goals
- Develop artist in residence program
- Develop a major arts collaboration (eg. sustainable fashion fest)

Year 3 onwards

- Continue to refine and develop existing program





Heritage Management Plan

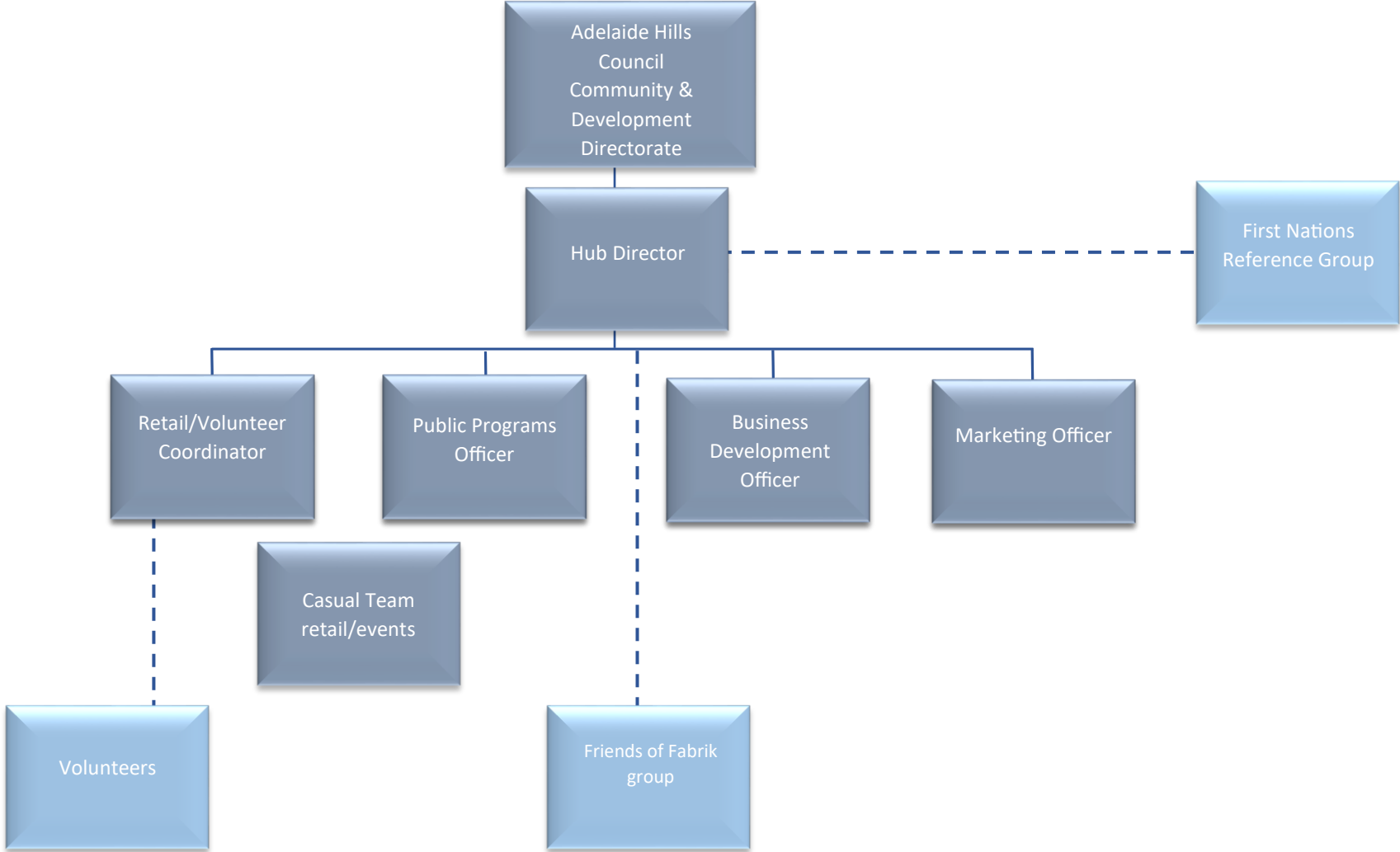
Adelaide Hills Council undertakes its work on the traditional lands and waters of Peramangk and Kaurna people. Fabrik will continue to build upon existing relationships to ensure First Nations stories and cultures are acknowledged, supported and shared.

The Lobethal Woollen Mill site was confirmed as a State Heritage Place in 2014 and acknowledged as one of the state's most significant industrial complexes, representing more than a century of industrial, commercial and social development at the site. The Heritage Assessment Report notes that Buildings 14, 20 and 21 (now buildings allocated for Fabrik's use) have high heritage significance to the complex as a whole. A Heritage Agreement between Adelaide Hills Council and the Minister for Sustainability, Environment and Conservation was signed in 2016.

The current redevelopment of Fabrik was undertaken in close consultation with Heritage SA to ensure restorations, alterations and additions were sensitive to the site's heritage and compliant with the Heritage Agreement.

Along with consideration for the built heritage, Fabrik has been gathering information and developing content in preparation for sharing the social and industrial history of the Mill, while also acknowledging the site's placement on First Nations Country and the Prussian colonial settler history of the town of Lobethal. Fabrik is a member of the History Trust of SA's Museums and Collections Program, which funds the care and presentation of South Australian history and collection items. To date Fabrik has received just under \$49,000 from various sources, funding professional research, the recording of oral histories, display development and the purchase and construction of display furniture, for Buildings 20 and 21. Relationships with former Mill workers have been formed, and an agreement with the Onkaparinga Woollen Mill Museum Inc is currently in draft form, in preparation for the loan of items for display. Further funding will be sought in the coming years to continue to develop the interpretation, and associated public programs, that celebrate the history of the Mill.

Governance and Staffing



Staffing Plan

Title	Year 1 FTE	Year 2 FTE	Level	Role Summary
Director	0.8	0.8	Contract	Existing position. Involved in overall strategy, staff recruitment/management, policies, agreements, funding applications, strategic partnerships etc. Strategic and operational involvement in exhibition program and artist residencies. Manage budget, Council KPIs and reporting.
Retail and Volunteer Coordinator	1.0	1.0	Level 5	Existing position. This role will manage retail operations; supervise weekend casual staff; recruitment, training, rostering and supervision of volunteer staff.
Public Programs Officer	0.6	0.8	Level 5	New position. This role will develop the ongoing public program including workshops and events; manage the artist studio program and work with community groups.
Business Development Officer	0.4	0.8	Level 5	New position. This role will manage venue hire, including hire agreements, costings and scheduling.
Marketing Officer	0.4	0.4	Level 4	New position. This role will implement the Marketing Plan and develop marketing collateral including invitations, posters, social media content and EDMs
Retail and Events Casuals	0.5	0.8	Level 3	New positions. This will be a pool of casual staff available for weekend retail and back up support for out-of-hours external hires. Also responsible for volunteer support on weekends. Additional paid casuals may be required if weekend volunteers are not forthcoming, to ensure Blanket Building is open to the public.
TOTAL FTE	3.7	4.6		
FTE amounts may change depending on individual personnel needs, noting this will be managed within the overall budget for staff resources included in expenditure forecasts.				

Marketing Plan

Target Audiences

- Residents of the Adelaide Hills region
- Cultural tourists and visitors from wider Adelaide, South Australia, interstate and overseas
- Artists, creatives and arts enthusiasts
- First Nations custodians and artists
- History enthusiasts
- Schools and education groups
- Local community groups, former Mill workers and their families
- Event and function clients
- Funding partners and sponsors
- AHC Councillors and staff
- Media
- Federal, state and local government

Marketing Objectives

- Build awareness of Fabrik and drive visitation to achieve 20,000 visitors per annum by 2028/29
- Develop a strong brand, positioning Fabrik as a premier regional arts and cultural destination and the South Australian centre for textiles
- Diversify and grow revenue streams including, retail, events and sponsorships
- Build an engaged and innovative digital community
- Engage the local community and key stakeholders as active participants and advocates

Marketing Plan (cont)

Brand and Positioning Strategies

- Develop a brand strategy and key messages building upon established visual identity
- Integrate the brand across all touchpoints including social media, signage, website, collateral, etc
- Tell the stories of our communities and artists

Digital and Social Media Strategies

- Develop a multi-channel digital marketing approach e.g. a news feed, electronic direct mail, social channels etc
- Continue to update the existing website
- Build upon existing social media communities and newsletter subscribers
- Leverage existing Council lists e.g. community, Council and library

Advertising and Promotion Strategies

- Create a digital marketing campaign encompassing launch, exhibitions and community building
- Develop yearly advertising plans including print, outdoor and digital
- Implement an opening campaign targeting the Adelaide Hills and surrounding regions, and the Adelaide metropolitan area
- Promote key exhibitions, events and public programs
- Explore tourism partnerships and packaging opportunities with operators
- Use storytelling as a key pillar of marketing initiatives e.g. site history, redevelopment of the site, artist stories, local stories

Marketing Plan (cont)

Comms Strategies

- Appoint a Comms Officer and develop yearly plans
- Leverage the Director and artists for media opportunities.
- Develop an inhouse media list to promote newsworthy exhibitions and events, etc
- Develop media familiarisation and press previews program
- Cross promote media opportunities with Council media
- Create quality photography and video resources that can be packaged to mediaDevelop a schedule of milestones for PR and prepare above assets

Audience Engagement Strategies

- Develop an Audience Development Plan with strategies for each target audience
- Develop an exhibition, workshop and events program that attracts Fabrik's diverse target audiences
- Continue to develop connections and collaborations with schools, cultural and community groups
- Develop information and resources to ensure inclusivity for diverse communities
- Build mechanisms to enable two-way feedback and experience sharing

Marketing Plan (cont)

Partnership Strategies

- Develop a Tourism Partner Prospectus and secure tourism partners
- Create joint marketing campaigns, packaging and offers with partners
- Continue to build upon and create new relationships within the arts and culture sector, locally, nationally and internationally, to develop collaborations that present compelling offerings and extend audience reach
- Explore opportunities for Friends of Fabrik membership, local donors, sponsors etc, to bring exhibitions of interest or significance

Measurement and Analysis

- Devise an evaluation framework that incorporates wellbeing and connectedness measures as well as visitation and revenue
- Set monthly and yearly targets for visitation, revenue, digital engagement, etc
- Implement regular audience research and gather feedback
- Track, report and analyse marketing metrics and optimise campaigns

Five Year Roadmap

- Year One – Opening campaign, branding, website, build partnerships, establish metrics
- Year Two – Expand marketing mix, build audience relationships, diversify revenue streams
- Year Three – Expand reach, build reputation, strengthen engagement programs
- Year Four – Expand market share, exploit new opportunities, investigate new revenue streams
- Year Five – Optimise programs, expand interstate/international reach, review next 5-year plan

Income and Expenditure

Major Financial Assumptions – Income

- All Costs and Incomes in \$2024
- Venue Hire Income - \$42,000 p.a.
 - 4 Studio Spaces @ \$90 per week @ 80% Occupancy (51 Weeks)
 - 3 Workspace Hire @ \$150 per day @ 20% (260 Days)
 - Mill Shed Hire @ \$800 per week (5 Bookings)
 - Growth @ 20% p.a
- Consignment Sales Income - \$135,000 @ 35% Mark Up. Growth @ 15% p.a.
- Retail Sales Income - \$87,500 @ 40% Mark Up. Growth @ 15% p.a.
- Workshop Income - \$50,000 p.a.
- Sponsorship Income - \$30,000 p.a. Growing to \$50,000 p.a. by 2026/27

Income and Expenditure (cont)

Major Financial Assumptions - Expenditure

- Salaries and Wages – \$438,097 p.a. growing to \$525,437 p.a. by 2025/26
- Marketing Costs – 5% of Total Income p.a. (\$17,200 for 2024/25)
- General Operating Costs (Utilities, Maintenance, etc.) – \$110,000 p.a.
- Arts Programming Costs (Touring Exhibitions, Artist Markets, Performances, etc.) – \$76,000 p.a.
- Contingency Costs – 5% of Total Costs

Income and Expenditure (cont)

Expected Best and Worst Case Scenarios

	Expected	Best	Worst
Commencing Consignment Sales Per Day	\$400	\$500	\$300
Consignment Mark Up	35%	50%	25%
Commencing Retail Sales Per Day	\$250	\$300	\$200
Retail Mark Up	40%	50%	30%
Additional Contingency Costs Per Annum	5.0%	2.5%	7.5%

Expected Case – Modelled Outcomes

	2024-25	2025-26	2026-27	2027-28	Years 5-10
Gross Income	\$182,088	\$209,506	\$239,957	\$263,981	\$292,214
Operating Expenses	\$666,410	\$760,847	\$763,917	\$766,871	\$770,299
Operating Surplus/Deficit	-\$484,322	-\$551,341	\$523,960	\$502,890	-\$478,085
Current 2024/25 Draft Budget Deficit	-\$457,280				

Best Case – Modelled Outcomes

	2024-25	2025-26	2026-27	2027-28	Years 5-10
Gross Income	\$222,088	\$255,506	\$292,857	\$324,816	\$362,174
Operating Expenses	\$650,543	\$742,731	\$745,729	\$748,612	\$751,959
Operating Surplus/Deficit	-\$428,455	-\$487,226	\$452,872	\$423,796	-\$389,785
Current 2024/25 Draft Budget Deficit	-\$457,280				

Income and Expenditure (cont)

Worst Case – Modelled Outcomes

	2024-25	2025-26	2026-27	2027-28	Years 5-10
Gross Income	\$91,038	\$104,798	\$119,543	\$125,505	\$132,967
Operating Expenses	\$682,277	\$778,962	\$782,106	\$785,130	\$788,640
Operating Surplus/Deficit	-\$591,239	-\$674,164	\$662,563	\$659,625	-\$655,673
Current 2024/25 Draft Budget Deficit	-\$457,280				

Operating Deficit Comparisons – Modelled Outcomes

	2024-25	2025-26	2026-27	2027-28	Years 5-10
Expected Case	-\$484,322	-\$551,341	-\$523,960	-\$505,890	-\$478,085
Best Case	-\$428,455	-\$487,226	-\$452,872	-\$423,796	-\$389,785
Worst Case	-\$591,239	-\$674,164	-\$662,563	-\$659,625	-\$655,673
Current 2024/25 Draft Budget Deficit	-\$457,280				

Social Impact benefits

Society and Place: Cultural engagement contributes to a sense of belonging, identity, and community cohesion

Innovation: Creative expression fosters innovation and new ideas

Health and Wellbeing: Cultural participation positively impacts mental and physical health

Education: Arts education enhances critical thinking and creativity

International Engagement: Cultural exchange promotes understanding and collaboration

Culture: Arts and culture enrich our lives and preserve heritage

Economy: Arts and culture generate economic activity, create jobs, and stimulate local economies



Economic Impact Assessment

It is estimated that the Operational Phase will support 11.73 FTE jobs per annum in South Australia and in the Adelaide Hills with a contribution to Gross State Product (GSP) of \$1.021 million per annum.

Operational Phase Economic Impacts Per Annum	South Australia	Adelaide Hills SAGR
Direct Jobs	3.71	2.49
Indirect – Industrial Support Jobs	3.80	4.38
Indirect – Consumption Induced Jobs	4.23	4.87
Total Jobs (FTEs)	11.73	11.73
Direct GSP	\$279,868	\$277,489
Indirect – Industrial Support GSP	\$315,487	\$316,499
Indirect – Consumption Induced GSP	\$425,874	\$427,241
Total GSP	\$1,021,229	\$1,021,229

Economic Impact Assessment (cont)

After 15 years, it is estimated that tourism will be supporting 45.13 FTE jobs per annum in South Australia (39.46 in the Adelaide Hills) with a contribution to Gross State Product (GSP) of \$6.58 million per annum (\$5 million in the Adelaide Hills).

Tourism Economic Impacts Per Annum (After 15 Years)	South Australia	Adelaide Hills SAGR
Direct Jobs	22.60	22.60
Indirect – Industrial Support Jobs	10.78	8.07
Indirect – Consumption Induced Jobs	11.75	8.79
Total Jobs (FTEs)	45.13	39.46
Direct GSP	\$2,507,205	\$2,485,894
Indirect – Industrial Support GSP	\$1,857,365	\$1,152,542
Indirect – Consumption Induced GSP	\$2,214,468	\$1,374,133
Total GSP	\$6,579,039	\$5,012,570
Cumulative Contribution to GSP After 15 Years	\$41,319,098	

Benefit Cost Analysis - SA

The Benefit Cost Analysis for SA shows that the project has a strong community benefit cost ratio (BCR) of 6.09 with a 50 Year NPV of \$113 million.

	2024/25	2025/26
Capital Costs	\$4,435,600	
Operating Costs	\$666,410	\$760,847
Total Annual Costs	\$5,102,010	\$760,847
Net Present Value of Costs (NPVC)	\$22,235,506	
Benefits		
Construction Economic Benefit – Contribution to GSP and Jobs	\$4,683,994	\$0
Operational Economic Benefit – Contribution to GSP and Jobs	\$883,660	\$1,008,883
Additional Tourism Contribution to GSP	\$207,116	\$434,944
Total Annual Benefits	\$5,774,770	\$1,443,827
Net Present Value of Benefits (NPVB)	\$135,376,118	
Net Annual Benefit/Cost	\$672,759	\$682,980
50 Year Net Present Value of Costs and Benefits (NPVCB)	\$113,140,612	
50 Year Benefit Cost Ratio (Total NPV Benefits/Total NPV Costs)	6.09	

Benefit Cost Analysis – Adelaide Hills

The Benefit Cost Analysis for the Adelaide Hills shows that the project also has a slightly lower but still strong community benefit cost ratio (BCR) of 4.69 with a 50 Year NPV of \$82 million, mainly due to the leakage of jobs and GSP to regions outside the Adelaide Hills.

	2024/25	2025/26
Capital Costs	\$4,435,600	
Operating Costs	\$666,410	\$760,847
Total Annual Costs	\$5,102,010	\$760,847
Net Present Value of Costs (NPVC)	\$22,235,506	
Benefits		
Construction Economic Benefit – Contribution to GSP and Jobs	\$4,683,994	\$0
Operational Economic Benefit – Contribution to GSP and Jobs	\$673,261	\$768,668
Additional Tourism Contribution to GSP	\$157,802	\$331,384
Total Annual Benefits	\$5,515,056	\$1,100,052
Net Present Value of Benefits (NPVB)	\$104,220,609	
Net Annual Benefit/Cost	\$413,046	\$339,205
50 Year Net Present Value of Costs and Benefits (NPVCB)	\$81,985,103	
50 Year Benefit Cost Ratio (Total NPV Benefits/Total NPV Costs)	4.69	

Implementation and Opening Action Plan

ACTION	DETAILS	TIMEFRAME	MILESTONES
1. Employ Public Program Officer	This role will be responsible for the development of public programs. The position will commence at 0.6FTE, increasing to 0.8FTE in the second year of operation to enable the development of additional programming such as markets and forums.	Employed 6 weeks prior to opening, and opening program	Suitable candidate engaged
2. Employ Business Development Officer	This role will be responsible, in the first instance, for managing venue hire and will commence at 0.4FTE. In the second year of operation the position will expand to 0.8FTE to include the development of other income initiatives, such as tours and tourism packages.	Employed 6 weeks prior to opening, allowing time to assist with bump in, and to be involved with establishment of artist studios and venue hire conditions	Suitable candidate engaged
3. Employ Marketing Officer	This role will be responsible for implementing the marketing plan, and developing marketing collateral for Fabrik	Employed 6 weeks prior to opening, allowing time to review and implement marketing plan in the weeks prior to opening	Suitable candidate engaged
4. Employ Retail Casuals	This casual pool will primarily be involved in Fabrik's retail area on weekends	Employed 3 weeks prior to opening, allowing time for site induction	Casual pool established to work weekends
5. Develop volunteer program	Volunteers will be required to assist with retail sales during weekdays, and to provide customer service in the Blanket Building (both levels) and Mill Shed Other volunteers will be required to assist with public programs, events and exhibition installation	Opening team inducted 3 weeks prior to opening Second stage recruitment commenced 2 months after opening	Pool of volunteers available to work weekdays and weekends

Implementation and Opening Action Plan (cont)

ACTION	DETAILS	TIMEFRAME	MILESTONES
6. Develop and commence marketing strategy	Develop as outlined in Marketing Strategy	To commence 6 weeks prior to opening	As per Marketing Strategy roadmap
7. Develop public program	<p>Program building on existing high-quality activities, including exhibitions, workshops and events</p> <p>The program will be developed to provide high quality experiences, while also engaging the local community</p> <p>Activities will include participation in annual Fringe, SALA and History festivals</p>	<p>First 12 months of exhibitions scheduled prior to opening</p> <p>First 6 months of workshops scheduled prior to opening</p>	Visitation targets achieved as per Evaluation Criteria for Tourism, Community and Arts Support
8. Develop Retail Space	<p>Development of a retail space within the Pavilion to showcase high quality, artisan-made goods</p> <p>Provide a source of income</p>	To be established in time for opening	Sales and gross profit targets achieved
9 . Develop venue hire package	<p>Research, develop and promote a venue hire schedule</p> <p>Develop tourism products and partnerships</p>	<p>Established in time for opening</p> <p>Established when Business Development Officer commences</p>	Income targets are reached
10. Launch Mill Stories museum display	<p>Research and planning has been undertaken since 2019, as appropriate grants have been received.</p> <p>The rollout of the display will be staged, with each stage dependent upon funding received through the History Trust of SA's Museum and Collections program.</p>	<p>Simple displays will be included in the Blanket Building (Building 20) when Fabrik opens.</p> <p>January 2026</p>	<p>Simple display in Blanket Building</p> <p>Launch of stage 1 display in Mill Shed</p>

Implementation and Opening Action Plan (cont)

ACTION	DETAILS	TIMEFRAME	MILESTONES
11. Develop First Nations reference group	<p>Build upon existing relationships to develop a reference group with First Nations custodians, artists and community members, to inform and develop a program that is inclusive and sensitive to First Nations cultures.</p> <p>Ensure the Fabrik site and its programs provide a safe place for First Nations artists and visitors.</p> <p>Ensure Fabrik's programs celebrate and share First Nation's cultures, histories and heritage.</p>	<p>August 2025</p> <p>August 2026</p>	<p>Terms of Reference and member selection completed</p> <p>Review outcomes and Terms of Reference</p>
12. Develop Artist in Residence program	<p>A live-in residency, with a focus on artists working with textiles and/or community engaged practice</p> <p>Developed and promoted to attract national and international interest and engagement</p>	<p>Scoped and advertised within first 12 months of operation</p>	<p>3 external residencies confirmed</p>

Evaluation and Monitoring

EVALUATION AREA	AIM	INDICATOR	TARGET	FREQUENCY
Financial	Develop income streams to ensure budget is met	Venue hire income Retail sales profits	Tracking against business plan and budgets	Quarterly – through Quarterly Performance Report Annually Additional targeted marketing will be developed if income streams lag
Tourism	Increase visitation and spend in the region	Numbers of intra/interstate and international visitors	30% of total visitation from outside the region	Quarterly – through Quarterly Performance Report Annually
Community	Increase participation in the arts	Number of visitors (assuming a target annual growth rate of 10%)	Year 1: 13,200 Year 2: 14,520 Year 3: 15,972 Year 4: 17,569 Year 5: 19,326	Quarterly – through Quarterly Performance Report Annually
	Increased wellbeing through creative initiatives	Experience of connection	85% of participants positively respond	Quarterly – through Quarterly Performance Report as survey data allows Annually
Arts Support	Support creative industries	Numbers of participants in business development opportunities	Year 1: 30 Ongoing: 50 attendees per annum	Quarterly – through Quarterly Performance Report Annually

Long Term Contingency Options

Should Fabrik not be successful in achieving strategic outcomes, alternative operating models or other plans could be considered, noting the following conditions of use would need to be factored in:

- The Mill site was transferred to Council by State Government (1993) with the condition that it be used solely for economic development purposes, including the proceeds from any partial realisation.
- The Local Economic Recovery Program (2021 State and Commonwealth Funded), received for the redevelopment of the Fabrik site disallows changing the approved use of the land, facility or assets without prior Government approval. This includes selling or assigning.

Correspondence for Noting

Louise Miller-Frost MP

YOUR FEDERAL MEMBER FOR BOOTHBY



CEO Greg Georgopoulos
Adelaide Hills Council
By Email: mail@ahc.sa.gov.au

Dear Mr Georgopoulos,

I was pleased to meet with many of you in Canberra last year about the issue of heavy freight travelling through our suburbs, particularly along Cross Road.

It has come to my attention that a significant volume of misinformation is being spread across our various communities regarding this issue.

The Labor Government has no plans to turn Cross Road into a major freight route for heavy trucks.

This was confirmed by South Australia Minister for Transport and Infrastructure, Tom Koutsantonis in a media release dated 10 February 2025 and by Chief Executive of the Department of Transport and Infrastructure, John Whelan on ABC radio on 27 February 2025.

In fact, the South Australian Government has completed a detailed strategic business case for a project, known as the High Productivity Vehicle Network Project. The project known as the Truro Bypass Project has been incorporated into this business case.

This business case and proposal now sits with Infrastructure Australia for consideration. I am actively advocating for the Federal Government to support this project.

In contrast, when the Liberals were in government at both State and Federal level, they cancelled their planned freight bypass of the city, known as Globelink.

Further to this, as was reported in the Advertiser on 7 February 2025, the former Liberal State Government undertook planning to expand intersections along Cross Road, including forcibly acquiring up to 190 properties. Indeed, when expanding intersections at Cross and Fullarton Road, the request for tender stipulated a focus on "improved freight efficiency".

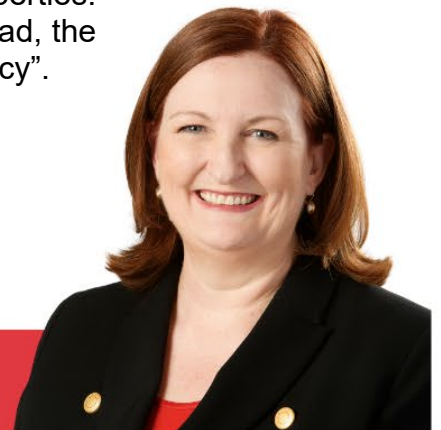
(08) 8374 0511 | Louise.Miller-Frost.MP@aph.gov.au
PO Box 570, Glenelg, SA, 5045



@LouiseMillerFrostBoothby



www.louisemillerfrost.com.au



Rest assured; Labor will not be turning Cross Road into a freight route.

I would be pleased to discuss this matter or any other with you.

Yours sincerely

A handwritten signature in blue ink that reads "Louise Miller-Frost". The signature is written in a cursive style with a large initial 'L'.

Louise Miller-Frost MP
Federal Member for Boothby
7 March 2025

18 March 2025

The Honourable Susan Close MP

Deputy Premier; Minister for Climate, Environment and Water
GPO Box 11071
Adelaide SA 5001

Dear Deputy Premier Close,

REQUEST: Improving availability of water for stock in the Adelaide Hills

Firstly, I would like to personally thank you for your timely announcement in response to the dire drought conditions our community is currently experiencing in the Adelaide Hills. The additional water collection points have been positively received, with many residents welcoming the initiative.

However, I would like to raise a critical issue regarding the availability of water for stock during this extended dry period and the decision to prohibit the use of emergency bulk water collection points (standpipes) for stock water.

At our Council meeting on Tuesday, 11 March 2025, a resolution was passed urging you to reconsider this decision:

16.1 Water for Stock

Under section 75B of the Local Government Act 1999 Cr Melanie Selwood disclosed a General (section 74) Conflict of Interest in Item 16.1.

- I may have to deal with this issue at my professional workplace.

Cr Selwood declared that she intended to stay in the meeting and vote when the item is discussed.

Moved Cr Malcolm Herrmann
S/- Cr Adrian Cheater

98/25

That the Deputy Mayor writes to the Minister for Climate, Environment and Water urging the Minister to review the decision to NOT provide water for stock during the Adelaide Hills drought period.

Carried Unanimously Cr Melanie Selwood voted in favour of the motion

The current drought is placing immense strain on landholders and increasing the risk of stock losses due to limited water access.

We respectfully request this policy be reviewed to allow landholders in the Adelaide Hills region to access emergency bulk water collection points for stock water.



Acting Mayor Nathan Daniell
Adelaide Hills Council
63 Mount Barker Road
Stirling SA 5152
Phone: 0400 341 082
Email: ndaniell@ahc.sa.gov.au
www.ahc.sa.gov.au

Council is looking forward to working with the Department for Environment and Water to review the possibility of opening additional water collection points across the Adelaide Hills Council area and conducting a strategic assessment of bores in the region.

Additionally, we are exploring options to open community centres to provide access to water, as well as bathroom and shower facilities, while also investigating new water capture technologies to strengthen long-term water security and better support the community during extended dry periods.

We appreciate your time and consideration of this urgent matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N. Daniell', is written over a light blue horizontal line.

Nathan Daniell
Acting Mayor, Adelaide Hills Council

Minutes of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

In Attendance

Acting Presiding Member

Myles Somers - refer Minute (4)

Members

Ross Bateup
Paul Mickan
Myles Somers
Malcolm Hermann

In Attendance

Deryn Atkinson	Assessment Manager
James Booker	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Mike O'Donnell	ICT Support Officer
Sarah Kimber	Minute Secretary
Jess Tonkin	Development Support Officer
Kim Sharp	Development Support Officer

1. Commencement

The meeting commenced at 6:29pm. In the absence of the Presiding Member, the Assessment Manager – Deryn Atkinson opened the meeting.

2. Opening Statement

“Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land”.

3. Apologies/Leave of Absence

- 3.1 Apologies
Geoff Parsons
- 3.2 Leave of Absence
Leith Mudge

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

4. Call for Acting Presiding Member

The following was adopted by consensus of all members (4)

The Council Assessment Panel resolved that Myles Somers be appointed as the Acting Presiding Member for the duration of the meeting.

5. Previous Minutes

5.1 Meeting held 8 January 2025

The minutes were adopted by consensus of all members (5)

That the minutes of the meeting held on 8 January 2025 be confirmed as an accurate record of the proceedings of that meeting.

6. Presiding Member's Report

Nil

7. Declaration of Interest by Members of Panel

Geoff Parsons:

The applicant for Item 9.1 is the brother of a very close friend of Geoff's. While Geoff doesn't have a personal relationship with the applicant themselves, the personal relationship he has with the applicant's brother could give rise to a perception of bias, and accordingly Geoff will remove himself from the meeting and will not consider or vote on the item.

8. Matters Lying on the Table/Matters Deferred

8.1 Matters Lying on the Table

Nil

8.2 Matters Deferred

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

9. Development Assessment Applications – Planning, Development and Infrastructure Act

9.1 Development Application Number 23034790 by David Crawford for construction of single storey detached dwelling & associated landscaping and change of use of existing dwelling to tourist accommodation at 644 Paracombe Road, Paracombe

9.1.1 Representations

Name of Representor	Address of Representor	Nominated Speaker
Christopher and Maragrete Sprod	5 D'erlanger Avenue, Collinswood	Did not attend

The applicant, David Crawford answered questions from the Panel.

9.1.2 Decision of Panel

The following was adopted by consensus of all members (6)

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**
- 2) Development Application Number 23034790 by David Crawford for the construction of a single storey detached dwelling & associated landscaping and change of use of existing dwelling to tourist accommodation at 644 Paracombe Road, Paracombe is granted Planning Consent subject to the following conditions and reserved matters:**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

RESERVED MATTERS

Pursuant to section 102(3) of the Planning, Development and Infrastructure Act of 2016, the following matters shall be served for further assessment prior to the granting of Development Approval. The Assessment Manager is delegated to undertake this further assessment:

- 1) A detailed final landscaping plan shall be prepared by a suitably qualified person and submitted with further details of screening along the northern boundary with plant species and plant numbers.

Pursuant to section 127(1) of the PDI Act 2016, the power to impose further conditions of consent in respect of the reserved matter above is delegated to the Assessment Manager.

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2) All external lighting shall be directed away from residential development and shielded if necessary to prevent light spill causing nuisance to the occupiers of those residential properties.
- 3) Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
- 4) All external materials and finishes shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.

NOTE: browns, greys, greens and beige are suitable and galvanised iron and zinalume are not suitable.

- 5) All exposed excavations and fill shall be:
 - rounded off and battered to match and blend with the natural contours of the land;
 - covered with approximately 100mm of topsoil;

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- seeded to avoid erosion and visual concerns ; and
 - screened with trees, shrubs and ground covers
- All works must be completed prior to occupation of the approved development to the reasonable satisfaction of Council.

- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 7) All roof runoff generated by the development hereby approved shall be managed on-site to the satisfaction of Council within one month of the roof cladding being installed using design techniques such as:
- Rainwater tanks
 - Grassed swales
 - Stone filled trenches
 - Small infiltration basins

Stormwater overflow management shall be designed so as to not permit trespass into the effluent disposal area. All stormwater including hard surface runoff shall be managed on site with no stormwater to trespass onto adjoining properties.

- 8) Upon commencement of occupancy of the approved dwelling, the person(s) having the benefit of this consent shall refrain from permitting the use of the approved tourist accommodation (or any part thereof) for provision long term accommodation or as a separate dwelling. The tourist accommodation shall be used and operated on a short term rental arrangement with a maximum of a ninety day stay in a 12 month period, per occupancy.

A logbook shall be kept of all occupancies for each calendar year and made available for inspection by the Council upon request.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

- 9) Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- 10) No clearance to occur until the full Development Approval has been provided to the Native Vegetation Branch for Decision Notification that approves the clearance of native vegetation.
- 11) Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.
- 12) Native Vegetation and trees retained in close proximity to the construction activity zone are to be protected with barriers (i.e. fencing or flagging) in accordance with the Australian Standard for Protection of Trees on Development Sites AS 4970-2009.
- 13) Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area.
- 14) Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area.
- 15) Construction vehicles, equipment or materials are not to be stored or placed within the Tree Protection Zone of retained trees.
- 16) Follow and comply all conditions set out in Decision Notification 2024/3173/473.

Conditions imposed by South Australian Country Fire Service under Section 122 of the Act

- 17) **SITING (ANCILLARY STRUCTURES)**
The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 3.2) details the mandatory requirements for extensions to buildings, outbuildings and other ancillary structures are sited and constructed using materials to minimise the threat of fire spread to residential and tourist accommodation (including boarding houses, hostels, dormitory style accommodation, student accommodation and workers' accommodation) in the event of bushfire.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- Outbuildings and other ancillary structures shall be sited no closer than 6m from the habitable buildings, unless built to relevant building standards for associated structures in Bushfire Prone Areas. This includes future structures which may or may not require planning and/or building consent including (but not limited to) garden sheds, animal shelters and cubby houses.

18) ACCESS TO HABITABLE BUILDING

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 6.2) details the mandatory requirements for 'Private' roads and driveways to facilitate safe and effective use, operation and evacuation for firefighting and emergency personnel and evacuation of residents, occupants and visitors where required. These requirements apply when the furthest point of the building is more than 60m from the nearest public road.

SA CFS has no objection to the proposed access driveway as detailed on drawing named ENLARGEMENT 2- SITE PLAN dated at last revision JULY 2024, with the following conditions:

- The driveway shall be connected to a formed, all-weather public road with the transition area between the road and driveway having a gradient of not more than 7 degrees (1-in-8).
- Access to each building site shall be of all-weather construction, with a minimum formed road surface width of 3 metres and must allow forward entry and exit for large fire-fighting vehicles, to within 60m of the furthest point of each building.
- Where the gradient of the driveway is steeper than 12 degrees (1-in-4.5) the minimum formed road surface shall be 4 metres.
- The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either –
 1. A loop road around the building, OR
 2. A turning area with a minimum radius of 12.5 metres, OR
 3. A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres (for each 'leg') and minimum internal radii of 9.5 metres OR
 4. A 'U' shaped 'drive-through' option.
- Private access shall have minimum internal radii of 9.5 metres on all bends.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- Private access shall provide overhead clearances of not less than 4.0m horizontally and vertically between the driveway surface and overhanging branches or other obstructions, including buildings and/or structures.
- Vegetation to be established along the access road shall be carefully selected and designed in accordance with the following:
 1. No understorey vegetation shall be established either side of the access road (understorey is defined as plants and bushes up to 2 metres in height),
 2. Grasses shall be reduced to a maximum height of 10cm for a distance of 3 metres (or to the property boundary, whichever comes first).
 3. Mature trees with a single stem habit, are permitted within this fuel reduced zone, providing they are maintained to achieve a minimum vehicular clearance of not less than 4 metres in width and a vertical height clearance of 4 metres.
- The all-weather road shall incorporate passing bays. The combined width of the passing bay and access track shall be 6 metres, and a minimum formed length of 17 metres. The passing bays should be constructed at 200 metre intervals along the road or driveway. Where it is necessary to provide adequate visibility, such as the nearest point to the public road or other passing bay, passing bays may be required at intervals of less than 200 metres.
 - The gradient of the access road shall not exceed 16 degrees (1-in-3.5) at any point along the driveway. In steep terrain exceeding 10 degrees (1-in-5.5) the surface should be sealed.
 - The cross fall of the driveway shall be not more than 6 degrees (1-in-9.5) at any point along the driveway.
 - The all weather road is to be constructed such that it is protected from water erosion of the traffic surface. The road surface shall be profiled to manage storm water run off to appropriate drains, at one or both sides of the traffic surface. The accumulated volumes of water shall be directed via:
 1. open drains; or
 2. culverts and pipes under the traffic surface, and / or away from same, without causing further soil erosion, silting of adjacent areas or water courses or instability of any embankment or cutting.
 - Solid crossings over waterways shall be provided to withstand the weight of large bushfire appliances (GVM 21 tonnes).

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

19) WATER SUPPLY & ACCESS (to dedicated water supply)

Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016, provides the technical details of the dedicated water supply for bushfire fighting for the bushfire zone. The dedicated bushfire fighting water supply shall also incorporate the installation of a pumping system, pipe-work and fire-fighting hose(s) in accordance with MBS008.

Please note that where the water supply is an above-ground water tank, the tank (including any support structure) should be constructed of non-combustible material, such as concrete or metal.

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.3) details the mandatory requirements for the site to provide a dedicated hardstand area in a location that allows fire fighting vehicles to safely access the dedicated water supply.

Where a water storage facility is required to have a fire authority fitting, the following will apply:

SA CFS has no objection to the proposed locations for the dedicated water supply as detailed on drawing named ENLARGEMENT 2- SITE PLAN dated at last revision JULY 2024, providing each supply has an outlet is positioned to comply with the following conditions:

- The water supply outlet shall be easily accessible and clearly identifiable from the access way and is no greater than 60m path of travel to the furthest point of the building, to enable fire services to reach all parts of the building with no more than two lengths of hose from the hardstand area.
- The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering “FIRE WATER”).
- Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
- Provision shall be made adjacent the water supply for a nominally level hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- SA CFS appliance's inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
- A gravity fed water supply outlet may be remotely located from the above ground tank to provide adequate access.
- All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
- All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
- The minimum water supply required may be combined with domestic use, providing the outlet for domestic use is located above the dedicated fire water supply (in order for it to remain as a dedicated supply).

20) MAINTAIN AN ASSET PROTECTION ZONE (APZ) - VEGETATION MANAGEMENT

The 'Planning and Design Code' Hazards (Bushfire – High Risk) Overlay (Performance Outcome 4.2) details the mandatory requirements to establish and maintain an asset protection zone. As such, landscaping shall include bushfire protection features that will prevent or inhibit the spread of bushfires and minimise the risk to life and/or damage to buildings and property and maintain a fuel reduced zone for safe movement of occupants and fire fighters.

An APZ shall be implemented and maintained in line with the vegetation management conditions below:

- Vegetation management shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 1. The number of trees and understorey plants existing and to be established within the APZ shall be reduced and maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of the vegetation will permit the 'clumping' of shrubs where desirable, for diversity, and privacy and yet achieve the 'overall maximum coverage of 30%'.
 2. Reduction of vegetation shall be in accordance with SA Native Vegetation Act 1991 and SA Native Vegetation Regulations 2017.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

3. Trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height.
4. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
5. Shrubs must not be planted under trees or must be separated by at least 1.5 times their mature height from the trees' lowest branches.
6. Grasses within the zone shall be reduced to a maximum height of 10cm during the Fire Danger Season.
7. No understorey vegetation shall be established within 2 metres of the habitable building (understorey is defined as plants and bushes up to 2 metres in height).
8. Flammable objects such as plants, mulches and fences must not be located adjacent to vulnerable parts of the building such as windows, decks and eaves
9. The APZ shall be maintained to be free of accumulated dead vegetation.

Conditions imposed by Environment Protection Authority under Section 122 of the Act

- 21) The on-site wastewater systems must be installed in accordance with the details and plans contained within the *Wastewater Calculation Package* prepared by Bentley Consulting, marked Job Number BC230630 (Rev C), dated 18 December 2024 and must include:
 - a) the installation of two Fuji Clean Australia ACE 1200 systems
 - b) the construction of a 250m² irrigation area, vegetated with shrubs and trees to service the proposed tourist accommodation, and the construction of a 500m² subsurface irrigation area, vegetated with lawn to service the dwelling. Both irrigation areas are to be located more than 50 metres from the nearest watercourse, dam or bore; more than 1.2 metres from the seasonal groundwater table; on a slope less than 20%; and not in the 10% AEP flood zone
 - c) regular maintenance of the vegetation in the irrigation areas, including mowing and pruning with all clippings to be removed from site, and
 - d) bunding to direct surface runoff away from the irrigation areas and creating a bund downhill to prevent any runoff, from over-irrigation, moving off site.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) This consent is strictly limited to works on the subject land. This consent does not permit any alteration to road verge. Works including tree pruning/removal, earthworks, kerbing, storage of material or any alteration to the verge or a reserve requires a separate approval under Section 221 of the *Local Government Act 1999*. For more information regarding this process please visit: <https://www.ahc.sa.gov.au/development/roads-and-construction/authorisation-to-alter-a-public-road>

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

- 6) Prior to any clearance of native vegetation occurring in relation to this development application, the applicant must submit an application to and gain the approval of the Native Vegetation Council under the Native Vegetation Act 1991. The application is to be submitted at the following site - <https://apps.environment.sa.gov.au/nvmu/> and must be accompanied by the report prepared by the Accredited Consultant provided with this development application.
- 7) The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2024/3173/473.

Advisory Notes imposed by South Australian Country Fire Service under Section 122 of the Act

- 8) **BUILDING CONSIDERATIONS**
Ministerial Building Standard MBS008 “Designated bushfire prone areas - additional requirements” 2020, as published under the Planning, Development and Infrastructure Act 2016 applies to this site.

Please refer to the National Construction Code (NCC), relevant standards and state provisions for construction requirements and performance provisions.

A site Bushfire Attack Level (BAL) assessment was conducted in accordance with the NCC and Australian Standard™3959 (AS3959) “Construction of Buildings in Bushfire Prone Areas”.

NEW DWELLING

Category of Bushfire Attack Level: BAL 19

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

EXISTING DWELLING (PROPOSED TOURIST ACCOMMODATION)

Category of Bushfire Attack Level: BAL 29

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

This BAL rating is conditional upon the establishment and maintenance of a 20 metre Asset Protection Zone, in accordance with the Asset Protection Zone – Vegetation Management condition of consent placed on the planning consent with the same application reference.

SA CFS acknowledges there are no proposed building works included in this application for this building. SACFS conducted an assessment of the BAL to inform consideration of PO 4.2 (tourist accommodation sited away from vegetated areas that pose an unacceptable bushfire risk).

This result is considered relevant at the date of assessment with respect to the elevations detailed on Planning Report Dwelling and Tourist Accommodation 644 Paracombe Road, Paracombe dated July 2024 and shall not be considered as SA CFS endorsement of any subsequent development.

9) TOURIST ACCOMMODATION - BUSHFIRE SURVIVAL PLAN

CFS further recommends:

- The applicants to prepare and display a BUSHFIRE SURVIVAL PLAN (BSP) designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season. The BSP:
 1. should provide clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions; and
 2. should address the possibility that the owners may not be present at the time of the bushfire event; and
 3. should not expect guests to be involved in fire-fighting operations.

The SA CFS 'Bushfire Safety Guide For Business' document (refer to CFS website) should be utilised as a basis for information and the drafting of the (GUEST) BSP.

The applicant should consider reducing operating hours and restrictions on days of heightened bushfire danger and/or bushfire events and consider including any alterations to bookings and services offered due to actual or predicted conditions during the Fire Danger Season in any booking/refund policy.

Advisory Notes imposed by Environment Protection Authority under Section 122 of the Act

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

10) The applicant/owner/operator are reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practicable measures to ensure that activities on the site and associated with the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. Reasonable and practicable measures may include (but not be limited to):

- constructing the new dwelling in a manner that prevents erosion and soil transport to the nearby watercourses and dams, or off the property
- minimising soil exposure and disturbance, and controlling and minimising surface runoff entering or leaving the disturbed areas. This may be achieved by installing and maintaining sediment and erosion control devices, appropriately managing any stockpiles and rehabilitating disturbed areas as soon as is practicable.

More information about the Environment Protection Authority and the Environment Protection Act and policies can be found at: www.epa.sa.gov.au

10. **Development Assessment Applications – Development Act**
Nil
11. **Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
12. **ERD Court Appeals**
OTR Hearing on 7 April 2025
13. **Policy Issues for Advice to Council**
RPA Rural Property Address sign query from Cr Hermann
Biodiversity Bill being considered by Council’s biodiversity Team
14. **Other Business**
Myles Somers and Paul Mickan will be absent for April’s CAP Meeting
15. **Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 12 March 2025
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 9 April 2025]

- 16. Confidential Item**
Nil
- 17. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 9 April 2025.
- 18. Close meeting**
The meeting closed at 7:25pm on 12 March 2025.